

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 125  
(Draft 3)

ORDINANCE NO. 93 100

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 2-2-50:8.

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 point at the southeast corner of this parcel of land and on the west side of Hinano Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,743.00 feet South and 9,591.00 feet East, thence running by azimuths measured clockwise from True South:

1. 90° 00' 225.00 feet;
2. 180° 00' 50.00 feet along Lot 5, Block 44, Waiakea House Lots;
3. 270° 00' 225.00 feet along Lots 3 and 4, Block 44, Waiakea House Lots, to a point on the west side of Hinano Street;

4. 360° 00'

50.00 feet along the west side of Hinano Street 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 applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval; (B) final Plan Approval for the proposed industrial building and related improvements shall be secured from the Planning Director. 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 property's common boundaries with adjoining properties for the purpose of mitigating any potential adverse noise and visual impacts; (C) construction of the proposed industrial development shall be completed within five (5) years from the effective date of the change of zone ordinance; (D) access to the subject property from Hinano Street shall meet with the approval of the Department Public Works; (E) roadway improvements to Hinano Street, to include curb, gutter and sidewalk improvements and required roadway transition areas, shall be constructed along the project site's entire Hinano Street frontage in a manner meeting with the

approval of the Department of Public Works, prior to the issuance of a certificate of occupancy for any portion of the proposed development. A street light shall also be installed by the applicant at a time and in a manner meeting with the approval of the Department of Public Works; (F) Should any infrastructure improvements related to Lanikaula Street/Hinano Street intersection or Lanikaula Street/Manono Street intersection be required of future developers, the applicants, successors, or assigns of the subject property shall pay for their pro rata share of improvements, as determined by the Planning Director. The pro rata share determination and implementation shall be approved by the Planning Department in consultation with the Department of Public Works; (G) drainage improvements, if required, shall be installed in a manner meeting with the approval of the Department of Public Works prior to the issuance of a certificate of occupancy for any portion of the proposed development; (H) a 10-foot wide road widening strip along the subject property's entire Hinano Street frontage, including all improvements required by Conditions E and F, shall be dedicated to the County prior to the issuance of a certificate of occupancy for any portion of the proposed development; (I) wastewater generated by the proposed development shall be disposed of in a manner meeting with the approval of the Department of Health; (J) should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments,

pavings or wall be encountered, work in the affected area shall cease and the Planning Department immediately notified.


Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (K) comply with all applicable laws, rules, regulations and requirements of the affected agencies; (L) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of this ordinance. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. 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; (M) 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance; and, (N) 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 applicants, 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. 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 adoption.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

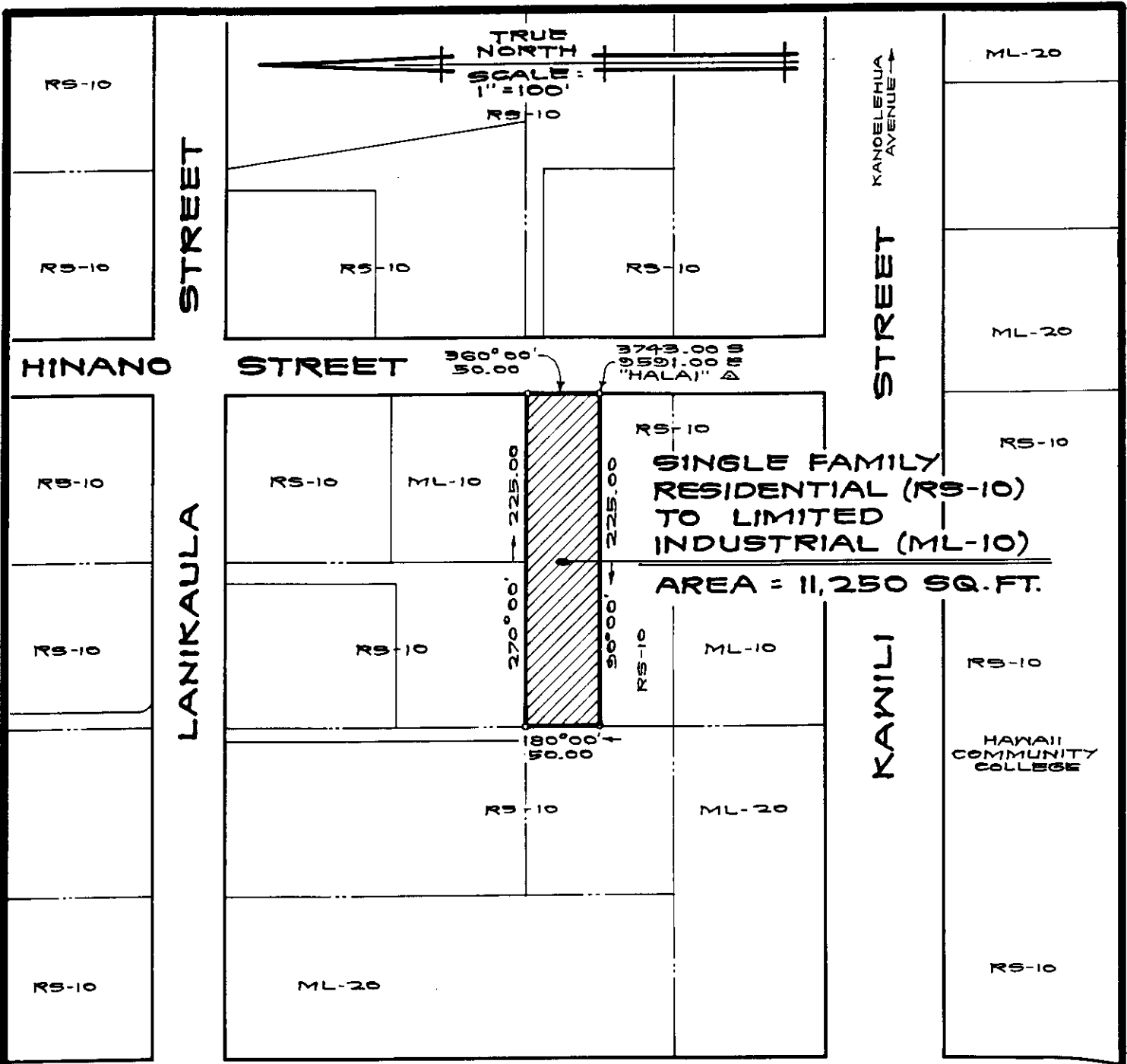
Date of Introduction: September 8, 1993  
Date of 1st Reading: September 8, 1993  
Date of 2nd Reading: September 22, 1993  
Effective Date: October 8, 1993

APPROVED AS TO FORM AND LEGALITY:

  
CORPORATION COUNSEL

DEPUTY

DATED: OCT - 5 1993



← KAM AVE.

MANONO STREET

# AMENDMENT TO THE ZONING CODE

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PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 2-2-50 : 8

JULY 2, 1993