

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 681

ORDINANCE NO. 92 133

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 TO ORDINANCE NO. 85-2, WHICH RECLASSIFIED 45,000 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 2-2-50:3 AND PORTION OF 2.

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

SECTION 1. Ordinance No. 85-2 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 properties 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 northeast corner of this parcel of land, being also the northwest corner of Lot 2, Block 44, Waiakea House Lots and of the south side of Lanikaula Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI," being 3,493.00 feet South and 9,253.50 feet East, thence running by azimuths measured clockwise from True South:

- 1. 360° 00' 400.00 feet along Grant 8724 to Cicero and Jeanette Abreu (Lot 2, Block 44, Waiakea House Lots) and along the remainder of Grant 10,682 to Mrs. Miulan Y. Kealoha (remainder of Lot 5,

Block 44, Waiakea House
Lots) and along the
remainder of Grant 12,258
to James Kealoha
(remainder of Lot 7,
Block 44, Waiakea House
Lots);

2. 90° 00' 112.50 feet along Kawili Street;
3. 180° 00' 400.00 feet along Manono Street;
4. 270° 00' 112.50 feet along Lanikaula
Street to the point of
beginning and containing
an area of 45,000 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 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,
Manono and Lanikaula Streets 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 be off Lanikaula and on Manono Streets meeting 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:

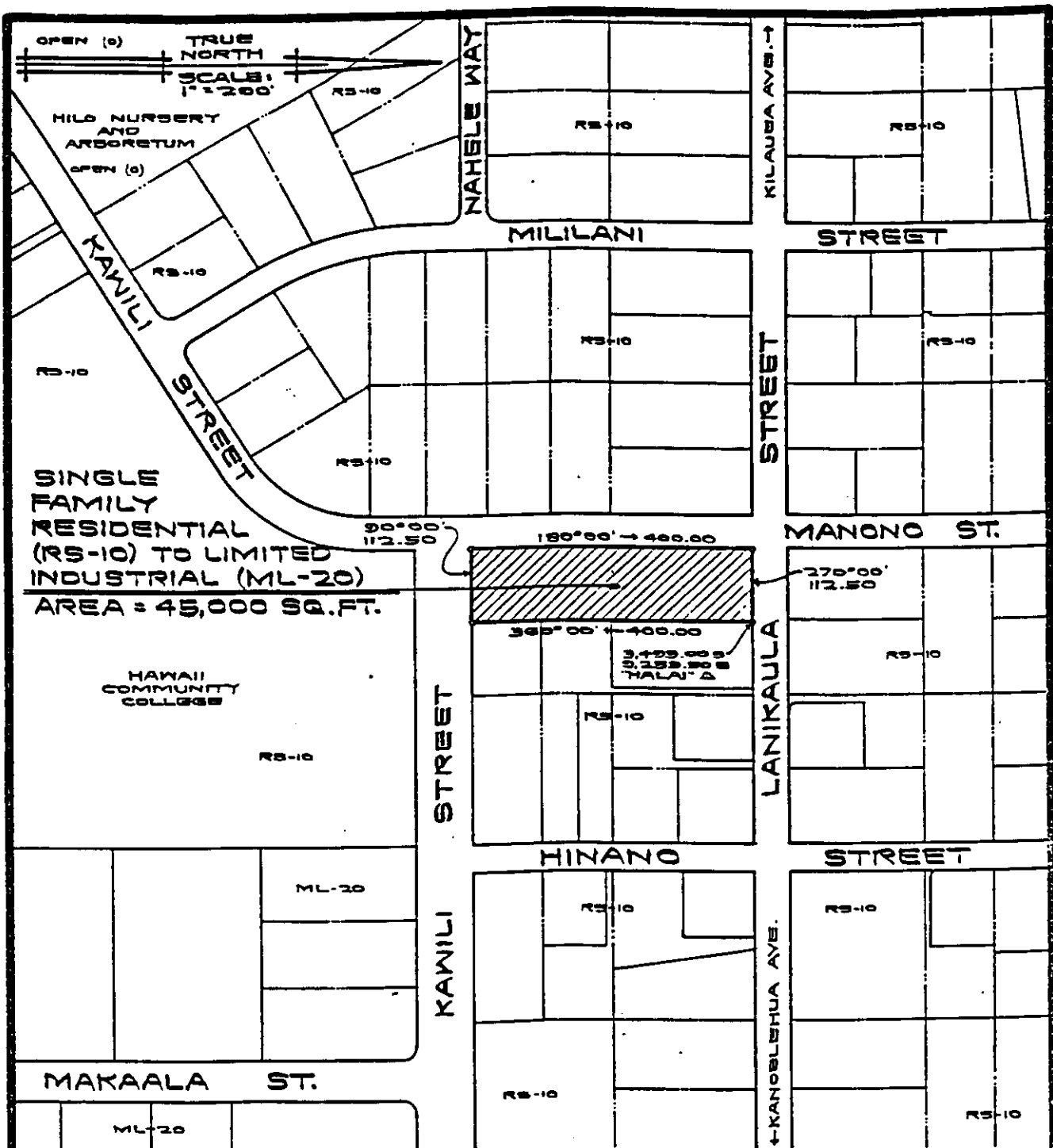

COUNCIL MEMBER, COUNTY OF HAWAII

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