

# COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 288

## ORDINANCE NO. 90 101

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 2-2-37:32 AND 152.

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 northerly side of Lanikaula Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,443.00 feet South and 10,852.00 feet East and running by azimuths measured clockwise from True South:

1. 90° 00' 111.50 feet along the Northerly side of Lanikaula Street;
2. 180° 00' 200.00 feet along Lot 13, Block 38, Grant 13,635 to James O. Yapp;
3. 270° 00' 111.50 feet along Lot 11-B, Block 38, Grant 10,780 to John L. Fontes;

4. 360° 00' 200.00 feet along Lot 15,  
Block 38, Grant 12,979 to  
Charles Takumi and Miyuki  
Suetake Otani to the point  
of beginning and  
containing an area of  
22,300 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 change of zone;  
(B) the required water commitment payment shall be submitted to  
the Department of Water Supply in accordance with its "Water  
Commitment Guidelines Policy" within ninety days from the date  
of approval of the change of zone; (C) secure approval of  
consolidation plans for the two lots within one year from the  
effective date of the change of zone; (D) final Plan Approval  
for the project shall be secured from the Planning Department  
within one year from the date of consolidation approval. 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;  
(E) construction shall commence within one year from the date  
of receipt of Final Plan Approval and be completed within two  
years thereafter; (F) a drainage system shall be installed in

accordance with the requirement of the Department of Public Works; (G) roadway improvements to Lanikaula Street, including curbs, gutters, sidewalks, and pavement shall be constructed along the frontage of the property(ies). Said improvements shall be completely constructed in accordance with the requirements of the Department of Public Works prior to receipt of an occupancy permit for the proposed development. In lieu of actual construction, legal and/or financial assurances in the form of cash, bond, or equivalent surety shall be provided to and approved by the Planning Director, Chief Engineer, and Corporation Counsel, which guarantees the completion of said improvements within two years after the date of issuance of the certificate of occupancy. The assurances shall be submitted and approved prior to issuance of a certificate of occupancy for any portion of the development on the property(ies). Further, should an Improvement District or similar arrangements be initiated, the landowner shall automatically participate in such an arrangement; (H) in the design and review of any improvements, due consideration shall entail the minimization of noise and adverse visual impacts through appropriate siting, height, bulk, color schemes, signage, and landscaping; (I) the method of sewage disposal shall meet the approval of the appropriate governmental agencies; (J) comply with all other applicable laws, rules, regulations, and requirements; (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 change of zone. 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 and the Planning Director acknowledges that further reports are not required; and, (M) an 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 applicant, 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 permit; 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:

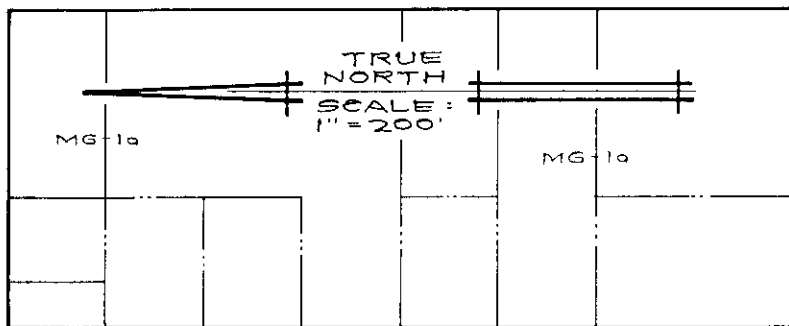
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

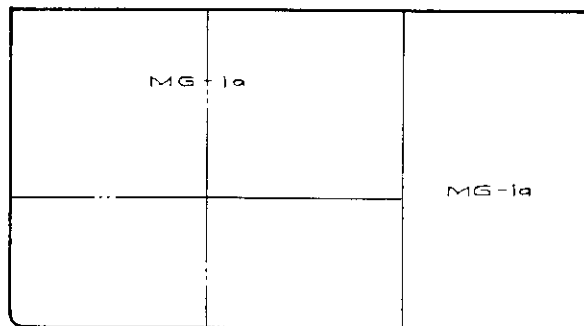
Date of Introduction:	July 19, 1990
Date of 1st Reading:	July 19, 1990
Date of 2nd Reading:	August 1, 1990
Effective Date:	August 14, 1990

LOKELANI

STREET



RAILROAD AVE.

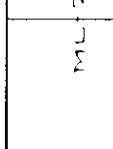
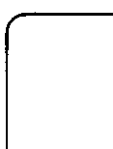
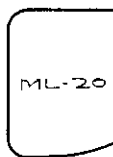
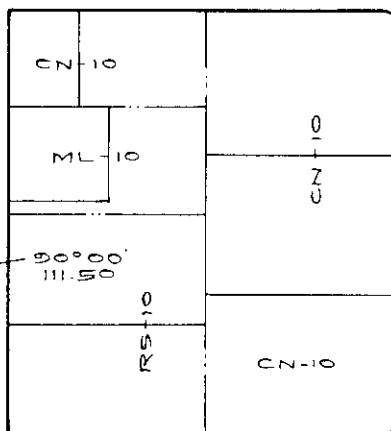
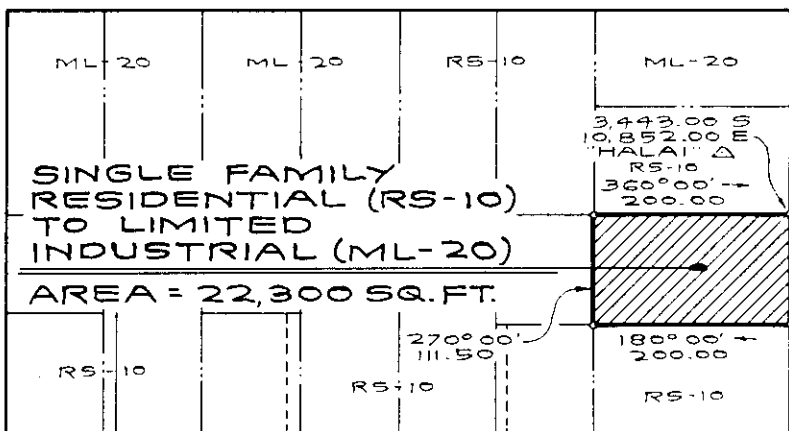


← KAM AVE.

KANOELEHUA

AVENUE

VOLCANO →

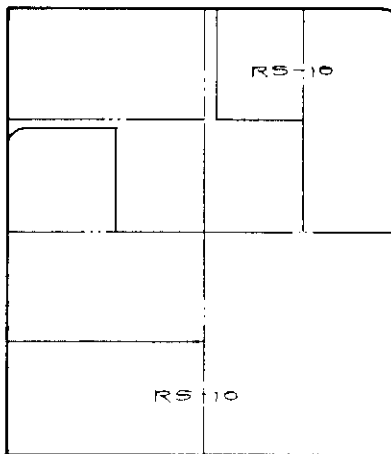
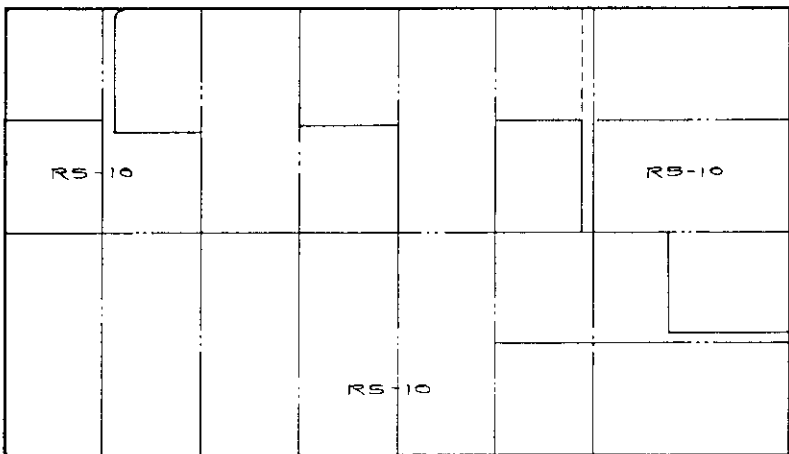


STREET

STREET

KALANIKOA

STREET



UNIVERSITY KAWILI

LEILANI

LANIKAULA

LAUKAPU

STREET

# 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: 32 AND 152

MARCH 5, 1990