

COUNTY OF HAWAII      STATE OF HAWAII

BILL NO. 148

ORDINANCE NO. 97 147

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, 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 2-2-35:91.

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

SECTION 1. Section 25-8-33, Article 8, 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 southwest corner of this parcel of land and on the north side of Hualani Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 923.00 feet South and 10,957.25 feet East, thence running by azimuths measured clockwise from true South:

- 1.    180° 00'                    100.00    feet;
- 2.    270° 00'                    105.25    feet along Lot 14, Block 16, Waiakea House Lots, to a point on the proposed new west side of Kanoelehua Street;
- 3.    360° 00'                    100.00    feet along the proposed new west side of Kanoelehua Street;
- 4.    90° 00'                        105.25    feet along the north side of Hualani Street to the point of beginning and containing a gross area of 10,525 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, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance.
- C. Construction of the proposed development and related improvements within the subject property shall be completed within five (5) years from the effective date of this ordinance. This time period shall include securing Final Plan Approval from the Planning Director for the development within the subject property. Plans shall identify structures, fire protection measures, paved and striped parking stalls and driveway and other improvements associated with the proposed uses. Plans shall include a 6-foot wide landscaping buffer along the northern and western boundaries of the subject property. Plans shall also delineate a 5-foot future widening strip along the subject property's Hualani Street frontage.
- D. An overall landscaping master plan and maintenance plan, which includes landscaping along the side property boundaries of the subject property, shall be submitted to the Planning Director for review and approval prior to the issuance of Final Plan Approval.
- E. Driveway access and sidewalk improvements along Kanoelehua Avenue and roadway improvement transition from Kanoelehua Avenue onto Hualani Street,

shall meet the approval of the Department of Transportation and the Department of Public Works, whichever is applicable.

F. Prior to the establishment of any new use or the issuance of a Certificate of Occupancy for any development on the subject property, the applicant shall construct the following roadway improvements along the subject property's Hualani Street frontage, meeting with the approval of the Department of Public Works:

1. Half section roadway improvements on the north side of Hualani Street, consisting of a 16-foot wide A.C. pavement with concrete curb, gutter and sidewalk and drainage improvements within the 50-foot wide right-of-way; and
2. Street lights, signs and markings, if required, shall be installed on Hualani Street, meeting with the approval of the Department of Public Works.

Further, the 5-foot future road widening section fronting the subject property along Hualani Street and roadway improvements thereon shall be subdivided and dedicated to the County of Hawaii upon its completion within five (5) years from the effective date of this ordinance.

G. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of plans for Plan Approval.

H. A drainage system, if applicable, shall be installed, meeting with the approval of the Department of Public Works.

- I. Sewer line connections shall be installed meeting with the requirements of the Department of Public Works.
- J. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property.
- K. Upon compliance with applicable conditions of approval, prior to the opening of the proposed development, the applicant shall submit a final status report, in writing, to the Planning Director.
- L. Should the Council adopt a Unified Impact-Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fee Ordinance.
- M. 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.

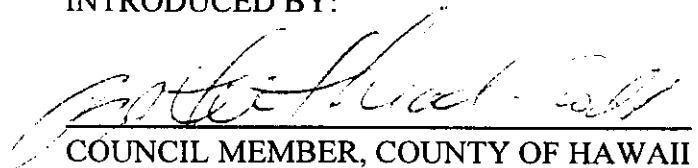
4. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

N. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject property 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

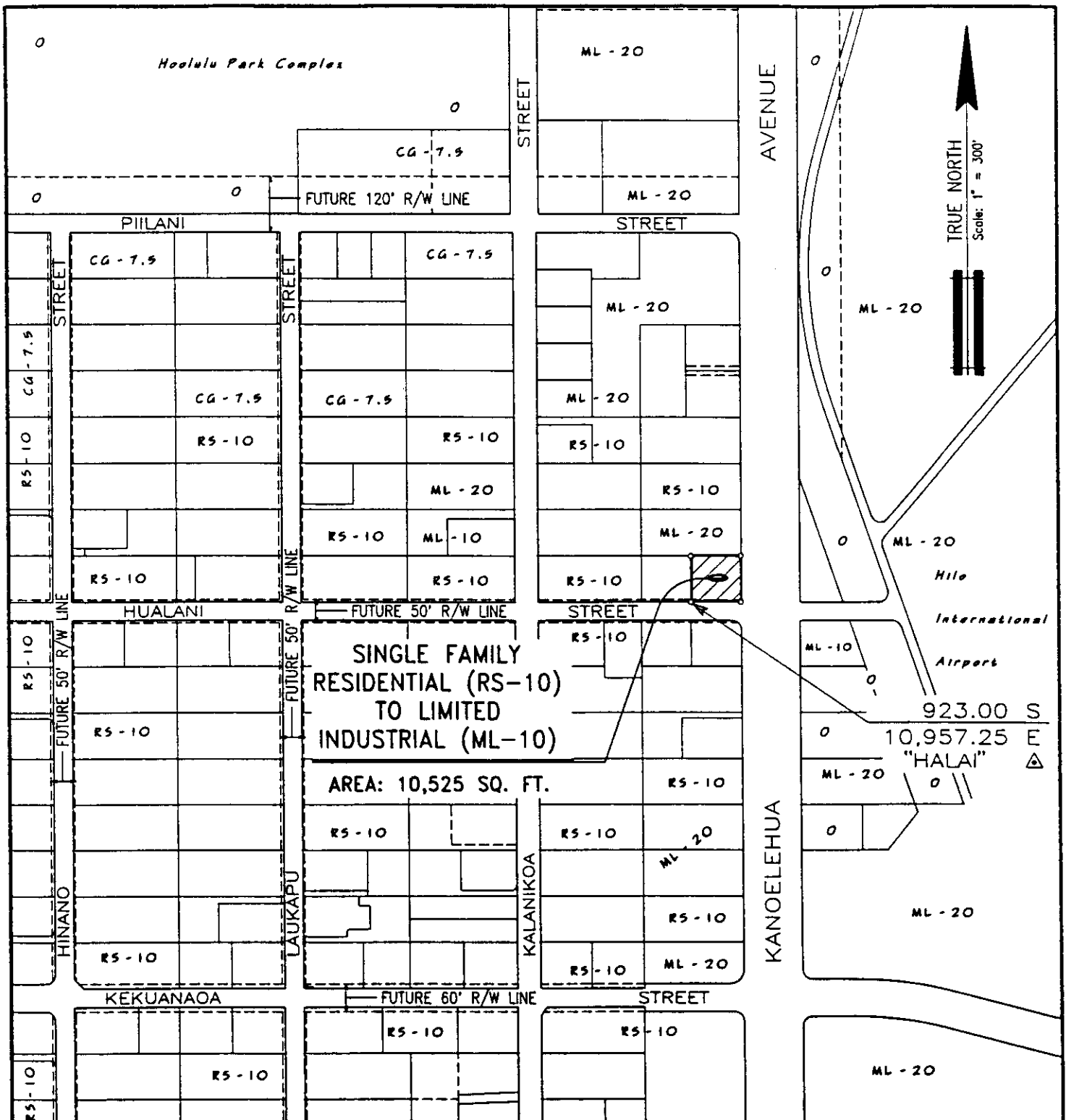
Date of Introduction: November 19, 1997  
Date of 1st Reading: November 19, 1997  
Date of 2nd Reading: December 3, 1997  
Effective Date: December 11, 1997

REFERENCE: Comm. 531

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CORPORATION COUNSEL

DATED: \_\_\_\_\_



# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8, 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



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

'97 DEC 12 AM 8 54

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: November 19, 1997  
 First Reading: November 19, 1997  
 Published: N/A

REMARKS:  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
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Second Reading: December 3, 1997  
 To Mayor: December 8, 1997  
 Returned: December 12, 1997  
 Effective: December 11, 1997  
 Published: December 19, 1997

REMARKS:  
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	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED AS TO  
 FORM AND LEGALITY:

  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Approved/Disapproved this 12/14/97 day  
 of December, 19 97

  
 MAYOR, COUNTY OF HAWAII

  
 COUNCIL CHAIRMAN

  
 COUNTY CLERK

Bill No.: 148  
 Reference: C-531/PC-78  
 Ord. No.: 97 147