

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 85 19

AN ORDINANCE AMENDING SECTION 25-114, ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO LIMITED INDUSTRIAL (ML-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-50:PORTION OF 2.

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

SECTION 1. Section 25-114, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

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

Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 8 (Grant 12,032 to Clement and Katheryn Chaves), Block 44 of the Waiakea House Lots and on the North side of Kawili Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,893.00 feet South and 9,366.00 feet East, and thence and running by azimuths measured clockwise from True South:

1. 90° 00' 112.50 feet along the North side of Kawili Street;
2. 180° 00' 100.00 feet along the remaining portion of Lot 7, Block 44 of the Waiakea House Lots;
3. 270° 00' 112.50 feet along Lot 5 (Grant 10,682 to Mrs. Miulan Y. Kealoha), Block 44 of the Waiakea House Lots;

4. 360° 00'

100.00 feet along Lot 8 (Grant 12,032 to Clement and Katheryn Chaves), Block 44 of the Waiakea House Lots to the point of beginning and containing an area of 11,250 Square Feet.

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

SECTION 2. This change in district classification is conditioned upon the following: (A) the petitioners, successors or their assigns shall be responsible for complying with all of the stated conditions of approval of the zone change; (B) plans shall be submitted to the Planning Department for Plan Approval within one year from the effective date of the zone change; (C) construction of the proposed development shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) a drainage system in accordance with the requirement of the Department of Public Works shall be installed; (E) improvements to Kawili Street along the frontage of this subject property shall be constructed, including curb, gutter, and sidewalk, and such improvements shall be constructed in accordance with the requirements of the Department of Public Works and completed within one year from the issuance of final plan approval for the proposed development. In lieu of actual construction within such period, the petitioners, successors or their assigns shall

within one year from the issuance of final plan approval give legal and/or financial assurances meeting with the approval of the Planning Director, Chief Engineer, and Corporation Counsel for the completion of such improvements within two years thereafter. Further, should an Improvement District or similar arrangements be initiated, the landowner shall automatically participate in such an arrangement; (F) access to the property shall meet with the approval of the Department of Public Works; (G) in the design and review of any improvements, due consideration for any potential 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; (H) any activity conducted on the property shall not constitute a nuisance to the surrounding properties. Should any activity be determined to be a nuisance to the surrounding properties, the Planning Department may impose additional mitigating measures in order to eliminate the nuisance; (I) the method of sewage disposal shall meet with the approval of the appropriate governmental agencies; and (J) all other applicable rules, regulations and requirements, including those of the Department of Water and Fire Department be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate zoning designation may be initiated.

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

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

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 6, 1985
Date of 1st Reading: March 6, 1985
Date of 2nd Reading: March 20, 1985
Effective Date: April 3, 1985

