

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 412 (Draft 3)

ORDINANCE NO. 87 110

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP), 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 2-2-37:27.

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 a point at the Southeast corner of this parcel of land, and on the West side of Kanoelehua Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halai" being 3043.00 feet South and 11062.50 feet East, and running by azimuths measured clockwise from True South:

- 1. 90° 00' 210.50 feet along Lot 10, Block 38, Waiakea House Lots;
2. 180° 00' 100.00 feet along Lot 7, Block 38, Waiakea House Lots;

3. 270° 00' 210.50 feet along Lot 6, Block 38, Waiakea House Lots; to a point on the West side of Kanoelehua Avenue;
4. 360° 00' 100.00 feet along the West side of Kanoelehua Avenue to the point of beginning and containing an area of 21,050 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 applicant, its successors or assigns shall comply with all of the stated conditions of approval; (B) plans for the proposed development, including landscaping and parking, shall be submitted for plan approval review within one year from the effective date of approval of the change of zone. The plan shall include the use of heavy landscaping along the property lines with the adjacent Single Family Residential (RS) zoned lots; (C) construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) in the design and review of the proposed development, 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;

(E) 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 Director may impose additional mitigating measures in order to eliminate the nuisance; (F) there shall be only one access from Kanoelehua Avenue meeting with the approval of the State Department of Transportation, Highways Division; (G) a drainage system meeting with the requirements of the Department of Public Works shall be installed; and (H) all other applicable rules, regulations and requirements shall be complied with.

An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the owners, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the General Plan or Zoning Code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the

County Council for appropriate action. Further, should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. Should the council adopt A Uniform Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may be satisfied by performance in accordance with the requirements of the Uniform Impact Fees Ordinance.

SECTION 4. In the event that any portion of the ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 5. This ordinance shall take effect upon its approval.

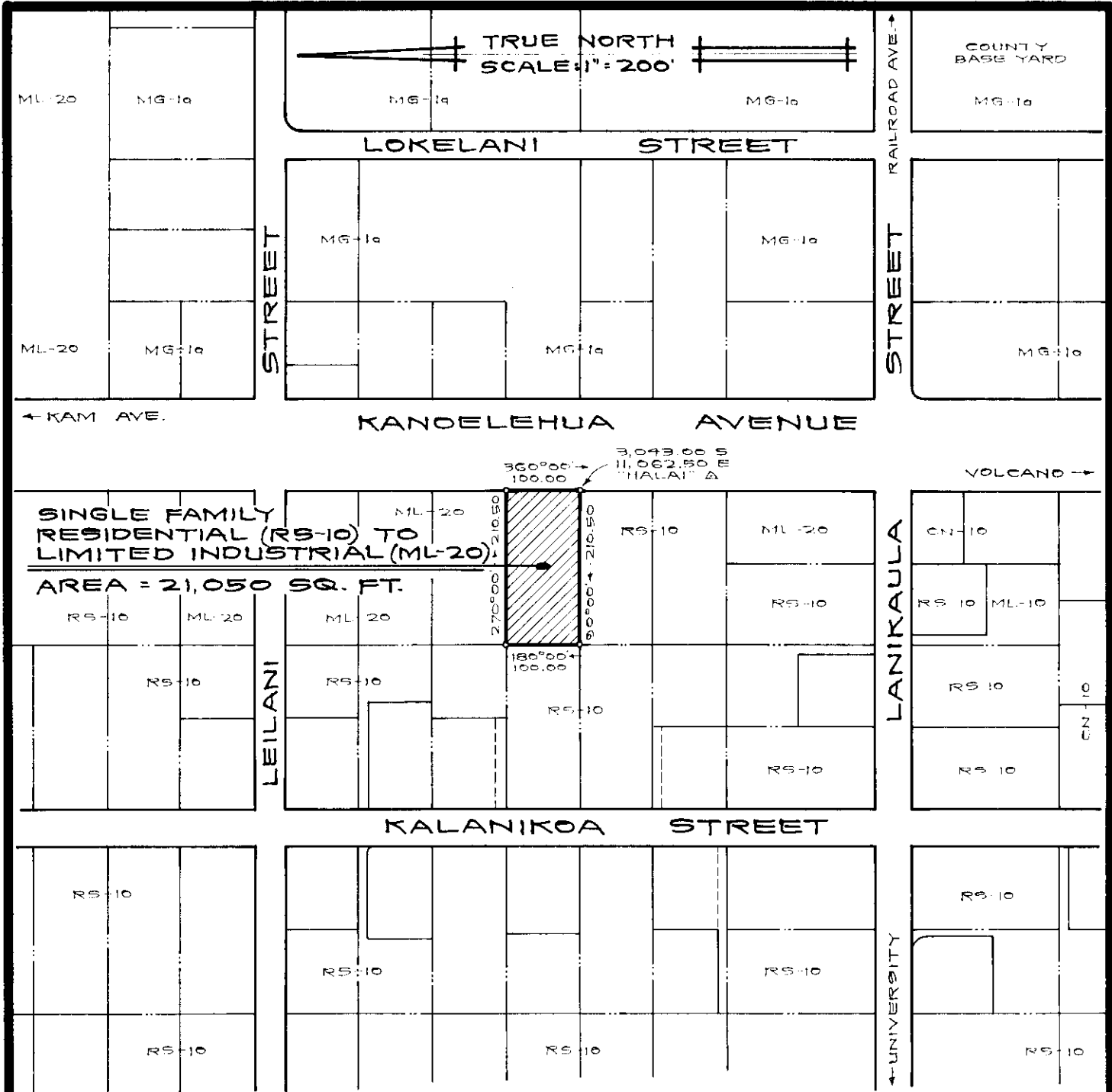
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	October 7, 1987
Date of 1st Reading:	October 7, 1987
Date of 2nd Reading:	October 21, 1987
Effective Date:	October 28, 1987



SINGLE FAMILY RESIDENTIAL (RS-10) TO LIMITED INDUSTRIAL (ML-20)
AREA = 21,050 SQ. FT.

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP) 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.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK : 2-2-37:27

JULY 15, 1987

EXHIBIT "A"