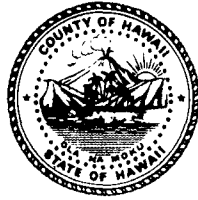


COUNTY OF HAWAI‘I



STATE OF HAWAI‘I

ORDINANCE NO. 13 80 BILL NO. 81

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – 1 ACRE (A-1a) TO SINGLE-FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) AT PUNAHOA 1<sup>ST</sup>, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY 2-5-023:015.

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 (2005 Edition), is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Punahoa 1<sup>st</sup>, South Hilo, Hawai‘i, shall be Single-Family Residential – 15,000 square feet (RS-15):

Beginning at the Northwest corner of this parcel of land, the Southwest corner of Lot 6, Block 20, File Plan 427, the coordinates of said point of beginning referred to Government Survey Triangulation Station “Halai” being 3,334.38 feet South and 9,975.42 feet West and running by azimuths measured clockwise from true South:

1. 230° 07’ 171.81 feet along Lot 6, Block 20, File Plan 427;
2. 320° 07’ 253.53 feet along Lot 5, Block 20, File Plan 427 and along the remainder of R. P. 5707, L. C. Aw. 463 to Kuihelani no E. Kahakumakaliua;
3. 50° 07’ 171.81 feet along the remainder of R.P. 5707, L.C. Aw. 463 to Kuihelani no E. Kahakumakaliua;

4. 140° 07' 253.53 feet along the remainder of R.P. 5707, L.C. Aw. 463 to Kuihelani no E. Kahakumakaliua to the point of beginning and containing an area of 1.000 Acre, 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), 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, its successor or assigns shall be responsible for complying with all stated conditions of approval.
  
- B. Restrictive covenants in the deeds of all proposed lots consisting of less than 30,000 square feet to be subdivided out of the parent Parcel 15 consisting of 57,145 square feet, shall give notice that the terms of the zoning ordinance prohibit the construction of a second dwelling unit and condominium property regimes on each lot. This restriction may be removed by amendment of this ordinance by the County Council. The owner of the property may also, in addition, impose private covenants restricting the number of

dwellings. A copy of the proposed covenant(s) to be recorded with the State Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

- C. Access from Ainako Avenue shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
- D. Should subdivision of the subject property occur, the applicant shall provide improvements to the entire property frontage along Ainako Avenue, consisting of, but not limited to, grading, pavement widening with paved shoulder, drainage improvements, and any relocation of utilities, meeting with the approval of the Department of Public Works. The improvements shall be located within a 5-foot wide road widening along the property's entire Ainako Street frontage that shall, upon completion and approval by the Department of Public Works, be promptly dedicated to the County of Hawai'i.
- E. All development-generated runoff shall be disposed of on-site and not be directed toward any adjacent properties.
- F. Wastewater generated by any new residential unit or lot(s) affected by this ordinance shall be disposed of within the County's sewer system.
- G. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawai'i.
- H. Earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.

- I. Should any undiscovered 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-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigation measures have been taken.
  
- J. 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.
  
- K. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

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: June 18, 2013  
 Date of 1st Reading: June 18, 2013  
 Date of 2nd Reading: July 10, 2013  
 Effective Date: July 25, 2013

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

COUNTY CLERK  
 COUNTY OF HAWAII

2013 JUL 26 PM 2:04

Introduced By: Zendo Kern (B/R)  
 Date Introduced: June 18, 2013  
 First Reading: June 18, 2013  
 Published: N/A

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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Second Reading: July 10, 2013  
 To Mayor: July 18, 2013  
 Returned: July 26, 2013  
 Effective: July 25, 2013  
 Published: August 3, 2013



REMARKS: \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Eoff	X			
Ford		X		
Ilagan	X			
Kanuha	X			
Kern			X	
Onishi	X			
Poindexter	X			
Wille	X			
Yoshimoto	X			
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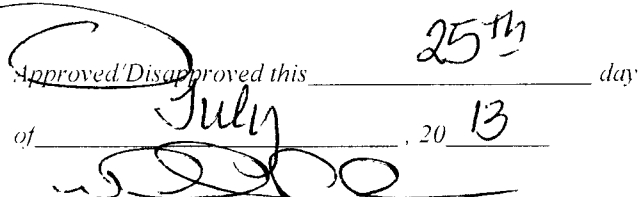
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Onishi	X			
Poindexter	X			
Wille	X			
Yoshimoto	X			
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I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

~~APPROVED AS TO  
 FORM AND LEGALITY:  
 \_\_\_\_\_  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII  
 Date \_\_\_\_\_~~

  
 COUNCIL CHAIRPERSON  
  
 COUNTY CLERK

Bill No.: 81  
 Reference: C-278/PC-36  
 Ord No.: 13 80

Approved/Disapproved this 25<sup>th</sup> day  
 of July, 20 13  
  
 MAYOR, COUNTY OF HAWAII