ORDINANCE NO. 15 44

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE 3, SECTION 25-3-2, ARTICLE 4, SECTION 25-4-59.2, AND ARTICLE 7 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO THE ESTABLISHMENT OF A SPECIAL DISTRICT TO BE KNOWN AS THE PĀHOA VILLAGE DESIGN DISTRICT TO INCLUDE ADOPTED DESIGN GUIDELINES AND A DESIGN REVIEW COMMITTEE, AND PROVIDING AN EXCEPTION TO OFF-STREET PARKING AND LOADING REQUIREMENTS FOR SAID SPECIAL DISTRICT.

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

**SECTION 1. Purpose and Findings.** The Council finds that the village of Pāhoa is identified in the Puna Community Development Plan (PCDP) 2008, as amended, as one of three regional town centers intended to provide a wide range of services for the Puna district. The PCDP further identifies Pāhoa as one of two towns in Puna with the greatest potential for designation as a Special Design District and that land uses, design themes and architectural and site design standards for each village/town center will be determined through the preparation of a regional town center or village center plan under an inclusive community based process that involves major stakeholders, including landowners, community representatives, and public agencies.

The Pāhoa Regional Town Center Plan Steering Committee consisting of community leaders and interested stakeholders in the Pāhoa community formed in October 2011 with the idea of developing a growth management plan and design guidelines for Pāhoa Village. This steering committee was recognized as a subcommittee of the Puna CDP Action Committee on February 14, 2012.

The Zoning Code does not adequately provide for growth and development within Pāhoa Village that is consistent with the values and vision of the residents and businesses within the Pāhoa Regional Town Center service area. Most specifically, building design guidelines and/or standards and a process for implementing those guidelines and/or standards are necessary to not only ensure that the sense of place that residents and visitors alike identify with Pāhoa is retained, but also to promote an identity that will be conducive to a healthy, economically viable and sustainable community.

Therefore, the purpose of this ordinance is to establish a special district to be known as the Pāhoa Village Design ("PVD") district, and to provide distinct requirements Off-Street Parking and Loading in the PVD district.

**SECTION 2.** Chapter 25, article 3, section 25-3-2 of the Hawai'i County Code 1983 (2005 Edition, as amended), is amended to read as follows:

**“Section 25-3-2. Designation of special districts.**

The special zoning districts of the County shall consist of the following:

- (1) Kailua Village design commission (article 7, division 1).
- (2) CDH, Downtown Hilo commercial district (article 7, division 2).
- (3) ~~[Geothermal subzone districts]~~ UNV, University district (article 7, division 3).
- (4) PD, Project districts (article 6, division 4).
- (5) APD, Agricultural project districts (article 6, division 5).
- (6) PVD, Pāhoa Village Design district (article 7, division \_\_\_\_).”

**SECTION 3.** Chapter 25, article 4, division 5, section 25-4-59.2 of the Hawai‘i County Code 1983 (2005 Edition, as amended), is amended to read as follows:

**“Section 25-4-59.2. Exceptions to the off-street parking and loading requirements.**

The off-street parking and loading requirements of this chapter shall not apply to the following:

- (a) Non-residential uses located within that area in the City of Hilo, bounded by Kinoole Street, Ponahawai Street, and an imaginary straight line extension of Ponahawai Street into Hilo Bay and Wailuku River.
- (b) Dwelling units with a maximum density of one thousand square feet of land area per unit or less, within that area in the City of Hilo, bounded by Kinoole Street, Ponahawai Street, and an imaginary straight line extension of Ponahawai Street into Hilo Bay and Wailuku River.
- (c) That area immediately fronting either side of that portion of the Hawai‘i Belt Highway which runs from the real property designated as tax map key no: 7-9-7-66 to the real property designated as tax map key no: 7-9-9:22, in Kainaliu, North Kona.
- (d) Those lots in the PVD district having a total area of less than seven thousand five hundred square feet and that have frontage on Pāhoa Village Road between Post Office Road and the eastern intersection of Akeakamai Loop and Pāhoa Village Road; provided that any lot created through parcel consolidation does not result in a lot having a total area of seven thousand five hundred square feet or more, or a parcel consolidation and resubdivision that results in the creation of additional building sites after this ordinance takes effect, shall provide off-street parking in accordance with the requirements of this chapter.”

**SECTION 4.** Chapter 25, article 7 of the Hawai‘i County Code 1983 (2005 Edition), is amended by adding a new division to be appropriately designated and to read as follows:

**“Division . PVD, Pāhoa Village Design District.**

**Section 25-7- . Purpose and applicability; boundaries.**

- (a) The PVD (Pāhoa Village Design) district is established to reinforce and promote Pāhoa’s role as a regional town center while retaining its rural village feel and identity. The purpose of the regional town center is to serve as a compact medium density area for retail shopping, administrative and professional activities, cultural and artistic activities, other supportive business activities, and a mix of residential uses capable of serving both village residents and the ever more populous surrounding subdivisions. Further, the PVD district seeks to

preserve the historical architectural theme that has come to symbolize Pāhoa's unique sense of place and identity, through the implementation of design guidelines within the PVD district.

(b) The PVD district, as used in this chapter, means the area delineated on the map as provided in the Pāhoa Village Design Guidelines (hereinafter "design guidelines") and further described as:

(1) All parcels having frontage on Pāhoa Village Road from the Pāhoa Village Road and Kea ʻau-Pāhoa Road intersection and the Pāhoa Village Road and Pāhoa-Kalapana Road intersection;

(2) All parcels having frontage on Post Office Road between Pāhoa Bypass Road and Pāhoa Village Road;

(3) All parcels having frontage on the west side of Kea ʻau-Pāhoa Road between and inclusive of tax map key numbers: 1-5-07:012 and 1-5-07:080;

(4) All parcels having frontage on Kahakai Boulevard, including any extensions of Kahakai Boulevard up to the parcel identified by tax map key number 1-5-008:001, west of Pāhoa Bypass Road;

(4) Parcels identified by tax map key numbers: 1-5-005:024, 1-5-06:037, 1-5-06:015, 1-5-003:037 and 1-5-03:046; and

(5) All parcels any part of which are designated medium density urban in Exhibit A of Ordinance No. 12-89 amending the general plan land use pattern allocation guide (LUPAG) map, with the following exclusions:

(A) That portion of tax map key no: 1-5-02:020 that is not designated medium density urban in Exhibit A of Ordinance 12-89; and

(B) Parcels identified by tax map key numbers: 1-5-01:003 and 1-5-08:001.

#### **Section 25-7- . Design guidelines; intent; adoption; applicability.**

(a) The intent of the Pāhoa Village Design Guidelines (hereinafter "design guidelines") is to articulate primary architectural features and building design characteristics that have historically been identified as the Hawai'i plantation architectural style or theme.

(b) Design guidelines may be adopted by resolution or as standards by ordinance and shall be administered by the director after giving due consideration to the recommendations of the Pāhoa design review committee having been established in accordance with section 25-2-72 of this chapter.

(c) While no specific minimum number of the architectural features in the design guidelines shall be required for any proposed project, all buildings and structures within the PVD district, except as otherwise specified in section 25-7- (d) below, shall be designed to be consistent with the design guidelines and to be complementary with the existing structures.

#### **Section 25-7- . Pāhoa design review committee; purpose; procedures.**

(a) The purpose of the Pāhoa design review committee (hereinafter "committee") is to provide an opportunity for local review and comment, for consistency with the design guidelines, on plans for all new buildings and structures as well as alterations to the exterior of existing buildings and structures within the PVD district.

(b) Upon request from the director, the Puna Community Development Plan Action Committee (PCDP AC) shall identify and recommend one or more appropriate Pāhoa based community organizations that will be responsible for establishing the committee and providing any

- necessary administrative support that may be required. Committee membership should reflect a broad cross section of the Pāhoā regional town center service area and, to the extent reasonably possible, shall include representation from the construction industry, local businesses, and architecture and design professionals.
- (c) The director shall provide the committee with an opportunity to conduct an architectural and design review, for consistency with the design guidelines, of all applications for plan approval, P.U.D. or sign permit, except as provided for in subsection (d) below.
- (1) The committee shall complete its review of any application for plan approval and submit its written recommendations along with the reviewed plans stamped "Reviewed by" with the date and signature of the committee chair to the director within twenty-five calendar days of receipt of such application from the director.
- (2) The committee shall complete its review of any application for a P.U.D. and submit its written recommendations along with the reviewed plans stamped "Reviewed by" with the date and signature of the committee chair to the director within twenty-five calendar days of receipt of any plans for partial or final full approval from the director.
- (3) The committee shall review and submit its written recommendations on applications for sign permits as provided in chapter 3, article \_\_\_ of this Code.
- (4) Committee recommendations to the director shall be consistent with the provisions of the County Charter, general plan, Puna community development plan, Pāhoā Village Design Guidelines, zoning and other related ordinances and any master plan adopted for the PVD district.
- (d) The director may waive the requirement for architectural and design review by the committee when the proposed improvements will clearly have little or no visual impact on the preservation or promotion of the Hawai'i plantation architectural theme, including, but not limited to:
- (1) The construction or installation of accessory buildings or structures or minor alterations to the exterior of any existing building or structure that is not visible from any street frontage of the building site;
- (2) The addition or replacement of accessory features such as flag poles, roof gutters and downspouts, railings and fencing of similar size, style and material or that more closely conforms to the design guidelines;
- (3) Painting or repainting of the exterior of any building, structure or accessory feature that is consistent with the design guidelines; or
- (4) The replacement of existing doors and windows where the size of the replacement door or window is within ten percent of the size of the original door or window.
- (e) In order to assist applicants with designing projects that satisfactorily conform to the design guidelines, the committee shall also develop a process for and be available to provide preliminary review of conceptual plans prior to formal submittal of detailed plans and an application for a building permit, plan approval, P.U.D or sign permit.
- (f) The committee shall conduct a comprehensive review of the design guidelines and PVD district boundaries and submit its recommendations for amendments to the design guidelines and PVD district boundaries to the PCDP AC within ten years following adoption of the design guidelines, and every ten years thereafter. The committee may prepare and submit to the PCDP AC recommendations for interim amendments to the design guidelines and PVD district boundaries as it deems necessary."

**SECTION 5.** Material to be repealed is bracketed and stricken. Material to be added is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

**SECTION 6.** Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such 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 to be severable.

**SECTION 7.** This ordinance shall take effect upon its approval.

INTRODUCED BY:

 B/R  
\_\_\_\_\_  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i  
Date of Introduction: March 4, 2015  
Date of 1st Reading: March 4, 2015  
Date of 2nd Reading: May 6, 2015  
Effective Date: May 28, 2015

REFERENCE Comm. 1027

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

COUNTY CLERK  
COUNTY OF HAWAII  
RECEIVED  
Time 4:18 pm By dhj  
Date 5-28-15

Introduced By: Zendo Kern (B/R)  
Date Introduced: March 4, 2015  
First Reading: March 4, 2015  
Published: March 14, 2015

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Second Reading: May 6, 2015  
To Mayor: May 14, 2015  
Returned: May 28, 2015  
Effective: May 28, 2015  
Published: June 6, 2015

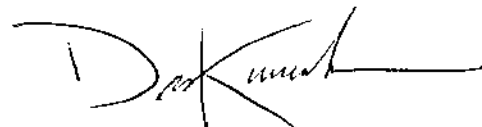

REMARKS: March 18, 2015 - Postponed;  
April 1, 2015 - Postponed;  
April 15, 2015 - Postponed  
\_\_\_\_\_  
\_\_\_\_\_

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Ilagan	X			
Kanuha	X			
Onishi	X			
Paleka	X			
Poindexter	X			
Wille	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Ilagan	X			
Kanuha	X			
Onishi	X			
Paleka	X			
Poindexter			X	
Wille	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 28th day  
of May, 20 15

  
COUNCIL CHAIRPERSON  
  
COUNTY CLERK

  
MAYOR, COUNTY OF HAWAII

Bill No.: 282 (2012-2014)  
Reference: C-1027 / PC-6  
Ord No.: 15 44