

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 411

ORDINANCE NO. 31 38

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 MAP KEY 2-2-35:31.

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 northeast corner of Parcel "A", the coordinates of said point referred to Government Survey Triangulation Station "HALAI" being 743.00 feet south and 10579.00 feet east, thence running by azimuths measured clockwise from true south:

1. 360° 00' 80.00 feet along Kalanikoa Street;
2. 90° 00' 143.13 feet along Lot 16;
3. 180° 00' 80.00 feet along Parcel "B";
4. 270° 00' 143.13 feet along Parcel "B", to the point of beginning and containing an area of 11,450 square feet, more or less.

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 assigns shall be responsible for complying with all of the stated conditions of approval; (B) 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), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, and parking stalls associated with the proposed use(s); (C) construction of improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter; (D) access shall meet with the approval of the Department of Public Works. Roadway improvements to Kalanikoa Street, including curbs, gutters and sidewalks shall be constructed along the frontage of the property. Said improvements shall be constructed in accordance with the requirements of the Department of Public Works prior to receipt of a certificate of occupancy for any portion of the development; (E) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (F) in the design and review of any improvements, due consideration shall entail the minimization of adverse noise and visual impacts through appropriate siting, height, bulk,

color schemes, signage and landscaping; (G) the method of sewage disposal shall meet with the approval of the appropriate governmental agencies; (H) all other applicable laws, rules, regulations and requirements shall be complied with; (I) 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; (J) 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; and, (K) an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:

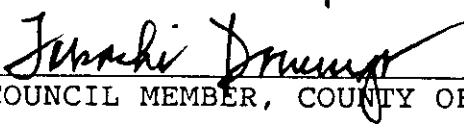
- 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
- 2) the granting of the time extension would not be contrary to the general plan or zoning 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 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

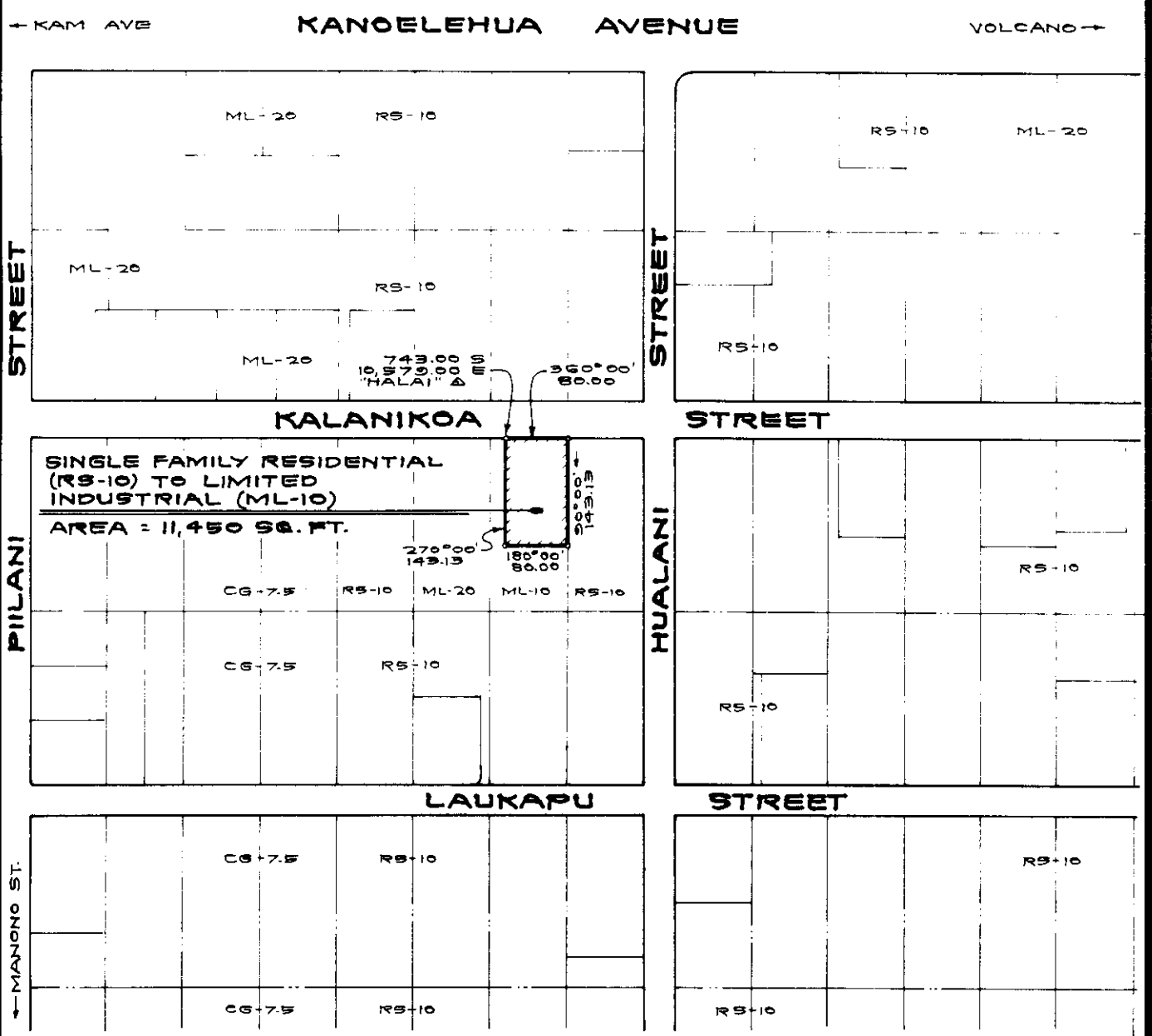
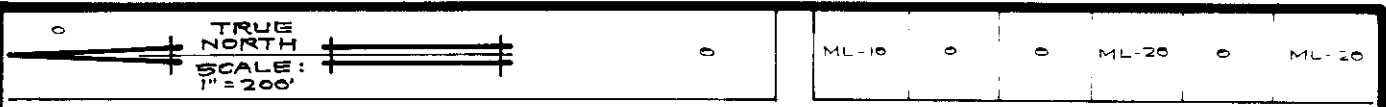
Date of Introduction: April 17, 1991
Date of 1st Reading: April 17, 1991
Date of 2nd Reading: May 1, 1991
Effective Date: May 7, 1991

APPROVED AS TO FORM AND LEGALITY:

DEPUTY


CORPORATION COUNSEL

DATED: MAR - 8 1991



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-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 2-2-35:31

FEB. 7, 1991

EXHIBIT "A"

(DAVID OKANO)