

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 4

ORDINANCE NO. 89 33

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 NEIGHBORHOOD COMMERCIAL (CN-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-26:20.

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 Neighborhood Commercial (CN-10):

Beginning at the south corner of this parcel of land, being the southeast corner of 30-foot wide Railroad Right-of-Way and on the northwesterly side of Kawili Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 5,021.40 feet South and 7,355.10 feet East, thence running by azimuths measured clockwise from True South:

1. 148° 10' 75.30 feet along 30-foot wide Railroad Right-of-Way;
2. 238° 10' 242.00 feet along Lot 2-A and Lot 2-B, being portions of Grant 9139 to Herbert G. and Mary Elizabeth Rowland;
3. 328° 10' 55.30 feet along Kinoole Street;
4. Thence along Kawili Street, along a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
13° 10' 28.28 feet;

5. 58° 10' 222.00 feet along Kawili Street to the point of beginning and containing an area of 18,136 Square Feet or 0.41635 Acre.

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 assigns shall be responsible for complying 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 proposed development shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) Access(es) to the property shall meet with the approval of the Department of Public Works. Further, ingress to the property from Kinoole Street will be restricted to right-turn in movement only and that left-turn in movement into the property is prohibited. Egress onto Kinoole Street is also prohibited; (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.

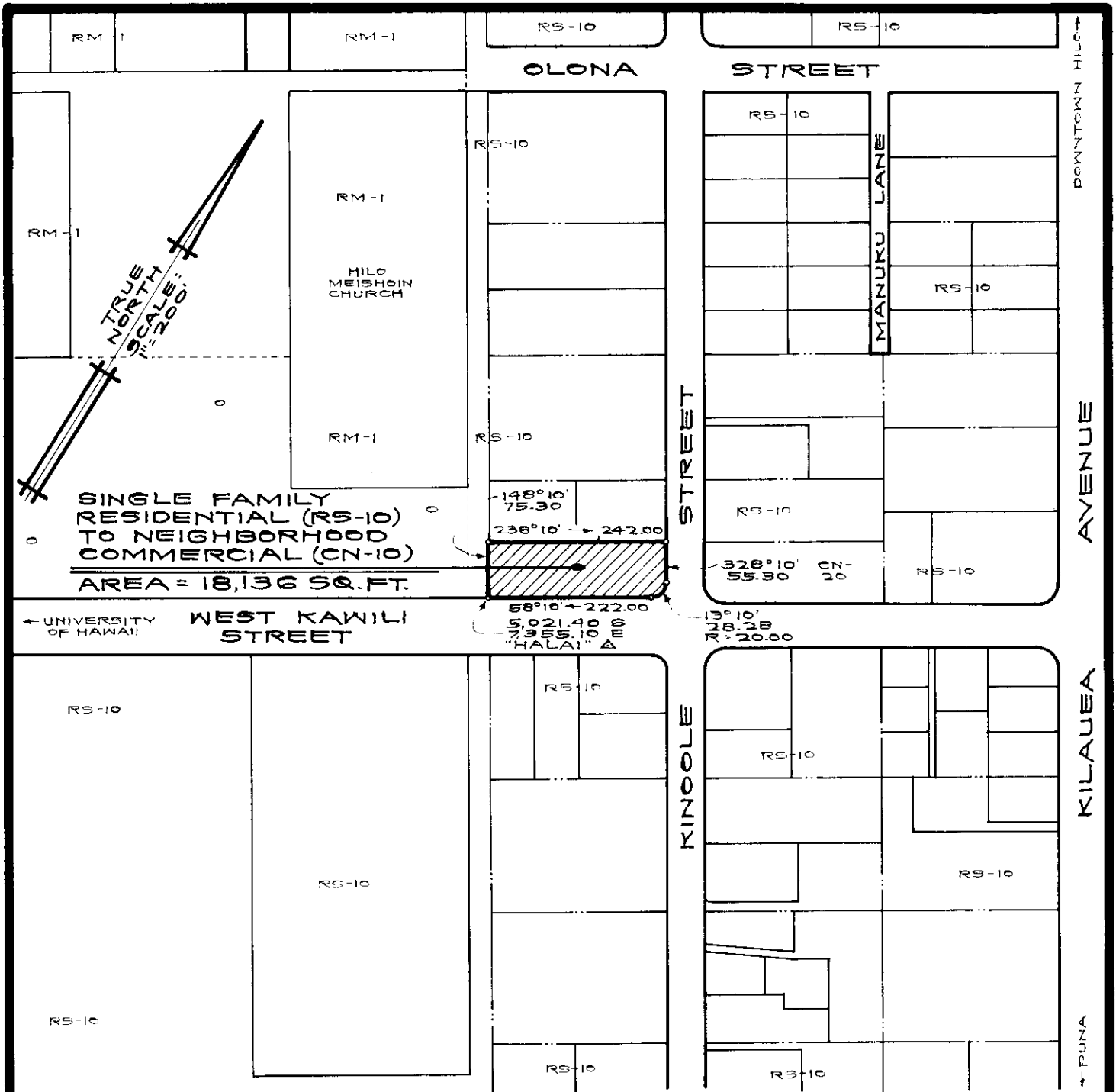
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 1, 1989
Date of 1st Reading: February 1, 1989
Date of 2nd Reading: February 15, 1989
Effective Date: February 23, 1989



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 NEIGHBORHOOD COMMERCIAL (CN-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 2-2-26:20

OCT. 19, 1988