

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 499

ORDINANCE NO. 91 117

AN ORDINANCE AMENDING SECTION 25-113(7), (THE SOUTH HILO DISTRICT ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITIONS B, D, G, H AND I AND ADDITIONAL CONDITIONS J, K AND L OF ORDINANCE NO. 792, WHICH RECLASSIFIED CERTAIN LAND FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-10) AND FROM VILLAGE COMMERCIAL (CV-10) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT PEPEEKEO AND MAKAHANALOA, SOUTH HILO, HAWAII, TAX MAP KEY 2-8-7:66, 69 and 2-8-23:1.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Ordinance No. 792 is amended as follows:

"These subsections are conditioned upon the following:

(A) that the petitioner or his authorized representative shall be responsible for complying with all of the stated conditions of approval; (B) that the subdivision plan for the single Family Residential - 7,500 square foot (RS-7.5) zoned area shall be submitted to the Planning Department and tentative approval secured within one (1) year from the effective date of [the change of zone] this amendment. Final subdivision approval shall be secured within one (1) year thereafter;

(C) that an Agreement shall be entered into with the Planning Department in order to assure that single family units will be constructed on the proposed lots. The Agreement shall be submitted at the time of subdivision review. Upon acceptance of the Agreement by the Planning Department and Corporation Counsel, it shall be filed with the State Bureau of

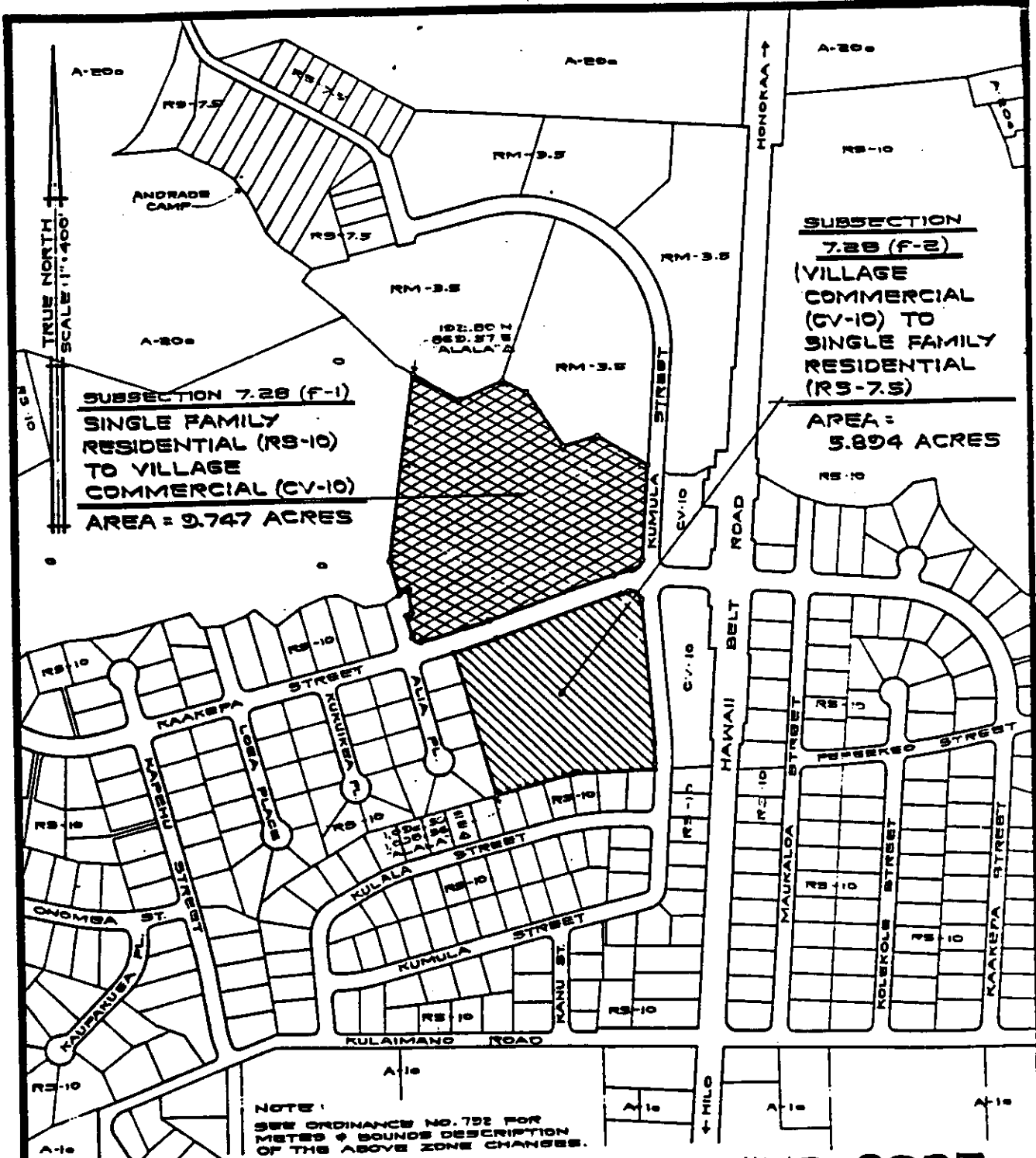
Conveyances; (D) that the consolidation and re-subdivision plans for the Village Commercial - 10,000 square foot (CV) zoned area shall be submitted to the Planning Department and tentative approval secured within one (1) year from the effective date of [the change of zone] this amendment. Final subdivision approval shall be secured within one (1) year thereafter; (E) that plans shall be submitted for one (1) of the proposed CV zoned lots and Final Plan Approval, in accordance with Chapter 8 (Zoning Code), Hawaii County Code, secured within one (1) year from the date of receipt of final subdivision approval. Construction shall commence within one (1) year from the date of receipt of Final Plan Approval and be completed within two (2) years thereafter. Construction on the remaining lots shall commence within one (1) year from the date of completion of the development of the first lot and be completed within two (2) years thereafter; (F) that a drainage system in accordance with the standards of the Department of Public Works shall be installed; (G) that the remaining section of Kaakepa Street, fronting TMK: 2-8-23:1, shall be improved, including the provision of curbs, gutters, and sidewalks, as required by the Department of Public Works. These improvements shall be completed prior to [the development] securing final subdivision approval of the CV

zoned lands; (H) that all applicable conditions spelled out in Ordinance No. 71 shall be complied with; [and] (I) that all other applicable rules, regulations, and requirements, including those of the State Department of Health, the County Department of Water Supply, and the Fire Department, shall be complied with[. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated.]; (J) 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; (K) 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 include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required; and (L) 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; 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 2. Material to be deleted is bracketed. New material is underscored.

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.



SUBSECTION 7.28 (F-1)
SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-10)
AREA = 9.747 ACRES

SUBSECTION 7.28 (F-2)
(VILLAGE COMMERCIAL (CV-10) TO SINGLE FAMILY RESIDENTIAL (RS-7.5))

AREA = 5.894 ACRES


AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 6 TO SECTION 7.28 (THE SOUTH HILO DISTRICT ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-10) AND FROM VILLAGE COMMERCIAL (CV-10) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT PEPEEKEO AND MAKAHANALOA, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING: NOV. 18, 1981
 EFFECTIVE DATE: JUNE 22, 1982
 ORDINANCE NUMBER: 792
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

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

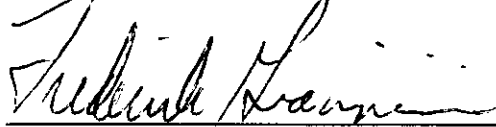
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 6, 1991
Date of 1st Reading: November 6, 1991
Date of 2nd Reading: November 20, 1991
Effective Date: December 2, 1991

APPROVED AS TO FORM AND LEGALITY:



DATED: 9/17/91