

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 88 (Draft 3)

ORDINANCE NO. 01 86

AN ORDINANCE AMENDING ORDINANCE NO. 87-110, WHICH AMENDED 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-20) AT WAIĀKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-37:27.

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

SECTION 1. Ordinance No. 87-110 is amended as follows:

"SECTION 1. Section [25-114] 25-8-33, Article [3] 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 Waiākea, South Hilo, Hawaii, shall be Limited Industrial (ML-20):

Beginning at a point at the Southeast corner of this parcel of land, and on the West side of Kanoelehua Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halai" being 3043.00 feet South and 11062.50 feet East, and running by azimuths measured clockwise from True South:

- 1. 90° 00' 210.50 feet along Lot 10, Block 38, Waiākea House Lots;
2. 180° 00' 100.00 feet along Lot 7, Block 38, Waiākea House Lots;
3. 270° 00' 210.50 feet along Lot 6, Block 38, Waiākea House Lots; to a point on the West side of Kanoelehua Avenue;
4. 360° 00' 100.00 feet along the West side of Kanoelehua Avenue to the point of beginning and containing an area of 21,050 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] The applicant, its successors or assigns shall [comply] be responsible for complying with all of the stated conditions of approval[;].
  
- (B) [plans for the proposed development, including landscaping and parking, shall be submitted for plan approval review within one year from the effective date of approval of the change of zone. The plan shall include the use of heavy landscaping along the property lines with the adjacent Single Family Residential (RS) zoned lots;] Construction of any development on the subject property shall be completed within five (5) years from the effective date of this amendment. Prior to commencing construction, Final Plan Approval shall be secured from the Planning Director in accordance with Chapter 25-2-72, 25-2-73, and 25-4-7 of the Zoning Code. Plans shall identify the proposed structures, landscaping, fire protection measures, paved driveway and parking stalls associated with the proposed uses. A Landscaping Plan shall be submitted in accordance with Rule 17 (Landscaping Requirements) for the purpose of mitigating any adverse noise or visual impacts to adjacent residential properties.
  
- [(C) construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter;]
  
- [(D)](C) [in] In the design and review of the proposed development, 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[;].

[(E)](D) [any] 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 Director may impose additional mitigating measures in order to eliminate the nuisance[;].

[(F)](E) [there] There shall be only one access from Kanoelehua Avenue [meeting] and it shall meet with the approval of the State Department of Transportation, Highways Division[;].

[(G)](F) [a] A drainage system meeting with the requirements of the Department of Public Works shall be installed[; and].

[(H)](G) The applicant shall comply with all [other] applicable laws, rules, regulations and requirements [shall be complied with] of other affected agencies for approval of the proposed development within the subject property.

[SECTION 3.]H. Should the [council] Council adopt a [Uniform] Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein [may be satisfied by performance in accordance with] shall be credited toward the requirements of the [Uniform] Unified Impact Fees Ordinance.

I. [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 owners 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] 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.

[(I)]J. [Further, should] Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject area to its original or more appropriate designation.

SECTION 3. Material to be deleted is bracketed. New material is underscored.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 5. This ordinance shall take effect upon its approval."

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i

Date of Introduction: September 12, 2001

Date of 1st Reading: September 12, 2001

Date of 2nd Reading: September 25, 2001

Effective Date: October 3, 2001

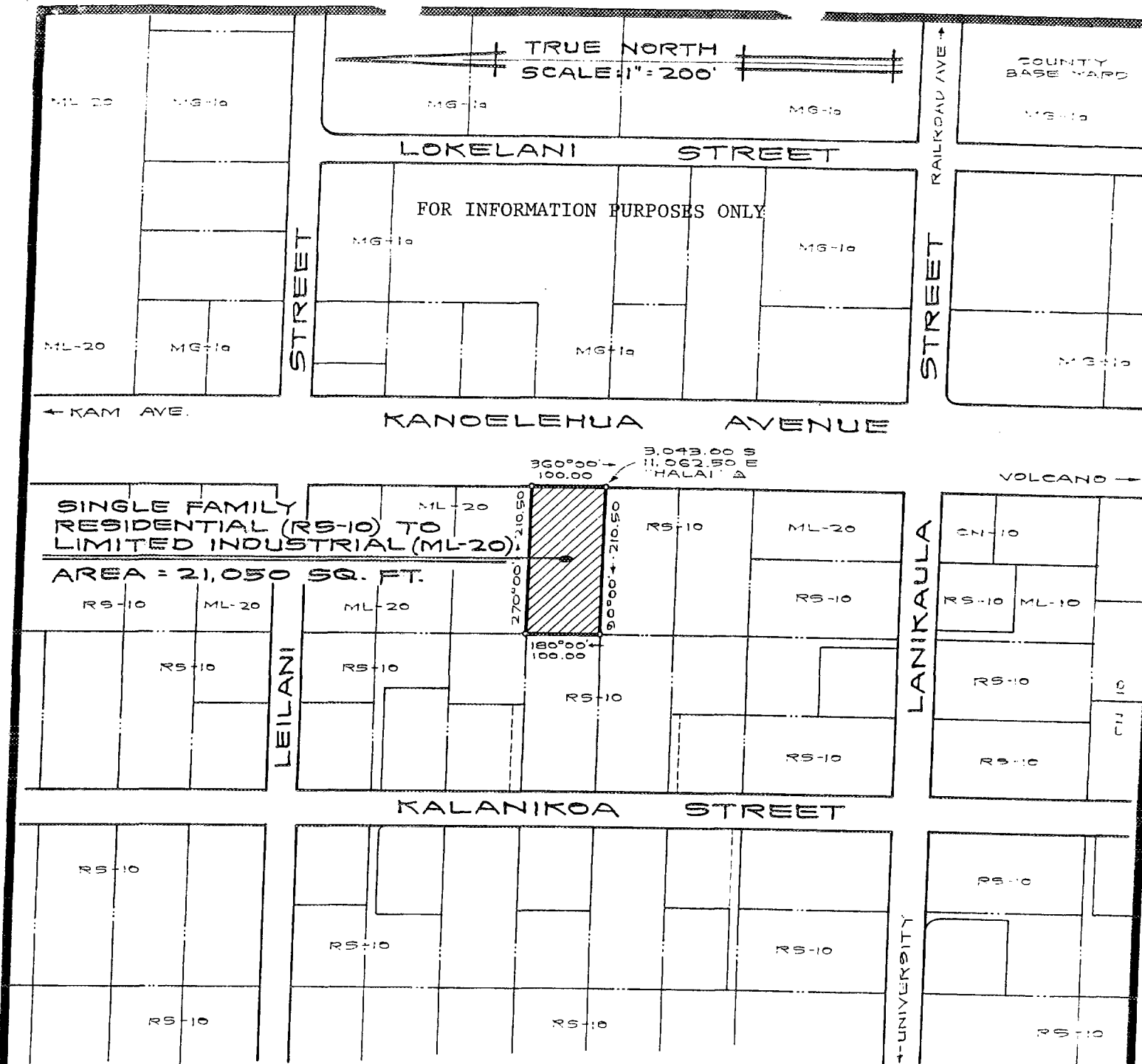
REFERENCE: Comm. 298.2

APPROVED AS TO FORM AND LEGALITY

**DEPUTY**

  
CORPORATION COUNSEL

DATED: 10/01/01



# 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

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 3)

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: September 12, 2001  
 First Reading: September 12, 2001  
 Published: \_\_\_\_\_

REMARKS: \_\_\_\_\_  
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 \_\_\_\_\_  
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Second Reading: September 25, 2001  
 To Mayor: September 27, 2001  
 Returned: October 4, 2001  
 Effective: October 3, 2001  
 Published: October 18, 2001

REMARKS: \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Safarik	X			
Tyler	X			
Yagong	X			
	9	0	0	0

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Tyler	X			
Yagong	X			
	9	0	0	0

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

APPROVED AS TO  
FORM AND LEGALITY:

  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 10/18/01

  
 Acting COUNCIL CHAIRMAN



COUNTY CLERK

Bill No.: 88 (Draft 3)

Reference: C-298.2/PC-39

Ord No.: 01 86

Approved/Disapproved this 3<sup>rd</sup> day  
 of October, 20 01

  
 MAYOR, COUNTY OF HAWAII