

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 443

ORDINANCE NO. 91 70

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 OFFICE COMMERCIAL (CO-20) TO GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-23:18.

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 General Commercial (CG-7.5):

Beginning at a pipe at the Southeast corner of this parcel of land and on the West side of Kilauea Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2,399.17 feet South and 6,938.93 feet East, and running by azimuths measured clockwise from true South:

- 1. 58° 10' 227.78 feet to a pipe;
- 2. 148° 10' 85.56 feet to a pipe;
- 3. 242° 31' 86.31 feet to a pipe;
- 4. 250° 06' 155.00 feet along Lot 4, Block 82 Waiakea House Lots, Second Series and Grant 7818 to M. S. Morgado to a pipe on the West side of Kilauea Avenue;

5. 340° 06' 48.00 feet along the West side of Kilauea Avenue to the point of beginning and containing an area of 16,400 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 shall be secured from the Planning Department within one year from the effective date of the zone change. 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. Plans shall identify structures, landscaping, and parking stalls associated with the proposed use; (C) construction of improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter; (D) access shall meet with the approval of the Department of Public Works. The sidewalk fronting the subject property along Kilauea Avenue shall be entirely

reconstructed to commercial standards in a manner meeting with the approval of the Department of Public Works prior to the issuance of a certificate of occupancy for the proposed commercial use; (E) a ten-foot wide road widening strip within the property along Kilauea Avenue shall be delineated on the plans submitted for plan approval review. No structural improvements shall be allowed within this road widening strip. Further, the applicable setbacks shall be taken from the future road widening strip. Any required landscaping, however, may be allowed within this road widening strip; (F) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (G) all other applicable laws, rules, regulations and requirements shall be complied with; (H) 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; (I) 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, (J) 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) the 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;
- 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 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:

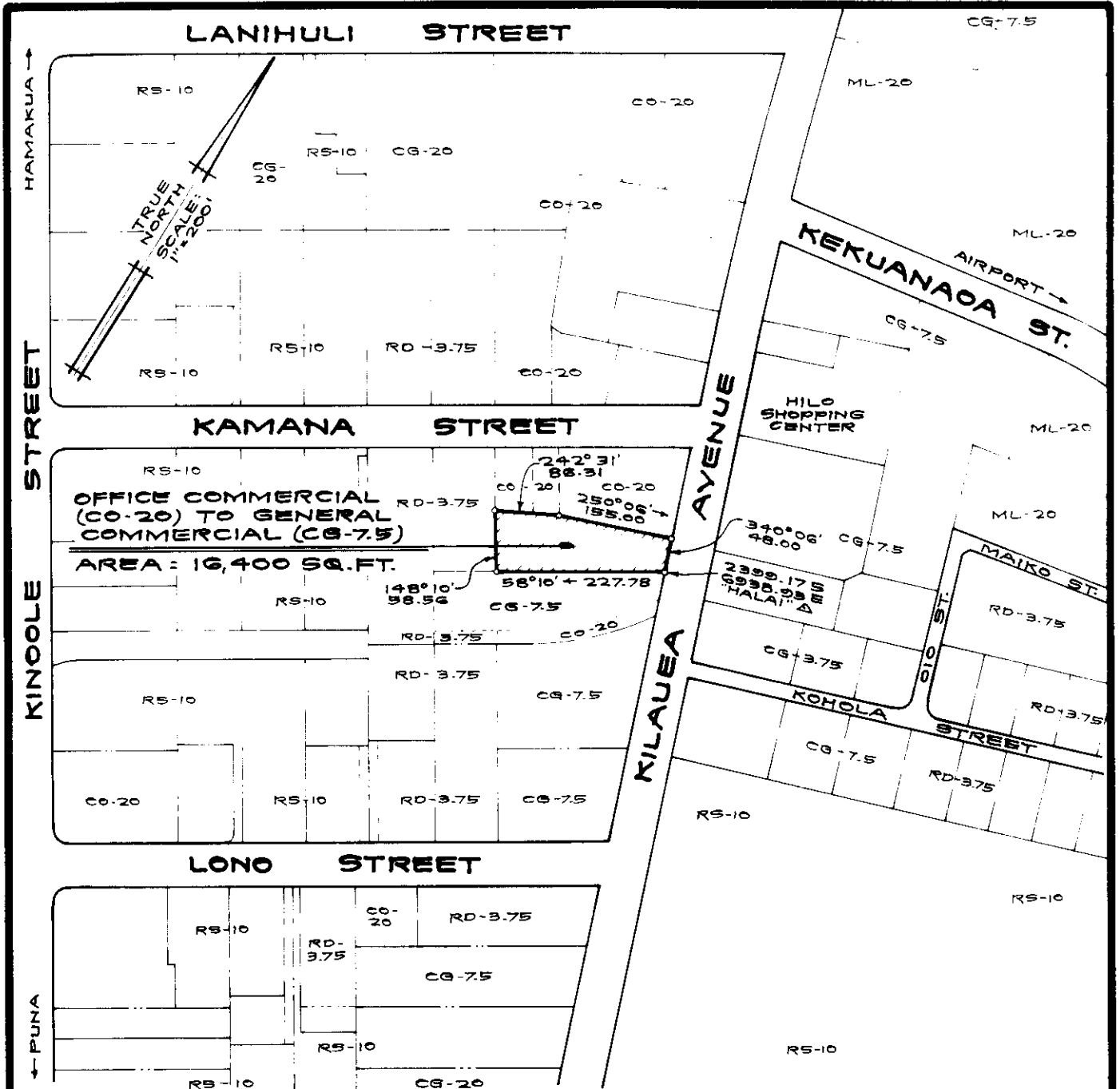

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: July 3, 1991
Date of 1st Reading: July 3, 1991
Date of 2nd Reading: July 18, 1991
Effective Date: July 24, 1991

APPROVED AS TO FORM AND LEGALITY:


CORPORATION COUNSEL
DATED: JUN - 4 1991



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 OFFICE COMMERCIAL (CO-20) TO GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 2-2-23 : 18

FEB. 7, 1991

EXHIBIT "A"

(DARRYL BUCK WHEAT)