

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 462

ORDINANCE NO. 88 15

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO THE MODIFICATION OF CONDITIONS TO ORDINANCE NO. 85 83, COUNTY OF HAWAII/RECLASSIFIED CERTAIN LAND FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO OFFICE COMMERCIAL (CO-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-21:7 AND 46.

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 Office Commercial (CO-20):

Beginning at the southeast corner of this parcel of land, the south corner of Lot 17, Grant 9003 to Chow Ling Iuo and on the northwest side of Lanihuli Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1999.38 feet South and 6119.31 feet East and running by azimuths measured clockwise from True South:

- 1. 58° 10' 86.00 feet along the northwest side of Lanihuli Street;
2. 148° 10' 242.00 feet along Lot 15, Grant 9307 to Manuel C. Luiz;
3. 238° 10' 86.00 feet along Lot 9, Grant 9699 to Mary B. Morris;

4. 328° 10' 242.00 feet along Lot 17, Grant 9003 to Chow Ling Iuo to the point of beginning and containing an area of 20,812 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 petitioner, 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] this amendment; (C) construction and/or renovations to the existing building for the proposed use 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 property in accordance with the standards of the Department of Public Works prior to issuance of an occupancy permit; [and] (F) all other applicable rules, regulations and requirements shall be complied with[. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated]; and (G) an initial extension of time for the performance 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 applicants, 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 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. 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. Material to be deleted is bracketed. New material is underscored.

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

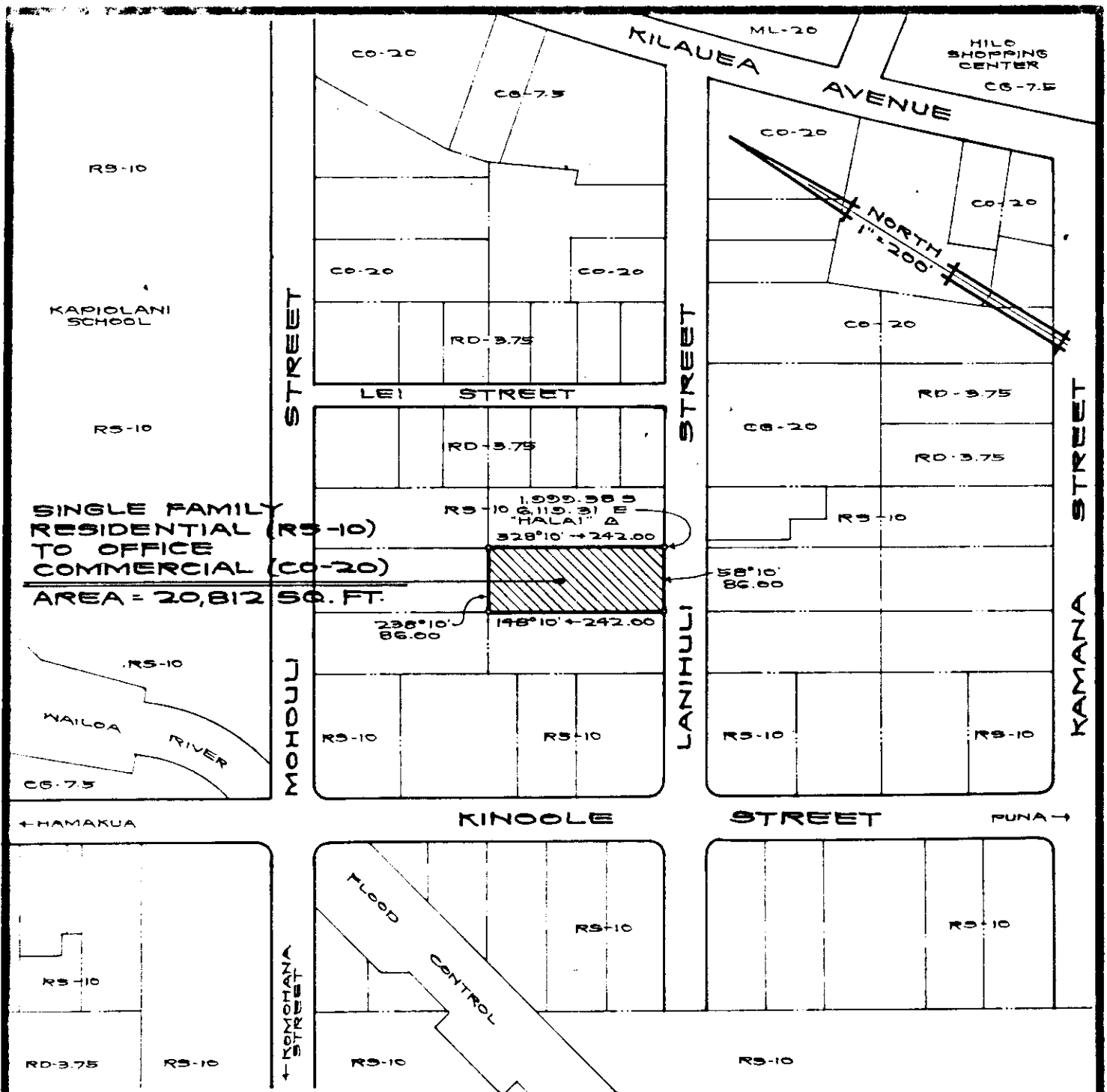
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	January 18, 1988
Date of 1st Reading:	January 18, 1988
Date of 2nd Reading:	February 3, 1988
Effective Date:	February 16, 1988



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 OFFICE COMMERCIAL (CO-20) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII