

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 188
(Draft 2)

ORDINANCE NO. 90 38

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 2-2-22:23.

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 a pipe in concrete at the northeasterly corner of this parcel of land and on the southeast side of Lanihuli Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2272.96 feet South and 5792.45 feet East and running by azimuths measured clockwise from True South:

1. Following along Lanihuli Street, along a curve to the right having a radius of 20.00 feet, the chord azimuth and distance being:
283° 10' 28.28 feet;
2. 328° 10' 60.00 feet along the southwest side of Kinoole Street;
3. 58° 10' 237.00 feet along the remainder of Grant 8836 to Mrs. Marie F. Soares (Lot 5, Block 73 of Waiakea House Lots, Second Series);

4. 148° 10' 80.00 feet along Grant S-15102 to Hawaii Housing Authority;
5. 238° 10' 217.00 feet along the southeast side of Lanihuli Street to the point of beginning and containing an area of 18,874 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 applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) Final Plan Approval for the proposed office renovation and related improvements shall be secured within one year from the effective date of this Ordinance. 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; (C) A certificate of occupancy for the proposed office shall be secured within one year from the receipt of Final Plan Approval; (D) Lanihuli Street shall be paved from Kinoole Street to the western edge of the driveway access leading to the property or 125 feet from the Kinoole Street intersection, whichever is greater. Curbs, gutters, and sidewalks shall be constructed along the frontage of the property from Kinoole Street to the end of the required pavement. These improvements shall be constructed in accordance with the approval of the Department of Public Works

prior to the issuance of a certificate of occupancy. Further, should the adjacent property to the north identified by TMK: 2-2-21:43 be similarly rezoned, the applicant shall then construct curbs, gutters, and sidewalks along the remainder of the property's frontage with Lanihuli Street; (E) No direct access to Kinoole Street shall be permitted; (F) All applicable County and State laws, rules, regulations and requirements 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 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 applicant, 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 shall initiate rezoning of the area to its original or more appropriate designation.

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

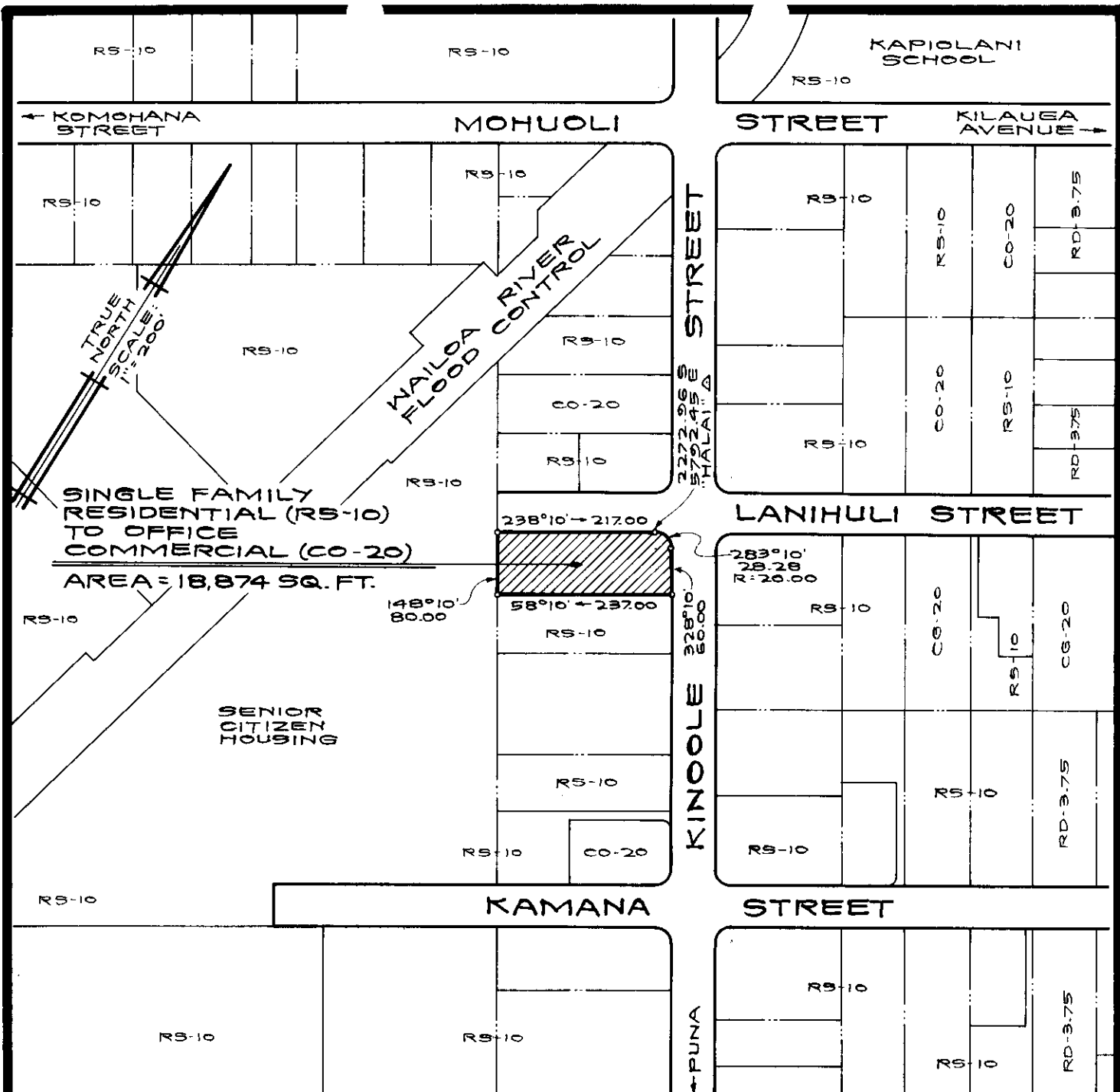
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 23, 1990
Date of 1st Reading: March 23, 1990
Date of 2nd Reading: April 4, 1990
Effective Date: April 12, 1990



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

TMK: 2-2-22: 23

AUG. 2, 1989