

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 680

ORDINANCE NO. 92 132

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITION E, DELETION OF CONDITION J AND ADDITION OF NEW CONDITIONS J, K, L AND M OF ORDINANCE NO. 85-19, WHICH RECLASSIFIED 11,250 SQUARE FEET OF LAND FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO LIMITED INDUSTRIAL (ML-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-50:PORTION OF 2.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Ordinance No. 85-19 is amended as follows:

"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 Southeast corner of this parcel of land, being also the Southwest corner of Lot 8 (Grant 12,032 to Clement and Katheryn Chaves), Block 44 of the Waiakea House Lots 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 9,366.50 feet East, thence running by azimuths measured clockwise from True South:

1. 90° 00' 112.50 feet along the North side of Kawili Street;
2. 180° 00' 100.00 feet along the remaining portion of Lot 7, Block 44 of the Waiakea House Lots;

3. 270° 00' 112.50 feet along Lot 5 (Grant 10,682 to Mrs. Miulan Y. Kealoha), Block 44 of the Waiakea House Lots;
4. 360° 00' 100.00 feet along Lot 8 (Grant 12,032 to Clement and Katheryn Chaves), Block 44 of the Waiakea House Lots to the point of beginning and containing an area of 11,250 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 petitioner, successors or its assigns shall be responsible for complying with all of the stated conditions of approval of the zone change; (B) plans shall be submitted to the Planning Department for Plan Approval within one year from the effective date of the zone change; (C) construction of the proposed development shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) a drainage system in accordance with the requirement of the Department of Public Works shall be installed; (E) improvements to Kawili Street along the frontage of this subject property shall be constructed, including curbs, gutters, sidewalks, and dedication of the necessary turning radius, and such improvements shall be constructed in accordance with the requirements of the Department of Public Works and completed [within one year from the issuance of final plan approval for the proposed development. In lieu of actual construction

within such period, the petitioner, successors or its assigns shall within one year from the issuance of final plan approval give legal and/or financial assurances meeting with the approval of the Planning Director, Chief Engineer, and the Corporation Counsel for the completion of such improvements within two years thereafter] by September 30, 1993. Further, should an Improvement District or similar arrangements be initiated, the landowner shall automatically participate in such an arrangement; (F) access to the property shall meet with the approval of the Department of Public Works; (G) in the design and review of any future improvements, due consideration for any potential visual impact shall be required. This consideration shall entail the minimization of adverse visual impacts through the appropriate siting, height, bulk, color schemes, signage and landscaping; (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) method of sewage disposal shall meet with the approval of the appropriate governmental agencies; and (J) [all other applicable rules, regulations and requirements, including those of the Department of Water and Fire Department be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate

designation may be initiated.] all other applicable laws, rules, regulations and requirements shall 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 the 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; (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 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 2. Material to be deleted is bracketed. New material is underscored.

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

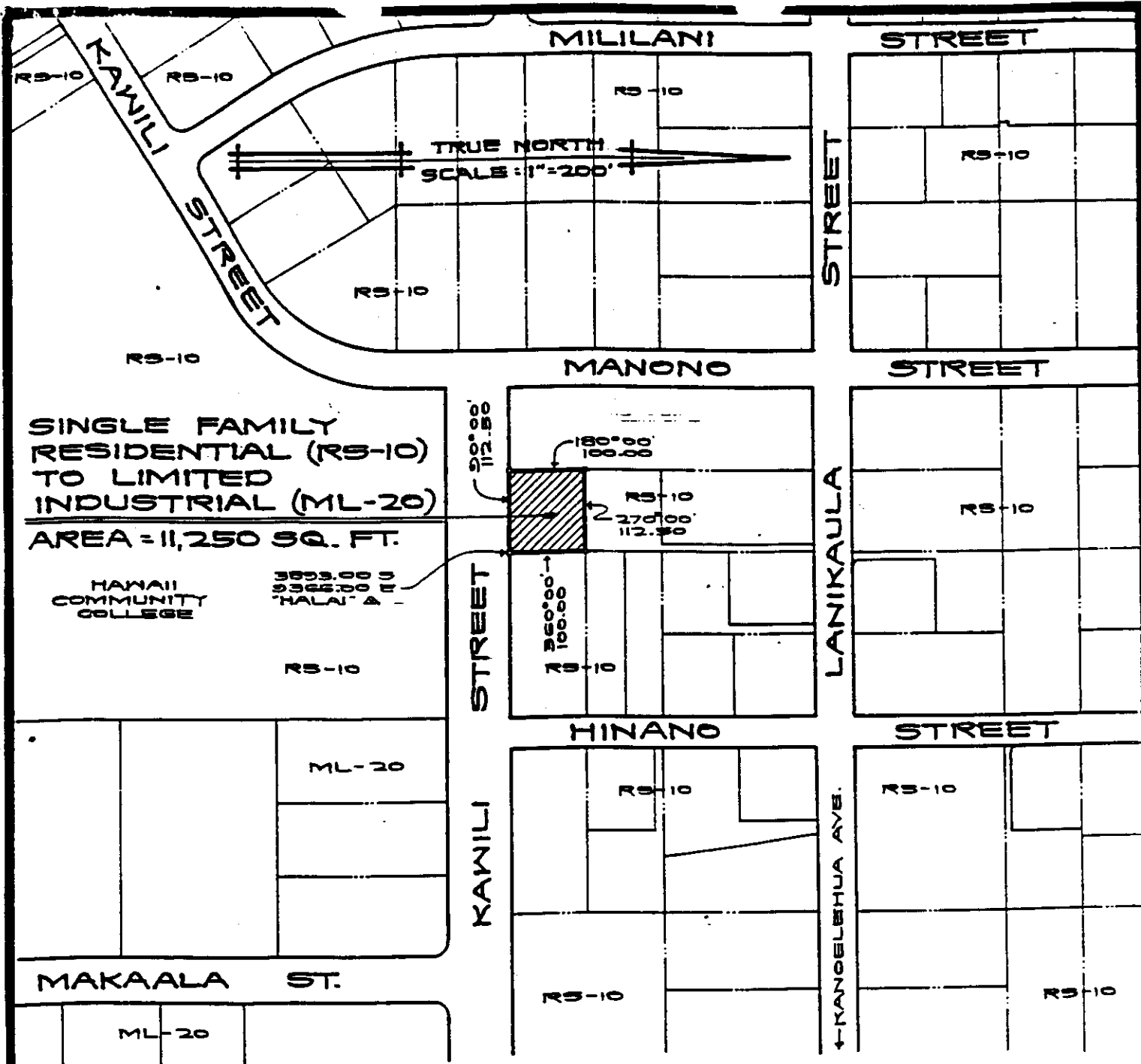
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 5, 1992  
Date of 1st Reading: November 5, 1992  
Date of 2nd Reading: November 18, 1992  
Effective Date: November 27, 1992

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL  
DATE: SEP 22 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-20) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII