

BILL NO. 11

(DRAFT 2)

ORDINANCE NO. 25 19

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 (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 CITY OF HILO, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-036:065.

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 City of Hilo, South Hilo, Hawai'i, shall be Industrial-Commercial Mixed – 20,000 Square Feet (MCX-20):

Beginning at the Southwest corner of this parcel of land, and on the northeasterly corner of the intersection of East Lanikaula and Laukapu Streets, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 3,443.00 feet South and 10,121.00 feet East, as shown on Registered Map No. 2566, thence running by azimuths measured clockwise from True South:

- | | | | | | |
|----|------|-----|-----|--------|---|
| 1. | 180° | 00' | 00" | 200.00 | feet along Laukapu Street, thence; |
| 2. | 270° | 00' | 00" | 114.50 | feet along Lot 11-A, thence; |
| 3. | 360° | 00' | 00" | 200.00 | feet along Lot 14-A, thence; |
| 4. | 90° | 00' | 00" | 114.50 | feet along East Lanikaula Street to the Point of Beginning and containing an area of 22,900 Square Feet more or less. |

SECTION 2. In accordance with Section 25-2-44, Article 8, Chapter 25 (Zoning Code), of the 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. 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, 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 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.
- C. The time during which required plans, reports, studies, or relevant permit applications are under review for approvals by government agencies shall not

count towards any deadline established in this ordinance. To justify this tolling, the Applicant shall provide evidence of the excluded time period to the Planning Department for its review and approval, which shall consist of dates obtained from a government agency website, permitting program, or office indicating when the required plans, reports, studies, or permit applications were submitted, approved, denied, or returned by the government agency.

- D. Prior to the issuance of a Certificate of Occupancy, 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 Department of Water Supply (DWS) to determine if an additional or larger meter is necessary.
- E. 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.
- F. 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.
- G. Prior to the issuance of a Certificate of Occupancy, the Applicant shall secure and finalize all building permits as required by the Department of Public Works Building Division.
- 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 Laukapu Street frontages and East 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 Laukapu Street and East 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 required future road widening strips. These improvements shall be completed within five (5) years of the effective date of this ordinance.

- J. A minimum 20-foot corner radius (property line) shall be provided at the intersection of East Lanikaula Street and Laukapu Street incorporating the future road widening setbacks referenced in Condition H.
- K. Since East Lanikaula Street is an existing collector road, access shall be limited to one driveway access with limited right-in and right-out access for any future development.
- L. All driveway connections and construction within Laukapu Street and East Lanikaula Street shall conform to Chapter 22, County Streets, of the Hawai'i County Code and include the provision of adequate sight distances that shall meet with the approval of the Department of Public Works Engineering Division.
- M. 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.
- N. Any use permitted by the zoning district classification on the subject 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 any conditions have not been completed by the deadline, or if a time extension request has not been submitted in accordance with section 25-2-44(c) of the Hawai'i County Code, the Planning Department shall inform the Applicant that this ordinance is null and void without further action by the County. In that event, the zoning designation of the property affected by this ordinance shall automatically revert to its immediate prior zoning 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:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i
Date of Introduction: January 22, 2025
Date of 1st Reading: January 22, 2025
Date of 2nd Reading: February 5, 2025
Effective Date: March 3, 2025

REFERENCE Comm. 39.3

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

2025 MAR -3 AM 11: 53

Introduced By: Heather L. Kimball (B/R)
Date Introduced: January 22, 2025
First Reading: January 22, 2025
Published: January 31, 2025

REMARKS: _____

Second Reading: February 5, 2025
To Mayor: February 20, 2025
Returned: March 3, 2025
Effective: March 3, 2025
Published: March 14, 2025

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Galimba	X			
Hustace	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder			X	
Kierkiewicz	X			
Kimball	X			
Onishi	X			
Villegas	X			
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Galimba	X			
Hustace	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Onishi	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.

Approved/Disapproved this 3rd day
of March, 2025


MAYOR, COUNTY OF HAWAI'I


COUNCIL CHAIRPERSON


COUNTY CLERK

Bill No.: 11 (Draft 2)
Reference: C-39/LAAC-2
Ord No.: 25 19