

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 127

ORDINANCE NO. 93 101

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-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-21:7 AND 46.

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-20):

Beginning at the Southerly corner of this parcel of land being the Easterly corner of Lot 15, Grant 9307 to Manuel C. Luiz along the Northerly side of Lanihuli Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2,044.74 feet South and 6,046.24 feet East, thence running by azimuths measured clockwise from True South:

- 1. 148° 10' 00" 242.00 feet along the Easterly side of Lot 15, Grant 9307 to Manuel C. Luiz;
- 2. 238° 10' 00" 86.00 feet along the Southerly side of Lot 9, Grant 9699 to Mary B. Morris;
- 3. 328° 10' 00" 242.00 feet along the Westerly side of Lot 17, Grant 9003 to Chow Ling Iuo;

4. 58° 10' 00" 86.00 feet along the Northerly side of Lanihuli Street to the point of beginning and containing an area of 20,812 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 commercial building and related improvements shall be secured from the Planning Director within one year from the effective date of the change of zone 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 (45) days prior to the date for which plan approval must be secured. Plans shall include a landscaping buffer along the project site's common boundaries with adjoining properties for the purpose of mitigating any potential adverse noise and visual impacts; (C) construction of the proposed commercial development shall be completed within three (3) years from the date of issuance of Final Plan Approval; (D) access to the subject property from Lanihuli Street shall meet with the approval of the Department Public Works; (E) roadway improvements to Lanihuli Street, to include curb, gutter and sidewalk improvements and required pavement transition areas, shall be constructed along the project site's

entire Lanihuli Street frontage 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; (F) drainage improvements, if required, shall be installed 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) wastewater generated by the proposed development shall be disposed of in a manner meeting with the approval of the Department of Health; (H) should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Director immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken; (I) comply with all applicable laws, rules, regulations and requirements of the affected agencies; (J) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of this ordinance. 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 with and the Planning Director acknowledges that further reports are not required; (K) 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance; 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 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. 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 adoption.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

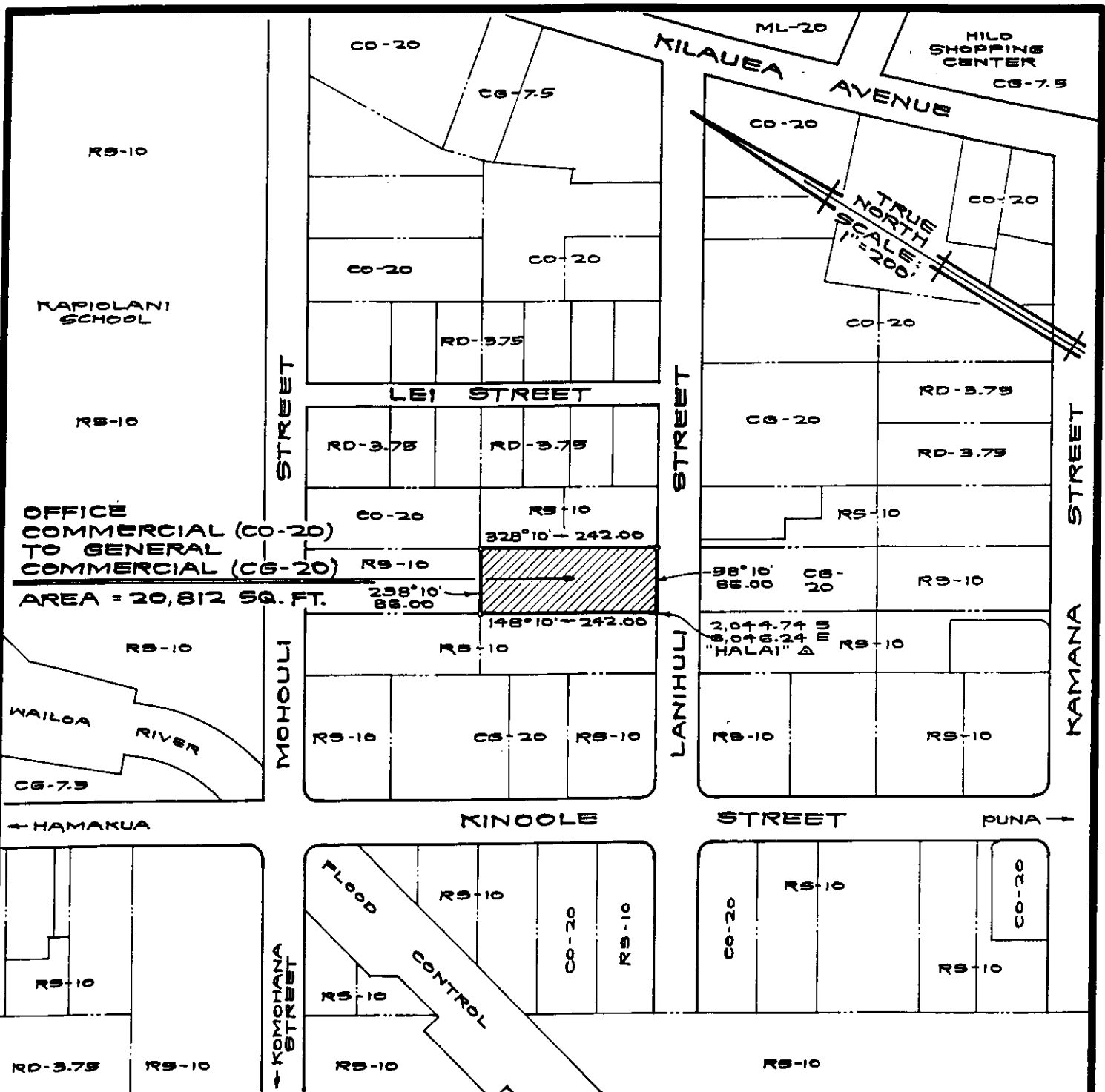
Date of Introduction: September 8, 1993  
Date of 1st Reading: September 8, 1993  
Date of 2nd Reading: September 22, 1993  
Effective Date: October 8, 1993

APPROVED AS TO FORM AND LEGALITY:

  
CORPORATION COUNSEL

DEPUTY

DATED: 7/30/93



# 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-20) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 2-2-21: 7 AND 4G

JULY 2, 1993