

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 428
(Draft 2)

ORDINANCE NO. 87 119

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 GENERAL COMMERCIAL (CG-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-22:13.

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 General Commercial (CG-20):

Beginning at the pipe at the North corner of this lot, the West corner of Lot 7, Block 72, and on the South side of Road (60 feet wide), the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2050.37 feet South and 6150.97 feet East, as shown on Government Survey Registered Map No. 2705, and running by true azimuths:

- 1. 328° 10' 240.0 feet along Lot 7;
- 2. 58° 10' 86.0 feet along Lot 15;
- 3. 148° 10' 240.0 feet along Lot 9;
- 4. 238° 10' 86.0 feet along South side of Road (60 feet wide) to the point of beginning and containing approximately 20,640 square feet, more or less.

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 its assigns shall be responsible for complying with all of the stated conditions of approval; (B) plans for the proposed development shall be submitted to the Planning Department for plan approval review within one year from the effective date of the zone change; (C) construction of the proposed development shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) curbs, gutters, and sidewalks shall be constructed along the frontage of the subject property in accordance with the standards of the Department of Public Works, in the event that: a) either of the adjoining property is rezoned for commercial use and is required to install curbs, gutters and sidewalks, at which time the applicant shall install the required improvements concurrently with the adjoining property, or b) the County Government authorizes an improvement district for Lanihuli Street, for the purpose of installing curbs, gutters and sidewalks, whereupon the applicant shall automatically participate, or c) the County Council demands that such improvements be immediately installed. The issuance

of an occupancy permit shall not be subject to the condition that curbs, gutters and sidewalks be physically in place along the frontage of the subject property; (F) all other applicable rules, regulations, and requirements shall be complied with; (G) 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 Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. 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 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

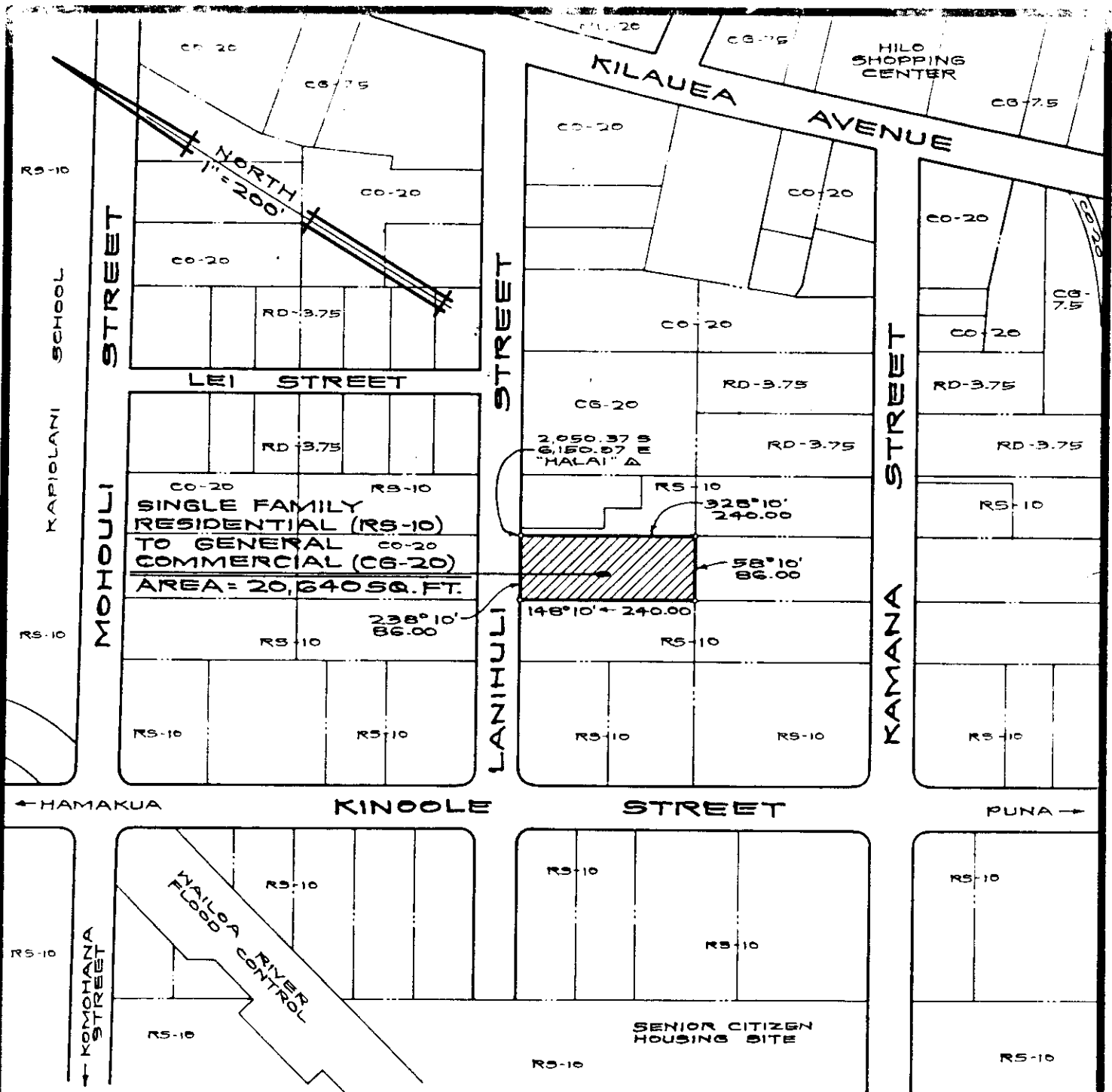
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 4, 1987
Date of 1st Reading: November 4, 1987
Date of 2nd Reading: November 18, 1987
Effective Date: November 30, 1987



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 GENERAL COMMERCIAL (CG-20) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 2-2-22:13

SEPT. 14, 1987