

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 647

ORDINANCE NO. 88 165

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 MULTIPLE FAMILY RESIDENTIAL (RM-1) AND OPEN (O) TO AGRICULTURAL(A-3a) AT PUUEO, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-6-08:10 AND POR. 25.

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 Puueo, South Hilo, Hawaii, shall be Agricultural (A-3a):

Beginning at the southeast corner of this parcel of land, on the west side of Wainaku Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 4,852.03 feet north and 1,558.62 feet east and running by azimuths measured clockwise from True South:

1. 82° 27' 337.41 feet along portion of Commissioners of Crown Lands to Thomas Spencer;
2. 163° 45' 72.01 feet along portions of Commissioners of Crown Lands to Thomas Spencer and R. P. 4687, L. C. Aw. 4809, Apana 2 to Moses Lo;

- | | | |
|----|----------|---|
| 3. | 161° 40' | 189.00 feet along portions of R. P. 4687, L. C. Aw. 4809, Apana 2 to Moses Lo and Commissioners of Crown Lands to Thomas Spencer; |
| 4. | 274° 00' | 355.50 feet along the south side of Waipahoehoe Lane; |
| 5. | 341° 40' | 189.00 feet along the west side of Wainaku Street to the point of beginning and containing an area of 1.703 Acres. |

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 comply with all of the stated conditions of approval; (B) final Plan Approval shall be secured from the Planning Department within one year from the effective date of the change of zone. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted; (C) construction of the mortuary/chapel building and related improvements shall commence within one year from the official date of receipt of Final Plan Approval and be completed within two years thereafter; (D) a drainage system shall be installed meeting with the approval of the Department of Public Works;


(E) access(es) to the property from Wainaku Street shall meet with the approval of the Department of Public Works; (F) all other applicable County and State laws, rules, regulations and requirements, including those of the State Department of Health, shall be complied with; (G) should the council adopt a Unified Impact Fees ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (H) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the zone change. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; and, (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 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; and 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 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. In the event that any portion of the ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

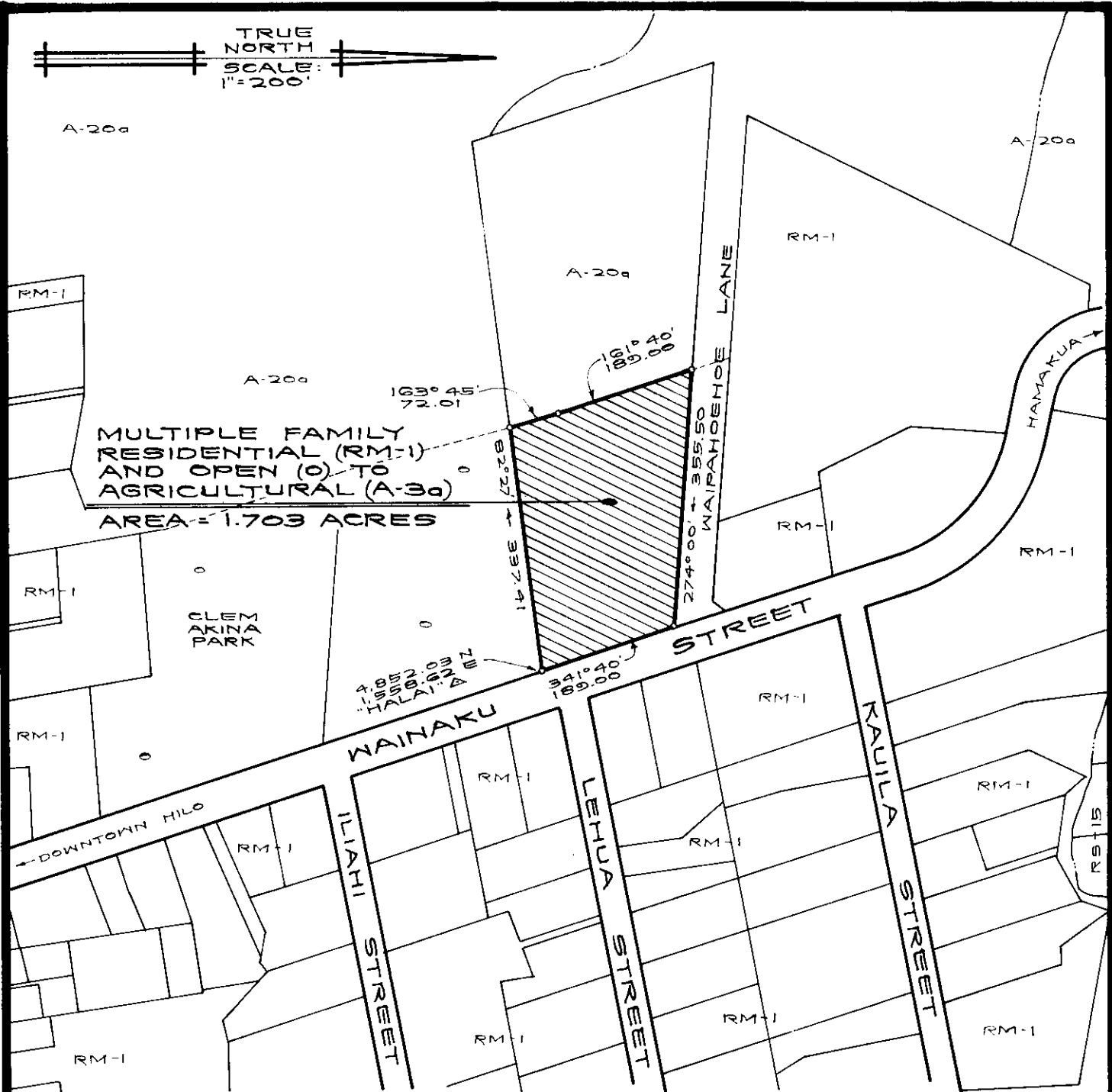
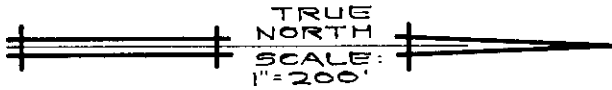
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 19, 1988
Date of 1st Reading: October 19, 1988
Date of 2nd Reading: November 2, 1988
Effective Date: November 7, 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 MULTIPLE FAMILY RESIDENTIAL (RM-1) AND OPEN (O) TO AGRICULTURAL (A-3a) AT PUUEO, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 2-6-08:10 AND POR. 25

SEPT. 7, 1988