

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 136 (Draft 4)

ORDINANCE NO. 89 144

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-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAY KEY 2-2-49:28.

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-10):

Beginning at the southeast corner of this lot and on the West boundary of Lot 4, Block 47, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,593.00 feet South and 10,963.50 feet East, and running by azimuths measured clockwise from True South:

- 1. 90° 00' 100.00 feet;
2. 180° 00' 100.00 feet;
3. 270° 00' 100.00 feet along the South side of Lanikaula Street;
4. 360° 00' 100.00 feet along Lot 4, Block 47 to the point of beginning and containing an area of 10,000 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, successors or its assigns shall be responsible for complying with all of the stated conditions of approval of the zone change; (B) Appropriate Plan Approval and building permits shall be applied and secured for all structures that were illegally converted into industrial-related uses for that area covered by TMK: 2-2-49:27. The applicant shall also be responsible to abide by and adhere to appropriate penalty and fine imposed by the County for any illegal conversions. Said Plan Approval and building permits may be submitted in conjunction with plans for the subject parcel (parcel 28); (C) Final Plan Approval shall be secured from the Planning Department within one year from the effective date of the zone change. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), Hawaii County Code, as amended, plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured; (D) Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (E) A drainage system shall be installed in accordance with the requirement of the Department of Public Works; (F) Roadway improvements to Lanikaula Street along the frontage of the property shall be constructed, including curbs, gutters, sidewalks and pavement, and such improvements shall be constructed in accordance with the requirements of the

Department of Public Works and completed prior to receipt of an occupancy permit for the proposed development. In lieu of actual construction within such period, prior to receipt of an occupancy permit, the applicant, successors or its assigns shall be given legal and/or financial assurances in the form of cash, bond, or equivalent surety 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; (G) In the design and review of any improvements, due consideration shall entail the minimization of noise and adverse visual impacts through the appropriate siting, height, bulk, color schemes, signage and landscaping. Further, the perimeter boundaries of the subject property, except for selective portions fronting Lanikaula Street, shall be planted with appropriate trees which shall effectively serve as noise and visual buffers; (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; (J) All other applicable laws, rules, regulations and requirements be complied with; (K) 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; (L) An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the zone change. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; (M) 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; and 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 shall initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. In the event that any portion of the 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:


COUNCIL MEMBER, COUNTY OF HAWAII

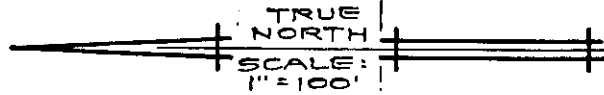
Hilo, Hawaii

Date of Introduction: September 20, 1989
Date of 1st Reading: September 20, 1989
Date of 2nd Reading: November 15, 1989
Effective Date: November 24, 1989

MG-1a

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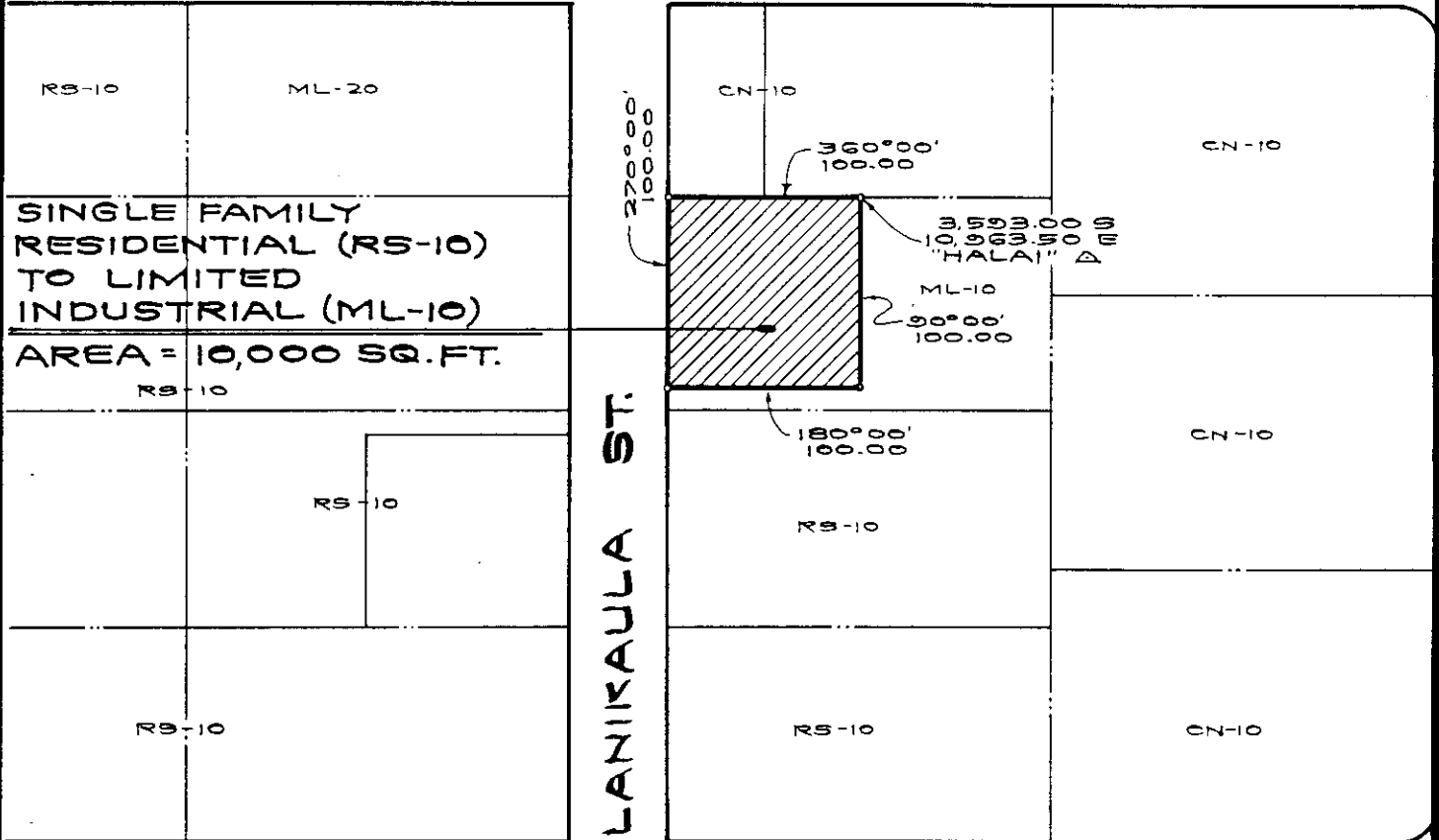
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← KAMEHAMEHA AVE.

KANOELEHUA AVENUE

VOLCANO →



SINGLE FAMILY
RESIDENTIAL (RS-10)
TO LIMITED
INDUSTRIAL (ML-10)
AREA = 10,000 SQ. FT.

LANIKAULA ST.

KALANIKOA

STREET

AMENDMENT TO THE ZONING CODE

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PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII