

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 673

ORDINANCE NO. 92 125

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 2-2-50:6.

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 a 1/2" pipe (set) at the Southeast corner of this piece of land, being also the Southwest corner of Lot 8-B, Block 44 of the Waiakea House Lots 1st Series and on the North side of Kawili Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,893.00 feet South and 9,492.40 feet East and running by true azimuths measured clockwise from South:

- 1. 90° 00' 126.40 feet along the North side of Kawili Street to a spike (set);
2. 180° 00' 100.00 feet along Lot 7, Block 44 of the Waiakea House Lots 1st Series to a nail (set);

3. 270° 00' 117.40 feet along Lot 6, Block 44 of the Waiakea House Lots 1st Series to a 1/2" pipe (set);
4. 0° 00' 40.50 feet along Lot 8-B, Block 44 of the Waiakea House Lots 1st Series to a 1/2" pipe (found);
5. 270° 00' 9.00 feet along Lot 8-B, Block 44 of the Waiakea House Lots 1st Series to a 1/2" pipe (set);
6. 0° 00' 59.50 feet along Lot 8-B, Block 44 of the Waiakea House Lots 1st Series to the point of beginning and containing an area of 12,275 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 for the warehouse and related improvements shall be secured from the Planning Department within one year of the effective date of the change of zone. 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 include a landscaping buffer along the properties' frontage and between the project's eastern and northern boundaries with adjacent residential-zoned parcels; (C) construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two

years thereafter; (D) access to the subject property shall meet with the approval of the Department of Public Works;

(E) roadway improvements to Kawili Street, including curbs, gutters, and sidewalks shall be constructed along the frontage of the property. Said improvements shall be completely constructed in accordance with the requirements of the Department of Public Works prior to receipt of a certificate of occupancy for the proposed development; (F) drainage improvements shall meet with the approval of the Department of Public Works; (G) 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; (H) the method of sewage disposal shall meet with the approval of the appropriate governmental agencies; (I) comply with all other applicable laws, rules, regulations and requirements;

(J) 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 the performance in accordance with the requirements of the Unified Impact Fees Ordinance; (K) 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, (L) 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 the 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

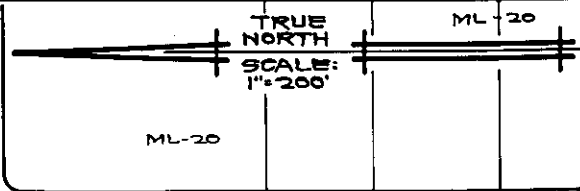
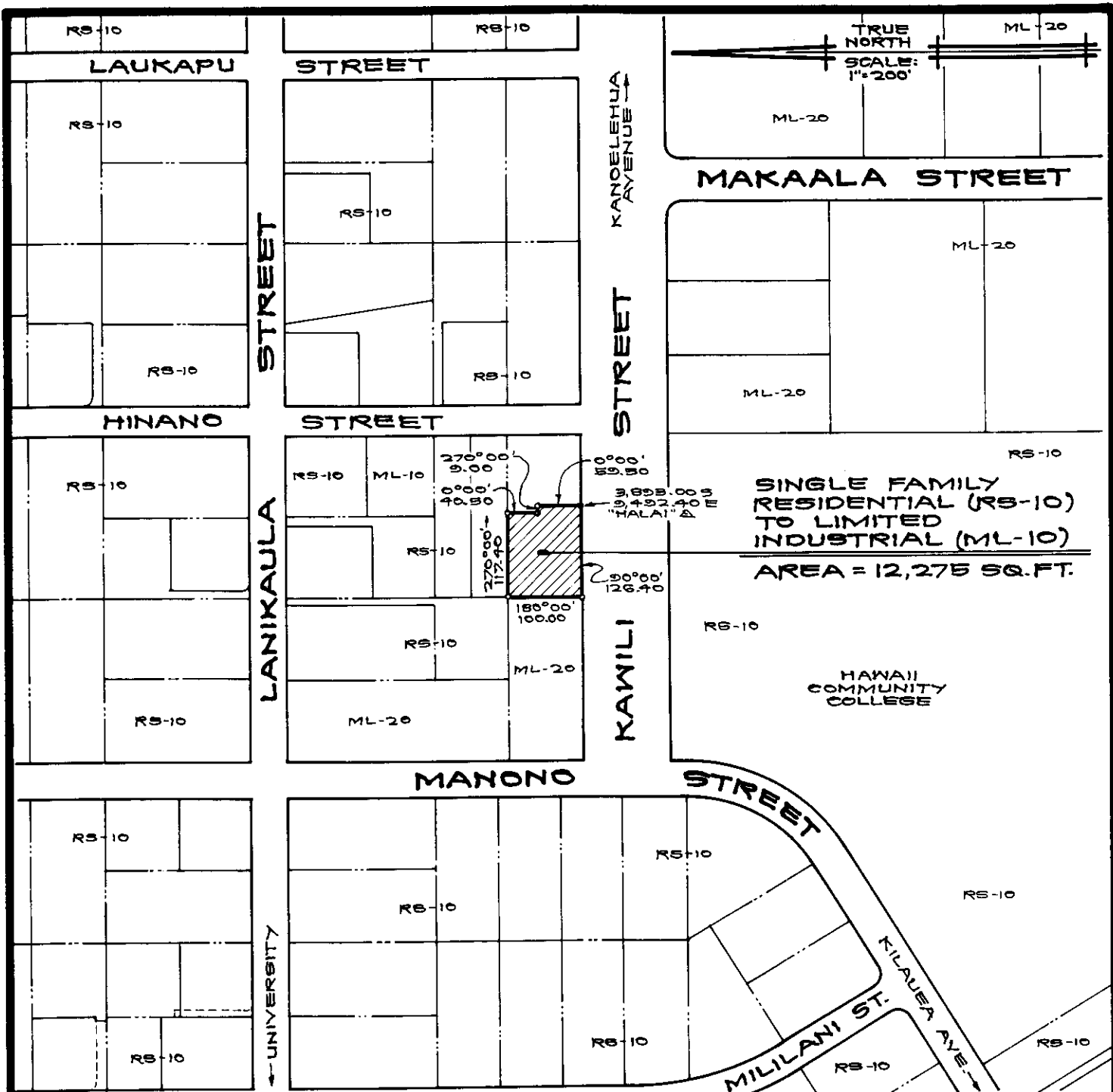
Hilo, Hawaii

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 SINGLE FAMILY RESIDENTIAL (RS-10) TO LIMITED INDUSTRIAL (ML-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK = 2-2-50 : 6

AUG. 3, 1992

EXHIBIT "A"

(HILO SODA WORKS, INC.)