

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 233
(Draft 4)

ORDINANCE NO. 94 61

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 2-2-22:11.

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 Southwest corner of this parcel of land, being also the Northwest corner of Lot 11, Block 72, Waiakea House Lots, Second Series, and on the Easterly side of Kinoole Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 2,332.71 feet South and 5,923.72 feet East, thence running by azimuths measured clockwise from true South:

1. 148° 10' 100.00 feet along the easterly side of Kinoole Street;
2. Thence along the southeast corner of the intersection of Kinoole Street and Lanihuli 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;

3. 238° 10' 150.00 feet along the southerly side of Lanihuli Street;
4. 328° 10' 120.00 feet along Lot 9, Block 72, Waiakea House Lots, Second Series;
5. 58° 10' 170.00 feet along Lot 11, Block 72, Waiakea House Lots, Second Series to the point of beginning and containing an area of 20,314 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 any improvements to the existing commercial structure or for any new commercial structure and its related improvements shall be secured from the Planning Director. Any change in use of any structure located on the subject property shall require Final Plan Approval prior to establishing the new use;
- (C) access to the subject property shall meet with the approval of the Department of Public Works. All new and/or existing access driveway connections to Kinoole or Lanihuli Streets shall be constructed/reconstructed in a manner meeting with the approval of the Department of Public Works, within one year from the effective date of this ordinance;

- (D) the curbs, gutters and sidewalks of the Lanihuli Street frontage and the Kinoole Street frontage of the subject property shall be constructed to commercial standards in accordance with the requirements of the Department of Public Works within one year from the date in which sidewalks exist continuously on the southeast side of Lanihuli Street from Kilauea Street to Kinoole Street;
- (E) all runoff shall be maintained and disposed of on the subject property. Any additional drainage improvements shall be provided by the applicant as required by and meeting with the approval of the Department of Public Works;
- (F) 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 Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken;
- (G) comply with all applicable laws, rules, regulations and requirements of the affected agencies;
- (H) 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
- (I) 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.

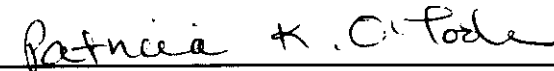
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

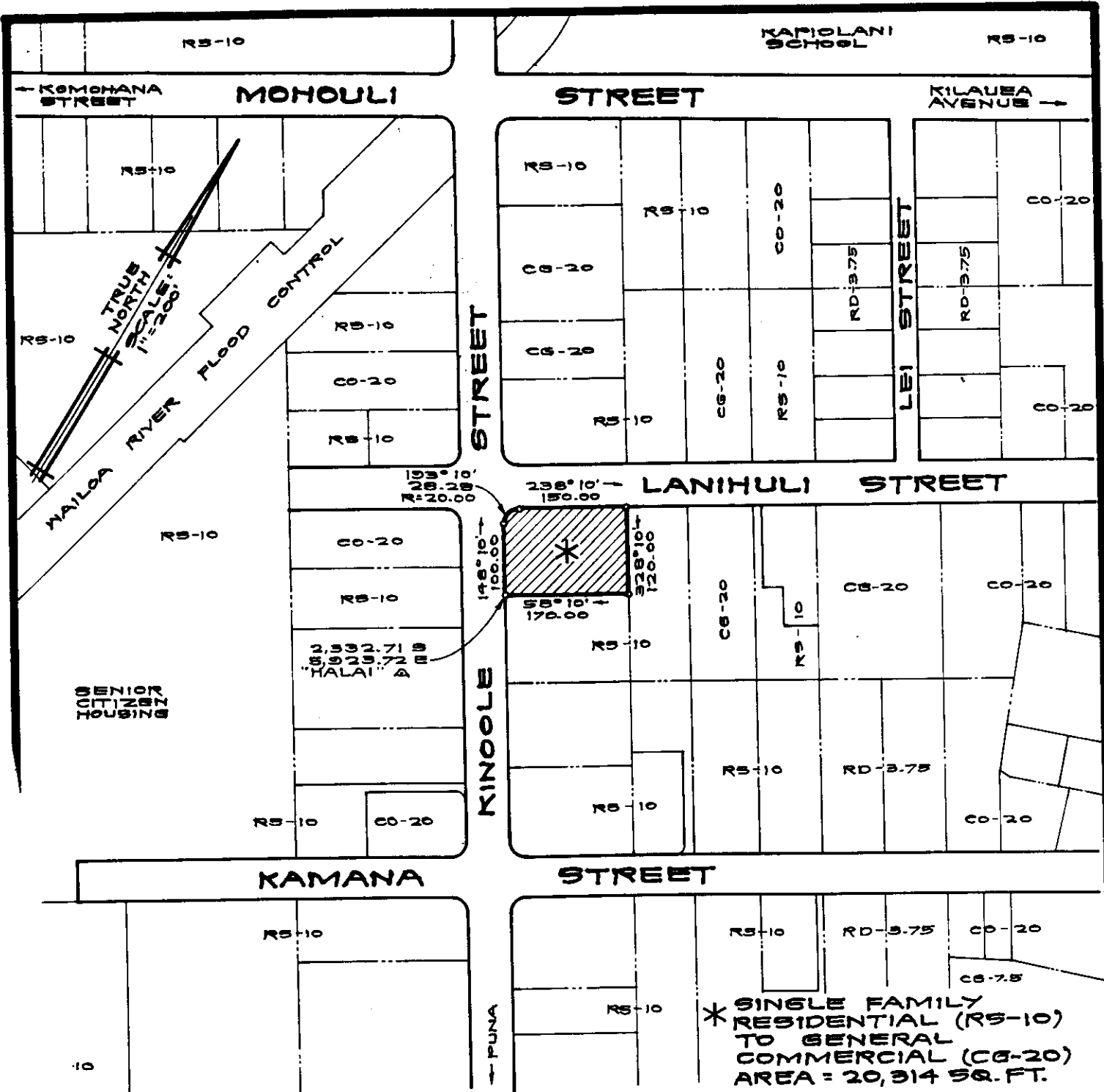
Hilo, Hawaii

Date of Introduction: May 18, 1994
Date of 1st Reading: May 18, 1994
Date of 2nd Reading: June 1, 1994
Effective Date: June 8, 1994

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATE: JUN 6 1994



AMENDMENT TO THE ZONING CODE

MENDING SECTION 25-114 (CITY OF HILO ZONE MAP)
 RTICLE 3, CHAPTER 25 (ZONING CODE) OF THE
 AWAII COUNTY CODE, BY CHANGING THE DISTRICT
 ASSIFICATION FROM SINGLE FAMILY RESIDENTIAL
 S-10) TO GENERAL COMMERCIAL (CG-20) AT
 IAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

2-2-22 : 11

MARCH 7, 1994

IT "A"

(91 LANIHULI STREET PARTNERS)

OFFICE OF THE COUNTY CLERK
 County of Hawaii
 Hilo, Hawaii

RECEIVED
 '94 JUN 8 PM 4 01

(DRAFT 3) OFFICE OF THE COUNTY CLERK
 COUNTY OF HAWAII

Introduced By: Takashi Domingo
 Date Introduced: May 18, 1994
 First Reading: May 18, 1994
 Published: N/A

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON		X		
CHILDS	X			
DE LIMA	X			
DOMINGO	X			
HALE		X		
RATH	X			
ROSEHILL			X	
SCHUTTE	X			
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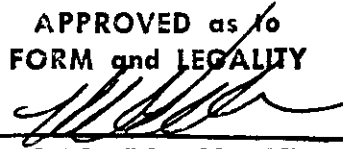
Second Reading: June 1, 1994
 To Mayor: June 6, 1994
 Returned: June 8, 1994
 Effective: June 8, 1994
 Published: June 16, 1994


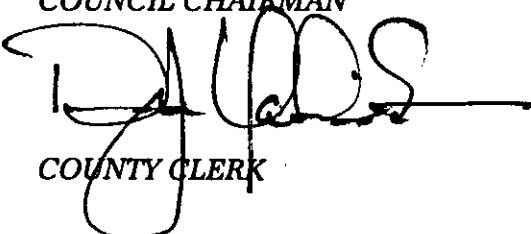
REMARKS:

(DRAFT 4)

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
ARAKAKI	X			
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CHILDS	X			
DE LIMA	X			
DOMINGO	X			
HALE	X			
RATH	X			
ROSEHILL	X			
SCHUTTE	X			
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I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to
 FORM and LEGALITY

 CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date JUN 7 1994


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved/Disapproved this 8 day
 of June, 1994


 MAYOR, COUNTY OF HAWAII

Bill No.: 233 (Draft 4)
 Reference: C-972/PC-108
 Ord. No.: 94 61