

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 624

ORDINANCE NO. 88 169

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 OFFICE COMMERCIAL (CO-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-22:29.

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 Southwest corner of this parcel of land, the Southeast corner of Lot 1-B-2 and along the North side of Kamana Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2,742.47 feet South and 5,946.23 feet East, thence running by azimuths measured clockwise from True South:

1. 148° 10' 88.00 feet along Lot 1-B-2;
2. 238° 10' 127.00 feet along a 12-foot roadway, a portion of Lot 1-B-2;

Thence along a curve to the right with a radius of 10.00 feet, the chord azimuth and distance being:

3. 283° 10' 14.14 feet;
4. 328° 10' 58.00 feet along the West side of Kinoole Street;

Thence along a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

5. 13° 10' 28.28 feet;
6. 58° 10' 117.00 feet along the North side of Kamana Street to the point of beginning and containing an area of 11,949 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. Section 1 of this ordinance shall take effect forthwith upon the following conditions: (A) the applicant, successors or assigns shall comply with all of the stated conditions of approval; (B) plans for the conversion of the existing building for office use(s), including parking and landscaping, shall be submitted for Plan Approval within one year from the effective date of the change of zone; (C) the propose use shall be established within one year from the receipt of final plan approval; (D) the driveway from Kinoole Street shall be for egress only, ingress to the property shall be only from Kamana Street. Should the applicant desire to use Kamana Street to ingress and egress the property, approval from the Department of Public Works is required. Further, a planting screen easement shall be provided along the Kinoole Street frontage; (E) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (F) all other applicable laws, rules, regulations and requirements 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:	November 2, 1988
Date of 1st Reading:	November 2, 1988
Date of 2nd Reading:	November 16, 1988
Effective Date:	November 25, 1988

