

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 397

AN ORDINANCE AMENDING SECTION 7.29 THE CITY OF HILO ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO LIMITED INDUSTRIAL (ML-20) AT WAIAKEA HOUSELOTS, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-37:48.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 7.29 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.29 (iii). The district classification of the following area situated at Waiakea Houselots, Waiakea, South Hilo, Hawaii, shall be Limited Industrial (ML-20):

Beginning at the northeast corner of this lot, the southeast corner of Lot 14, Block 30 of the Waiakea Houselots, 1st Series, and on the new west side of Kanoelehua Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2503.00 feet South and 11062.50 feet East, as shown on Government Survey Registered Map 2566 and running by azimuths measured clockwise from True South:

1. 360° 00' 100.00 feet along the new west side of Kanoelehua Avenue;
2. 90° 00' 210.50 feet along the north side of Leilani Street;
3. 180° 00' 100.00 feet along Lot 15, Block 30 of the Waiakea Houselots, 1st Series (Grant 11038 to Yukiko Nishiooka);
4. 270° 00' 210.50 feet along Lot 14, Block 30 of the Waiakea Houselots, 1st Series to the point of beginning and containing an area of 21,050 square feet.

"All as outlined in red on the map attached hereto, marked Exhibit 'A' and by reference made a part hereof."

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) plans be submitted for preliminary plan approval within one (1) year from the effective date of the change of zone. The petitioners shall be responsible for securing final plan approval; (B) construction shall commence within one (1) year from the date of final plan

approval and be completed within two (2) years thereafter; (C) in the design and review of proposed development plans due consideration for visual impact shall be required. This consideration shall entail the minimization of adverse visual impacts through the appropriate siting, height, bulk, color schemes, signage, and landscaping; (D) any activity conducted on the subject properties shall not constitute a nuisance to surrounding properties. Should any activity be determined to be a nuisance to surrounding properties by the Planning Department in conjunction with other agencies, i.e. the Department of Health, appropriate mitigating measures shall be taken to eliminate the nuisance; (E) a circulation study be submitted together with other plans for plan approval incorporating the following elements: (1) should access be sought off Kanoelehua Avenue, said access shall be located as close as possible to the northern side property line. This access shall be for ingress movements only and shall be serviced with a deceleration lane provided by the petitioner meeting with the approval of the Department of Transportation Highways Division; (2) all run-off created by the proposed development shall be confined to the subject property; (3) the driveways off Leilani Street shall be as close as possible to the western side property line; (4) the pump bays shall be situated so as to allow maximum storage space for cars entering from Kanoelehua Avenue; (5) the petitioner shall maintain a 20-foot side yard setback from the western property line. Further, the petitioner shall consider a 20-foot access easement across the western side of the subject property from Leilani Street to the adjoining property to the north identified as Tax Map Key 2-2-37:47; and (F) all other applicable rules, regulations and requirements shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or a more appropriate zoning designation may be initiated.

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:

Isabel Domingo

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 1, 1978

Date of Adoption: November 15, 1978

Effective Date: November 21, 1978

Hilo, Hawaii
 Date: November 1, 1978

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lai	X		
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	9	0	

Publication Date: NOV 8 1978

Hilo, Hawaii
 Date: November 15, 1978

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg			X
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lai	X		
Sameshima	X		
Tajiri	X		
Chr. Yamashiro	X		
	8	0	1

Publication Date: _____

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.

Joseph R. Garcia, Jr.
 fw

 Council Chairman

R. B. Legaspi
 County Clerk

DEPUTY
 APPROVED as to FORM and CONTENT
Reynold P. A.
 Date NOV 20 1978

Approved/Disapproved this 21st day of
November, 1978

Hubert H. Heine
 Mayor, County of Hawaii

Bill No. 427
 Reference: C-952/PC-50
 M.B. No. _____
 Ord. No. 397