

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 455
(Draft 2)

ORDINANCE NO. 88 12

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 GENERAL INDUSTRIAL (MG-1a) TO LIMITED INDUSTRIAL (ML-1a) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-1-12:26.

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-1a):

Beginning at the southeast corner of this parcel of land, the southwest corner of Mana Quarry Site, and on the north boundary of Tract 2-A of the Hawaiian Home Land of Panaewa, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3693.00 feet South and 12557.73 feet East, as shown on Government Survey Registered Map 2566, thence running by azimuths measured clockwise from True South:

- 1. 90° 00' 238.00 feet along Tract 2-A of the Hawaiian Home Land of Panaewa;
2. 161° 00' 613.42 feet along the east side of Railroad Avenue;
3. 270° 00' 437.71 feet along Parcels A and B being portions of the Government (Crown) Land of Waiakea;
4. 360° 00' 580.00 feet along Mana Quarry Site to the point of beginning and containing an area of 4.499 Acres.

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 Phase I development, as proposed by the applicant, 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; (C) construction of the Phase I development shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) plans for the Phase II development, as proposed by the applicant, shall be submitted for plan approval review within one year from the date of completion of the Phase I improvements. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (E) access(es) to the property shall meet with the approval of the Department of Public Works; (F) a drainage system meeting with the requirements of the Department of Public Works shall be installed; (G) all other applicable rules, regulations and requirements shall be complied with;

and, (H) 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 applicants, successors or assigns, 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 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 Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance.

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

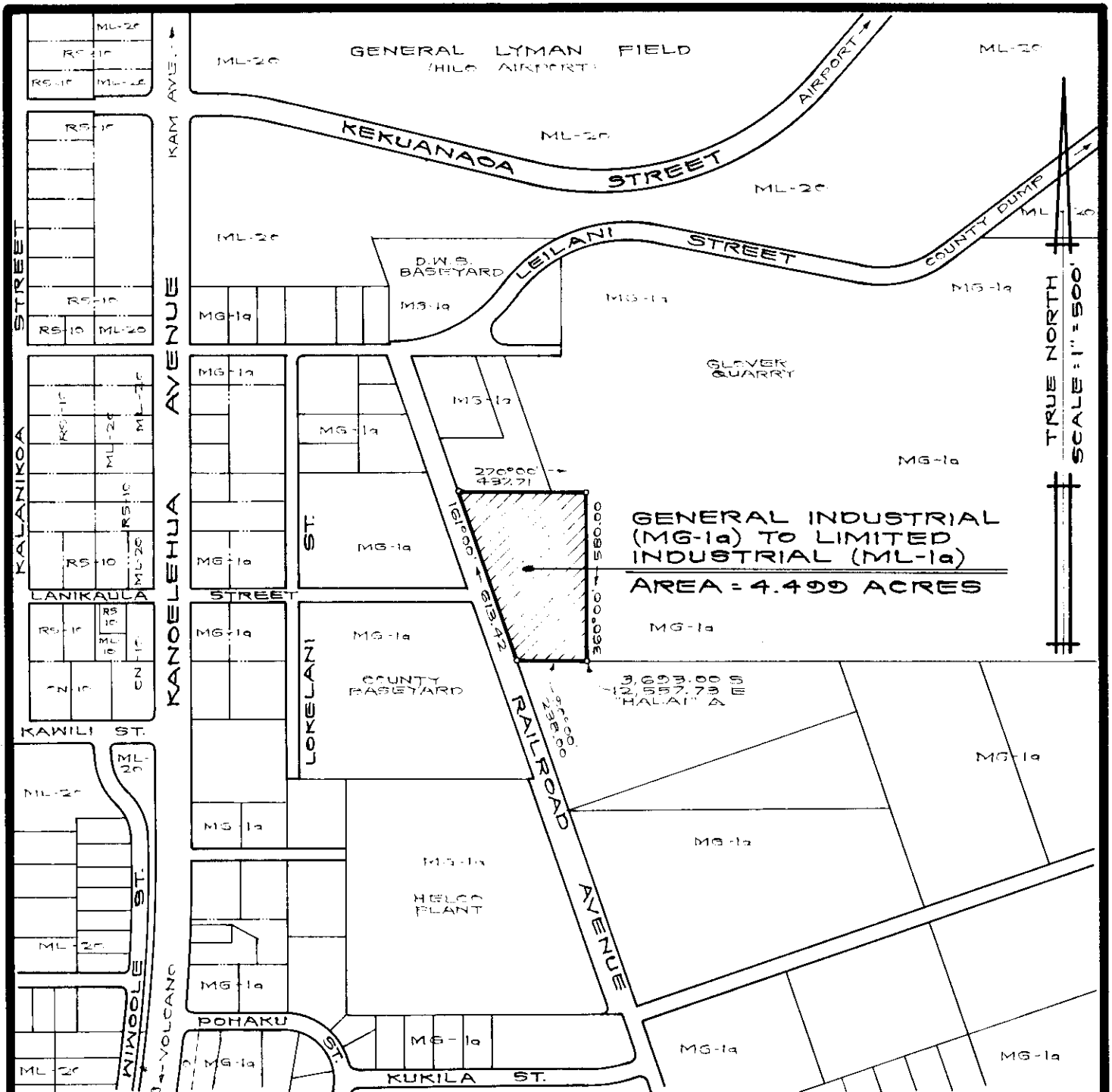
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	January 18, 1988
Date of 1st Reading:	January 18, 1988
Date of 2nd Reading:	February 3, 1988
Effective Date:	February 16, 1988



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 GENERAL INDUSTRIAL (MG-1a) TO LIMITED INDUSTRIAL (ML-1a) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 2-1-12 : 26

OCT. 22, 1987