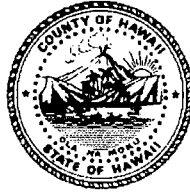


COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 87

ORDINANCE NO. _____

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 RESORT HOTEL – 750 SQUARE FEET (V-.75) TO LIMITED INDUSTRIAL – 20,000 SQUARE FEET (ML-20) AT HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-1-006:002.

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 Hilo, Hawai'i, shall be Limited Industrial – 20,000 square feet (ML-20):

Beginning at the west corner of this parcel of land and on the south side of Kalaniana'ole Street, 70 feet wide, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2,417.25 feet north and 11,808.10 feet east as shown on Government Survey Registered Map 2537, and running by azimuths measured clockwise from true South:

- | | | | |
|----|--------------|--------|--|
| 1. | 236° 02' 48" | 153.38 | feet along the south side of Kalaniana'ole St.; |
| 2. | 344° 30' 00" | 5.82 | feet along Grant 5512 to John T. Brown; |
| 3. | 48° 09' 00" | 120.00 | feet along same; |
| 4. | 90° 00' 00" | 39.40 | feet along same to the point of beginning and containing an area of 2,001 square feet, more or less. |

Beginning at the southwest corner of this parcel of land and on the north side of Kamehameha Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2,197.00 feet north and 11,746.00 feet east and running by azimuths measured clockwise from true South:

| | | | | | |
|----|------|-----|-----|--------|---|
| 1. | 180° | 00' | 00" | 179.20 | feet along Grant 7204 to H.M.N. Kapuakela; |
| 2. | 236° | 02' | 48" | 73.10 | feet along the southeast side of Kalaniana'ole Street; |
| 3. | 270° | 00' | 00" | 39.40 | feet along Grant 10,448 to Isao Ebisuzaki; |
| 4. | 228° | 09' | 00" | 120.00 | feet along Grant 10,448 to Isao Ebisuzaki; |
| 5. | 164° | 30' | 00" | 5.82 | feet along Grant 10,448 to Isao Ebisuzaki; |
| 6. | 236° | 02' | 48" | 77.63 | feet along the southeast side of Kalaniana'ole St.; |
| 7. | 314° | 45' | 10" | 49.06 | feet along the remainder of Grant 5512 to John T. Brown; |
| 8. | 360° | 00' | 00" | 314.51 | feet along the remainder of Grant 5512 to John T. Brown and Lots 2 and 4 Land Court Application No. 1844; |
| 9. | 90° | 00' | 00" | 287.10 | feet along the north side of Kamehameha Avenue to the point of beginning and containing an area of 1.749 acres, 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 (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(s) 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 within 180 days from the effective date of this ordinance 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. Construction of the proposed development, as substantially represented by the Applicant, or as permitted by its zoning district classification, shall be completed within five (5) years from the effective date of this ordinance. Prior to construction, the applicant(s), successor(s), or assign(s) 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.

- D. 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.
- E. The Applicant shall install a reduced pressure type backflow prevention assembly, within five (5) feet of the meter on private property to be inspected and approved by the Department of Water Supply prior to water service activation.
- F. All development generated runoff shall be disposed of onsite and not be directed toward any adjacent properties. A drainage study shall be prepared, and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works.
- G. Plan approval shall be required prior to the construction or installation of any new structure or development, or any addition to an existing structure or development according to Section 25-2-71(a) of the Zoning Code.
- H. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentary Control of the Hawai'i County Code.
- I. All driveway connections and construction within the Kamehameha Avenue Right-of-Way shall conform to Chapter 22, County Streets, of the Hawai'i County Code.

- J. Access to Kamehameha Avenue, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works.
- K. A National Pollutant Discharge Elimination System (NPDES) permit, if required, shall be secured from the State Department of Health before the commencement of ground disturbing activities.
- L. Sewer lines shall be installed within the development to connect with the County's sewer system, meeting with the approval of the Department of Environmental Management.
- M. 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) 9337651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- N. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements for the proposed development, including the Fire Department, Department of Public Works, Department of Water Supply and Department of Health.
- O. An initial extension of time for the performance of conditions within the ordinance may be requested in accordance with Section 25-2-44 of the Hawai'i County Code.

P. Should any of the conditions not be met or substantially complied with in a timely fashion, the Deputy Planning Director may initiate rezoning of the 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.

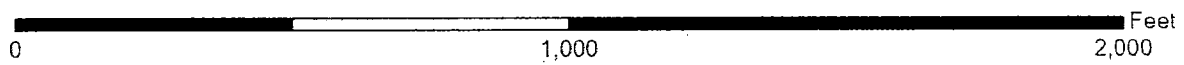
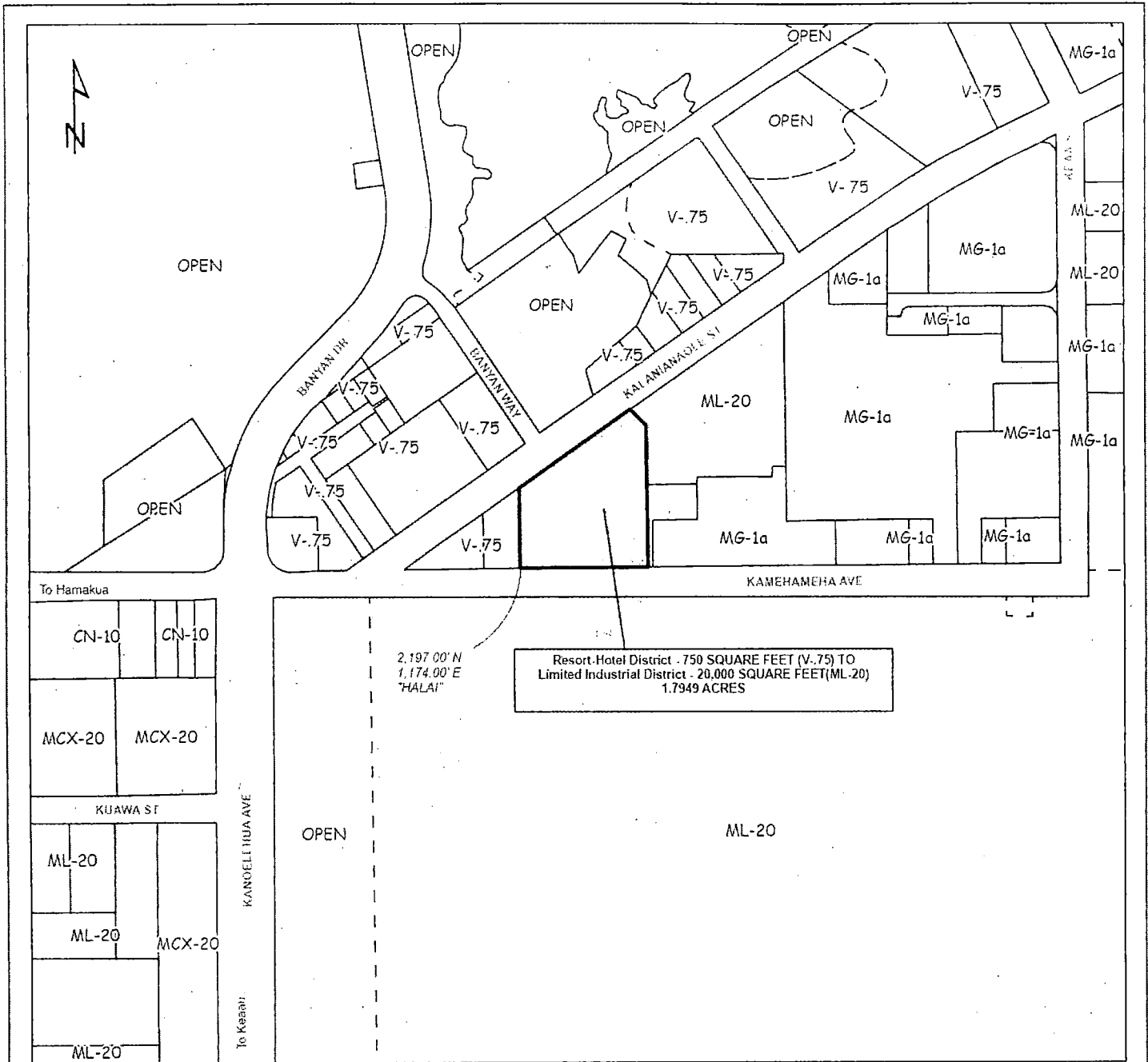
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

 B/R
COUNCIL MEMBER, COUNTY OF HAWAI'I

_____, Hawai'i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

REFERENCE Comm. 520



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 RESORT HOTEL DISTRICT - 750 SQUARE FEET (V-.75) TO LIMITED INDUSTRIAL DISTRICT - 20,000 SQUARE FEET (ML-20) AT HILO, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

DATE: June 19, 2023

TMK. (3) 2-1-006:002

Aloha Kia
 Map. 1456

EXHIBIT "A"