

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 668

ORDINANCE NO. 92 122

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 RESORT-HOTEL, SAFETY (V-5-.75) TO LIMITED INDUSTRIAL (ML-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-33:11, 12, 19 AND 20.

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 the Northwest corner of this piece of land and at the Southeast corner of the intersection of Wehilani and Mililani Streets, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 496.51 feet North and 8,689.91 feet East, thence running by azimuths measured clockwise from True South:

- 1. 270° 00' 200.00 feet along the South side of Wehilani Street;
- 2. 0° 00' 560.00 feet along Government Land covered by General Lease 3419 and 3478 to Hawaiian Fern-Wood, Ltd.;

3. 90° 00' 200.00 feet along the North side of Piilani Street;
4. 180° 00' 560.00 feet along the East side of Mililani Street to the point of beginning and containing an area of 112,000 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, its successors or assigns shall comply with all of the stated conditions of approval; (B) final consolidation approval of the subject properties shall be secured within one year from the effective date of the change of zone; (C) final plan approval for the proposed fish processing/ warehouse/office facility and related improvements shall be secured from the Planning Department within one year from the date of Final Consolidation Approval. 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 (45) days prior to the date for which plan approval must be secured. Plans shall indicate proposed structures, landscaping and parking associated with the proposed development; (D) construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (E) in the design and review of any improvements, due consideration shall be given to the minimization of noise and adverse visual impacts through appropriate siting, height, bulk, color schemes,

signage, and landscaping; (F) access to the project site shall meet with the approval of the Department of Public Works; (G) the method of sewage and solid waste disposal shall meet with the approval of the appropriate governmental agencies; (H) that portion of Piilani Street fronting the project site shall be improved to commercial standards. This improvement shall be constructed in a manner meeting with the approval of the Department of Public Works, prior to the issuance of a certificate of occupancy for the proposed development; (I) upon the development of parcels along the unconstructed portion of Mililani Street in the immediate vicinity of the subject properties, the applicant shall either participate in the construction of Mililani Street or a fair share contribution of its construction (280 feet) at a time and in a manner meeting with the approval of the Department of Public Works; (J) a drainage system, if required, shall be installed meeting with the approval of the Department of Public Works; (K) comply with all applicable laws, rules, regulations and requirements, including those of the Departments of Public Works, Health and Fire; (L) 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; (M) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this 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 with and the Planning Director acknowledges that further reports are not required; and, (N) 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 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:




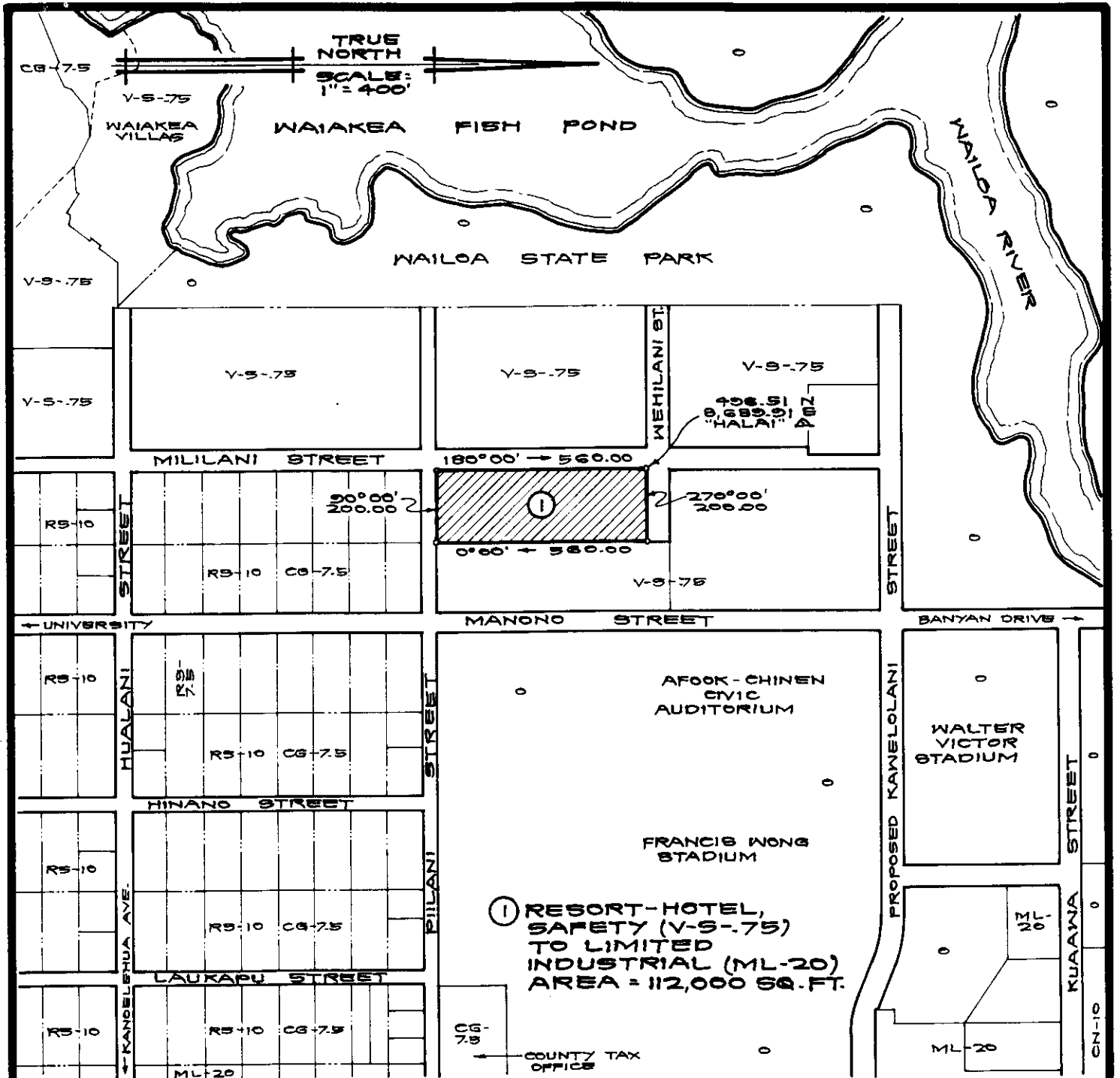
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 21, 1992  
Date of 1st Reading: October 21, 1992  
Date of 2nd Reading: November 5, 1992  
Effective Date: November 20, 1992

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL  
DATED: SEP - 8 1992



## 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 RESORT-HOTEL, SAFETY (V-S-.75) TO LIMITED INDUSTRIAL (ML-20) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK = 2-2-33 : 11, 12, 19 AND 20

AUG. 3, 1992

EXHIBIT "A"

(SUISAN COMPANY, LIMITED)