

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 670

ORDINANCE NO. 92 124

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 2-2-21:10.

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):

Beginning at a galvanized iron pipe at the South corner of this parcel and the West corner of Lot 14, the point referred to Government Survey Triangulation Station "HALAI" being 2076.98 feet South and 5764.25 feet East, thence running by true azimuths and distance as follows:-

- 1. 148° 10' 82.0 feet along East side of Kinoole Street;
- 2. 238° 10' 170.0 feet;
- 3. 328° 10' 82.0 feet along Lot 15;
- 4. 58° 10' 170.0 feet along Lot 14 to initial point and containing an area of 13,940 square feet, or thereabouts.

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) the required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the date of approval of the change of zone; (C) 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 requirements shall be in accordance with the Zoning Code; (D) construction shall commence within one year from the date of receipt of Final Plan approval and shall be completed within two years thereafter; (E) access onto Kinoole Street shall meet with the approval of the Department of Public Works. The Kinoole Street frontage of the property shall be improved with full sidewalk improvements, exclusive of driveway access, in accordance with the requirements of the Department of Public Works prior to the issuance of a certificate of occupancy. Preliminary plans for these improvements shall be submitted simultaneously with development plans for Plan Approval review; (F) drainage improvements shall meet with the

approval of the Department of Public Works; (G) the method of sewage disposal shall meet with the approval of the Department of Health; (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 developer's election, be satisfied by the 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 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 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 the 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.

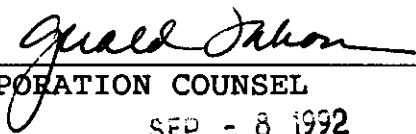
INTRODUCED BY:

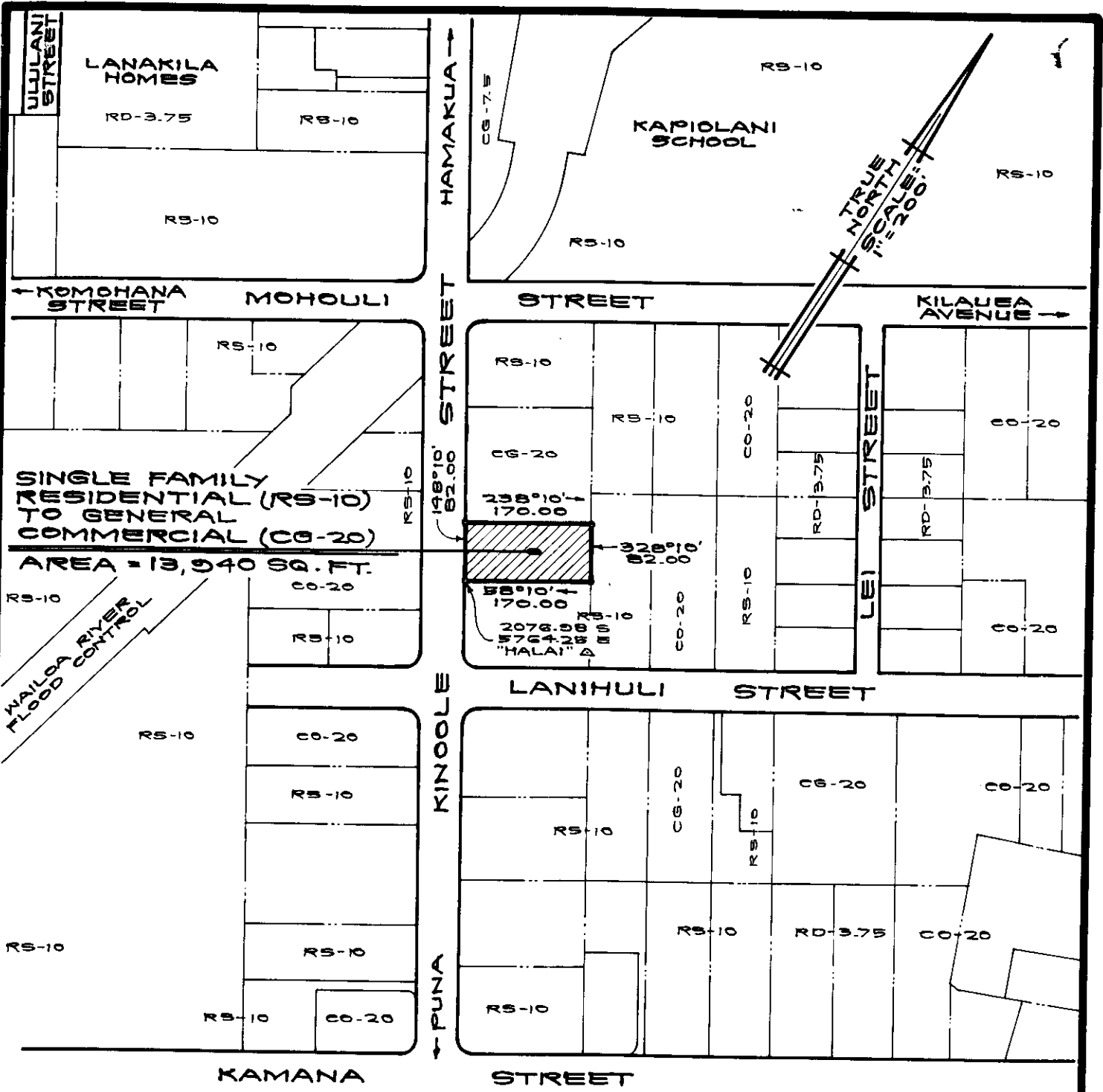
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 21, 1992  
Date of 1st Reading: October 21, 1992  
Date of 2nd Reading: November 5, 1992  
Effective Date: November 20, 1992

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL  
DATE: SEP - 8 1992



# 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 : 2-2-21 : 10

JULY 1, 1992