

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 410
(Draft 2)

ORDINANCE NO. 87 109

AN ORDINANCE AMENDING SECTION 25-107, (PAHOA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO THE MODIFICATION OF CONDITION TO ORDINANCE NO. 86-107 WHICH RECLASSIFIED CERTAIN LAND FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO VILLAGE COMMERCIAL (CV-10) AT WAIAKAHIULA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-5-13:26, 27 AND PORTION OF 44.

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

SECTION 1. Section 25-107, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to modify Condition E of Ordinance No. 86-107 as follows:

"SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) plans for the consolidation of the affected lots shall be submitted within six months from the effective date of the change of zone; (C) plans for the proposed development shall be submitted to the Planning Department for plan approval review within one year from the date of receipt of the consolidation action; (D) construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (E) a [15] 10-foot wide road widening strip along the length of Pahoa Road shall be delineated on the plans submitted for plan approval review. No structural improvements

shall be allowed within this road widening strip. Further, the applicable building setbacks shall be taken from the future road widening strip. Any required parking, landscaping or curbs, gutters and sidewalks[, however,] may be allowed within this road widening strip; provided that when improvements are made to widen the Pahoa Road, the applicant, successors or assigns shall be required to remove any improvements within this 10-foot wide strip which are not related to the road widening project and shall provide the parking as then required by the Zoning Code (Hawaii County Code, Chapter 25, as amended); (F) at the time the property is developed, curbs, gutters and sidewalks shall be provided within the property along the frontage of both the private road and the Pahoa Road meeting with the approval of the Department of Public Works; (G) access to the property shall meet with the approval of the Department of Public Works; (H) a drainage system shall be installed meeting with the approval of the Department of Public Works; [and] (I) all other applicable rules, regulations and requirements, including those of the Fire Department and the State Department of Health, shall be complied with; and (J) an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: a) 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;

b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; d) 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 e) if an additional extension of time is required, the Planning Director shall submit the 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 Planning Director may initiate rezoning of the area to its original or more appropriate designation."

[The Planning Director may administratively grant extension to the foregoing time conditions. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the area to its original or more appropriate designation."]

SECTION 2. Should the council adopt A Uniform 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 the requirements of the Uniform Impact Fees Ordinance.

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 [2]4. Material to be deleted is bracketed. New material is underscored.

SECTION [4]5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	October 7, 1987
Date of 1st Reading:	October 7, 1987
Date of 2nd Reading:	October 21, 1987
Effective Date:	October 28, 1987