

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 162
(Draft 2)

ORDINANCE NO. 94 5

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-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-50:41 AND 42.

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 a point at the northwest corner of this parcel of land, being also the southeast corner of Lanikaula and Laukapu Streets, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,493.00 feet South and 10,121.00 feet East and running by azimuths measured clockwise from true South:

1. 270° 00' 229.00 feet along southerly side of Lanikaula Street;
2. 0° 00' 200.00 feet along Lots 3-A and 3-B, Block 46, Grant 10321 to Manuel Pavao;

3. 90° 00' 229.00 feet along Lot 5, Block 46, Grant 11760 to Manuel J. and Virginia Tavares to a point at the easterly side of Laukapu Street;
4. 180° 00' 200.00 feet along the easterly side of Laukapu Street to the point of beginning and containing an area of 45,800 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) the applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this ordinance or relating to or connected with the approval of this ordinance; (C) the applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the effective date of this Change of Zone; (D) Final Plan Approval for the proposed industrial building and related improvements shall be secured from the Planning Director. Plans shall include a landscaping buffer along the project

site's boundaries with adjoining single family residential properties for the purpose of mitigating any potential adverse noise and visual impacts. Plans shall also indicate a 5-foot wide road widening strip along the project site's entire Lanikaula Street frontage and a 10-foot wide road widening strip along its Laukapu Street frontage; (E) construction of the proposed industrial development shall be completed within five (5) years from the effective date of the change of zone ordinance; (F) access to the project site from Lanikaula and Laukapu Streets shall meet with the approval of the Department Public Works; (G) roadway improvements, to include curb, gutter and sidewalk improvements and required roadway transition areas, exclusive of access points, shall be constructed along the project site's entire Lanikaula and Laukapu Street frontages 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) 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; (I) a 5-foot wide road widening strip along the project site's entire Lanikaula Street frontage and a 10-foot wide road widening strip along the project site's entire Laukapu Street frontage, including all improvements required by

Conditions G and H, shall be dedicated to the County prior to the issuance of a certificate of occupancy for any portion of the proposed development; (J) should any infrastructure improvements related to Lanikaula Street/Laukapu 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; (K) wastewater generated by the proposed development shall be disposed of in a manner meeting with the approval of the Department of Health; (L) 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; (M) comply with all applicable laws, rules, regulations and requirements of the affected agencies; (N) 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; (O) 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, (P) 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 this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

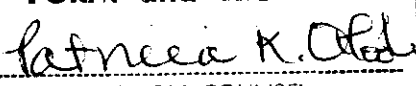
SECTION 4. This ordinance shall take effect upon its approval.

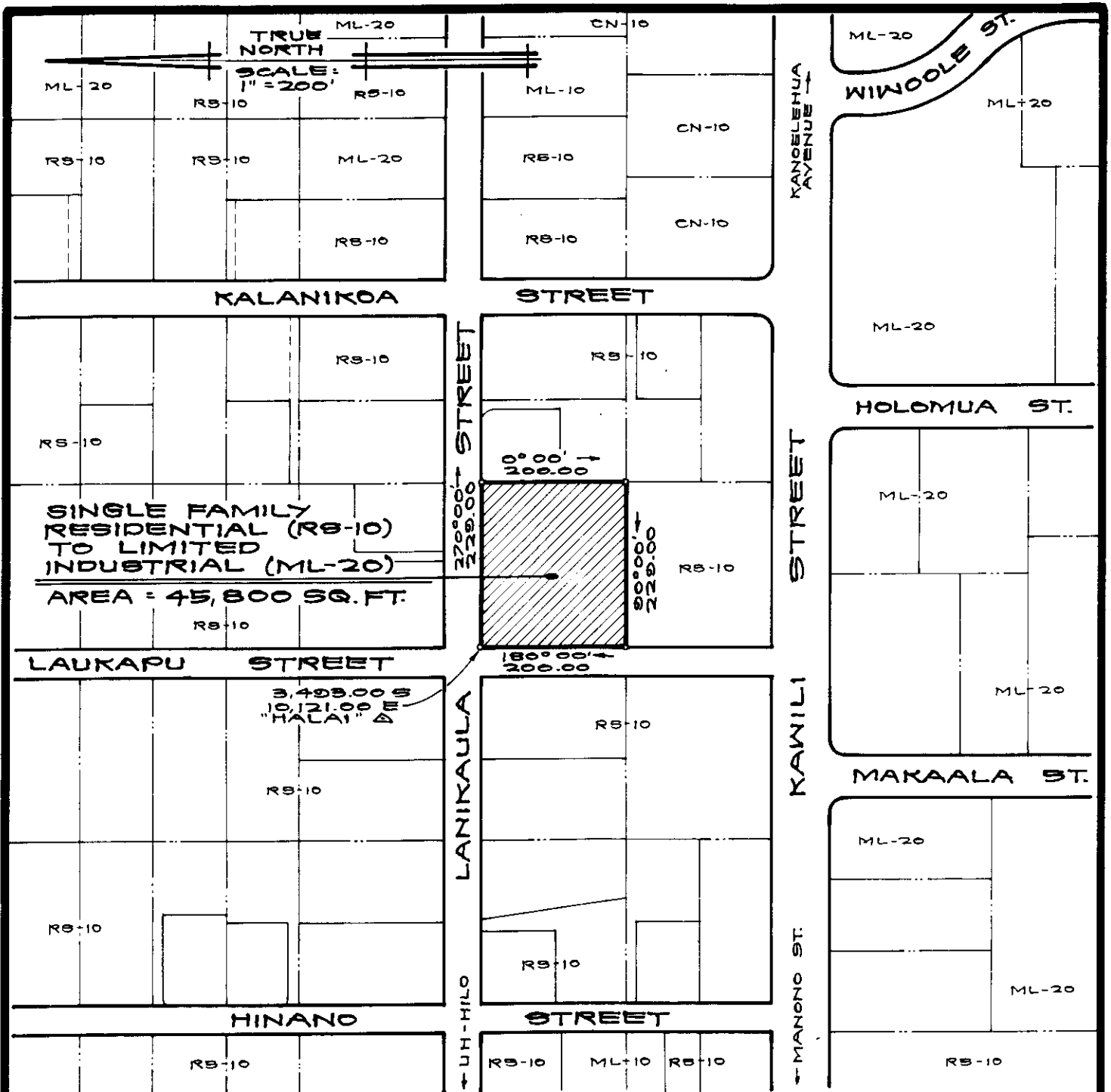
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: December 22, 1993
Date of 1st Reading: December 22, 1993
Date of 2nd Reading: January 12, 1994
Effective Date: January 26, 1994

APPROVED as to FORM and LEGALITY	
	
DEPUTY	CORPORATION COUNSEL COUNTY OF HAWAII
Date	JAN 18 1994



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

TMK : 2-2-50 : 41 AND 42

SEPT. 29, 1993

EXHIBIT "A"

(JAMES M. WINNIMAN)