

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 566

ORDINANCE NO. 92 26

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 GENERAL COMMERCIAL (CG-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-24:14 AND 16.

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 properties described hereinafter as follows:

The district classification of the following area situated at Waiakea, South Hilo, Hawaii, shall be General Commercial (CG-20):

PARCEL 1:

Beginning at a pipe at the North corner of this lot, the East corner of Lot 3, Block 92, and on the West side of Kilauea Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,293.70 feet South and 7,262.73 feet East, as shown on Government Survey Registered Map No. 2705, and running by true azimuths:

- 1. 340° 06' 85.85 feet along West side of Kilauea Avenue;
- 2. 58° 10' 203.00 feet along Lot 1;
- 3. 148° 10' 84.00 feet along Lot 20;

4. 238° 10' 220.75 feet along Lot 3 to the point of beginning and containing an Area of 17,798 Square Feet. (Refer to Parcel 1 as shown on Exhibit "A".)

The district classification of the following area situated at Waiakea, South Hilo, Hawaii, shall be General Commercial (CG-20):

PARCEL 2:

Beginning at a pipe at the North corner of this lot, the East corner of Lot 5, Block 92, and on the West side of Kilauea Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,132.25 feet South and 7,204.30 feet East, as shown on Government Survey Registered Map No. 2705, and running by true azimuths:

1. 340° 06' 85.85 feet along West side of Kilauea Avenue;
2. 58° 10' 238.50 feet along Lot 3;
3. 148° 10' 84.00 feet along Lot 20;
4. 238° 10' 256.25 feet along Lot 5 to the point of beginning and containing an Area of 20,779 Square Feet. (Refer to Parcel 2 as shown on Exhibit "A".)

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Policy" within ninety (90) days from the effective date of the Change

of Zone Ordinance; (C) plans for the consolidation of Parcels 15 and 16 shall be submitted within one year from the effective date of the change of zone with Final Consolidation Approval secured one year thereafter; (D) Final Plan Approval for the entire development shall be secured within one year from the date of Final Consolidation Approval. 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 indicate driveway circulation and parking stalls associated with the proposed development. Plans shall also indicate landscaping for the purpose of mitigating the potential noise and visual impacts to adjacent residential properties. A ten-foot wide road widening strip along Kilauea Avenue shall be delineated on plans submitted for plan approval review. No structural improvements shall be allowed within this road widening strip. Further, applicable structural setbacks shall be taken from the future road widening strip. Any required landscaping, however, may be allowed within this road widening strip; (E) 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; (F) access to the subject properties shall meet with the approval of the Department of Public Works. The sidewalk fronting the subject properties shall be reconstructed in a manner meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of

Occupancy for any portion of the proposed development; (G) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (H) all other applicable laws, rules, regulations and requirements shall be complied with; (I) 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 applicants' election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (J) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the change of zone. 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, (K) an 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; 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

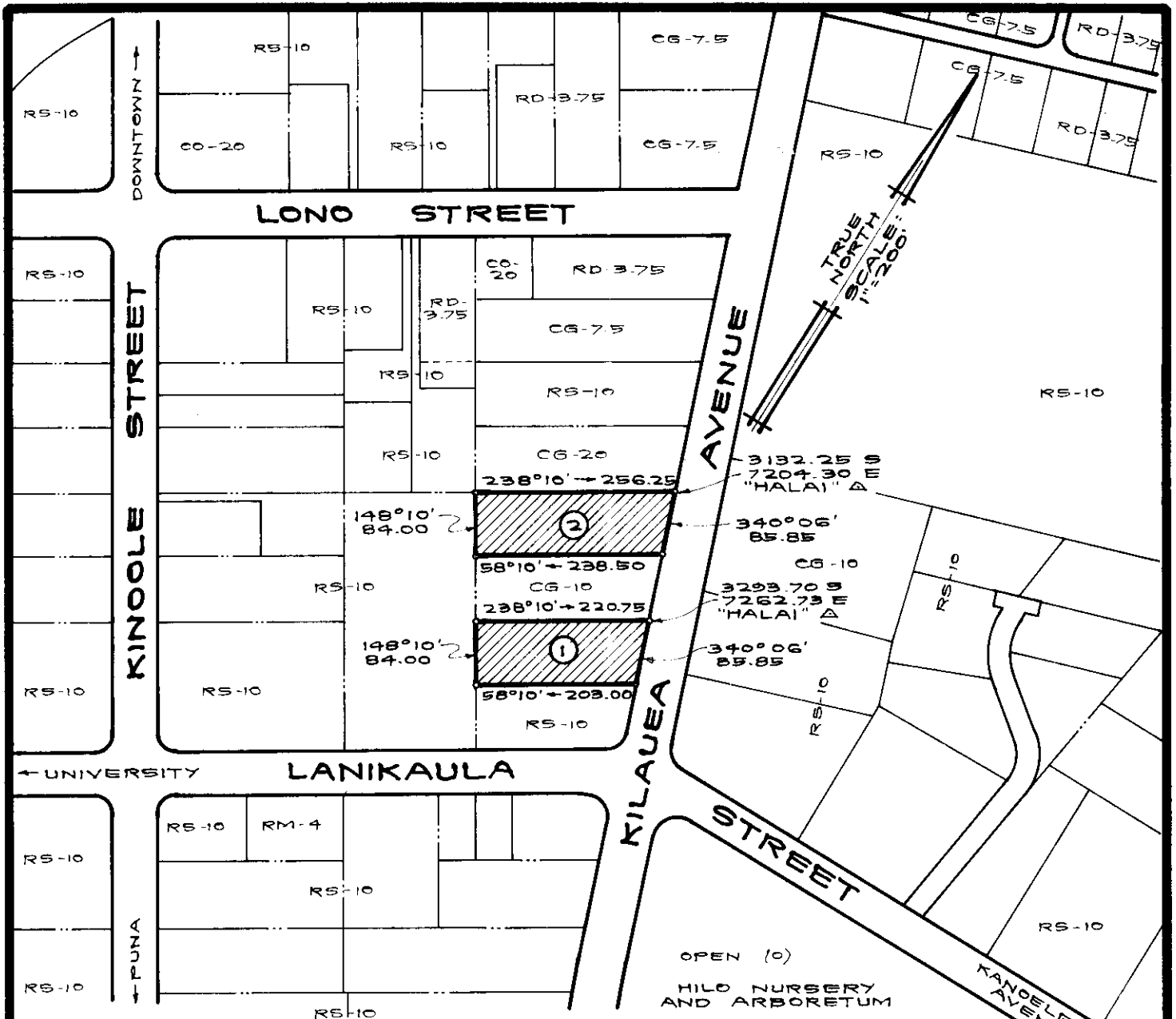
Hilo, Hawaii

Date of Introduction: February 19, 1992
Date of 1st Reading: February 19, 1992
Date of 2nd Reading: March 5, 1992
Effective Date: March 11, 1992

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATE: JAN 17 1992



① PARCEL 1
 SINGLE FAMILY
 RESIDENTIAL (RS-10) TO
 GENERAL COMMERCIAL (CG-20)
 AREA = 17,798 SQ. FT.

② PARCEL 2
 SINGLE FAMILY
 RESIDENTIAL (RS-10) TO
 GENERAL COMMERCIAL (CG-20)
 AREA = 20,779 SQ. FT.

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 GENERAL COMMERCIAL (CG-20) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK : 2-2-24 : 14 AND 16

DEC. 2, 1991

EXHIBIT "A"

(S. KANESHIRO)