

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 163

ORDINANCE NO. 94 6

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-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-24:8.

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-10):

Beginning at the northeast corner of this parcel of land, being also the northwest corner of Lot B-1 and on the southerly side of Lono Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,116.19 feet South and 6,595.53 feet East, thence running by azimuths measured clockwise from true South:

1. 328° 10' 103.50 feet along the remainder of Grant 9294 to Chow Leong Choy (Lot B-1);
2. 238° 10' 9.50 feet along same;

3. 328° 10' 63.20 feet along same;
4. 58° 10' 167.00 feet along Grant 9048 to Mrs. Emelia Rapoza;
5. 148° 10' 146.70 feet along the easterly side of Kinoole Street;
6. Thence along the southeast corner of the intersection of Kinoole Street and Lono Street on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:  
193° 10' 28.28 feet;
7. 238° 10' 137.50 feet along the southerly side of Lono Street to the point of beginning and containing an area of 26,770 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, its successors, or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this ordinance or relating to or connected with the approval of this ordinance; (C) the applicant shall submit the required water commitment

payment to the Department of Water Supply in accordance with its "Water Commitment Policy" prior to the submittal of plans for Plan Approval or Subdivision review, whichever is applicable; (D) Final Plan Approval for the proposed commercial development and related improvements shall be secured from the Planning Director. Plans shall include landscaping along the project site's northeastern and southeastern boundaries for the purpose of mitigating any potential adverse noise and visual impacts to adjoining parcels; (E) construction of the proposed commercial development shall be completed within three (3) years from the effective date of this ordinance; (F) access to the subject property from Kinoole and/or Lono Streets shall meet with the approval of the Department Public Works; (G) roadway improvements to Lono Street, to include curb, gutter and sidewalk improvements for a 60-foot wide right-of-way, shall be provided along the project site's entire Lono Street frontage, with the exception of access points, 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 commercial development or the issuance of Final Subdivision Approval, whichever is applicable; (H) 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

commercial development or the issuance of Final Subdivision Approval, whichever is applicable; (I) the proposed commercial development shall be connected to an existing sewerline located along Kinoole Street for the purpose of wastewater disposal. Sewerline connection shall be accomplished 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 development; (J) 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; (K) comply with all applicable laws, rules, regulations and requirements of the affected agencies; (L) 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; (M) 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, (N) 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 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

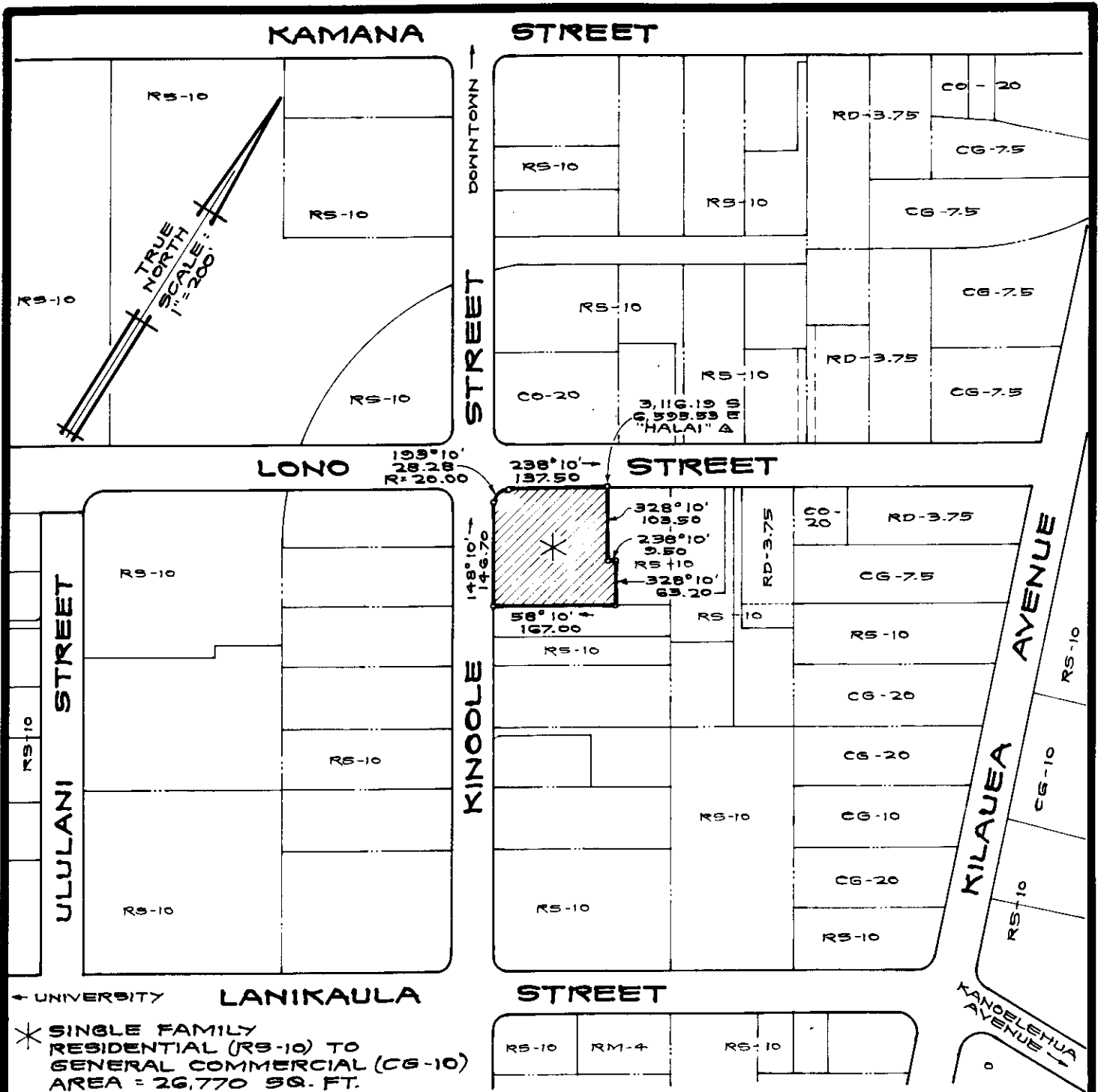
Hilo, Hawaii

Date of Introduction: December 22, 1993  
Date of 1st Reading: December 22, 1993  
Date of 2nd Reading: January 12, 1994  
Effective Date: January 26, 1994

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL

DATE: OCT 21 1993



# 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-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
 COUNTY OF HAWAII