

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 364

ORDINANCE NO. 97 4

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 NEIGHBORHOOD COMMERCIAL (CN-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-38:26.

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 Neighborhood Commercial (CN-10):

Beginning at the West corner of this parcel of land, also being the South corner of Grant 10688 to Takashi Nakamoto, the North corner of Grant 8122 to Ramon Kimonez, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 5,285.7 feet South and 8,034.7 feet East, and running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|-------------|---|
| 1. | 238° 10' | 242.00 feet | along Grant 10688 to Takashi Nakamoto; |
| 2. | 328° 10' | 180.00 feet | along the Southwest side of Kilauea Street; |
| 3. | 58° 10' | 242.00 feet | along Grant 11295 to David Hewahewa, Jr.; |

4. 148° 10' 180.00 feet along Grant 8122 to Ramon Kimonez to the point of beginning and containing an area of one (1) acre.

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(s), its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The applicant(s) shall submit daily water usage calculations and the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Policy" within 90 days from the effective date of this ordinance.
- C. Construction of the proposed commercial development shall be completed within five (5) years from the effective date of this ordinance. Prior to the start of construction, Final Plan Approval for the proposed commercial development and related improvements shall be secured from the Planning Director. Plans shall identify structures, fire protection measures, paved parking stalls and paved driveway and other improvements associated with the proposed use. Plans shall include a 6-foot wide landscaping buffer along the perimeter of all the property boundaries, for the purpose of mitigating any potential adverse noise and visual impacts to adjoining parcels. Plans shall also indicate a 10-foot future road widening setback along the Kilauea Avenue frontage.


- D. Driveway access(es) to the subject property from Kilauea Avenue shall meet with the approval of the Department of Public Works.
- E. Roadway improvements along the entire Kilauea Avenue frontage shall include the reconstruction of concrete curb, gutter and sidewalk in a manner meeting with the approval of the Department of Public Works, prior to the establishment of any new use or the issuance of a certificate of occupancy for any portion of the proposed commercial development.
- F. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works.
- G. Upon compliance with applicable conditions of approval, prior to the establishment of any new use or the opening of the proposed development, the applicant shall submit a final status report, in writing, to the Planning Director.
- 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.
- 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. 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).
- J. 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 18, 1996
 Date of 1st Reading: December 18, 1996
 Date of 2nd Reading: January 8, 1997
 Effective Date: January 20, 1997

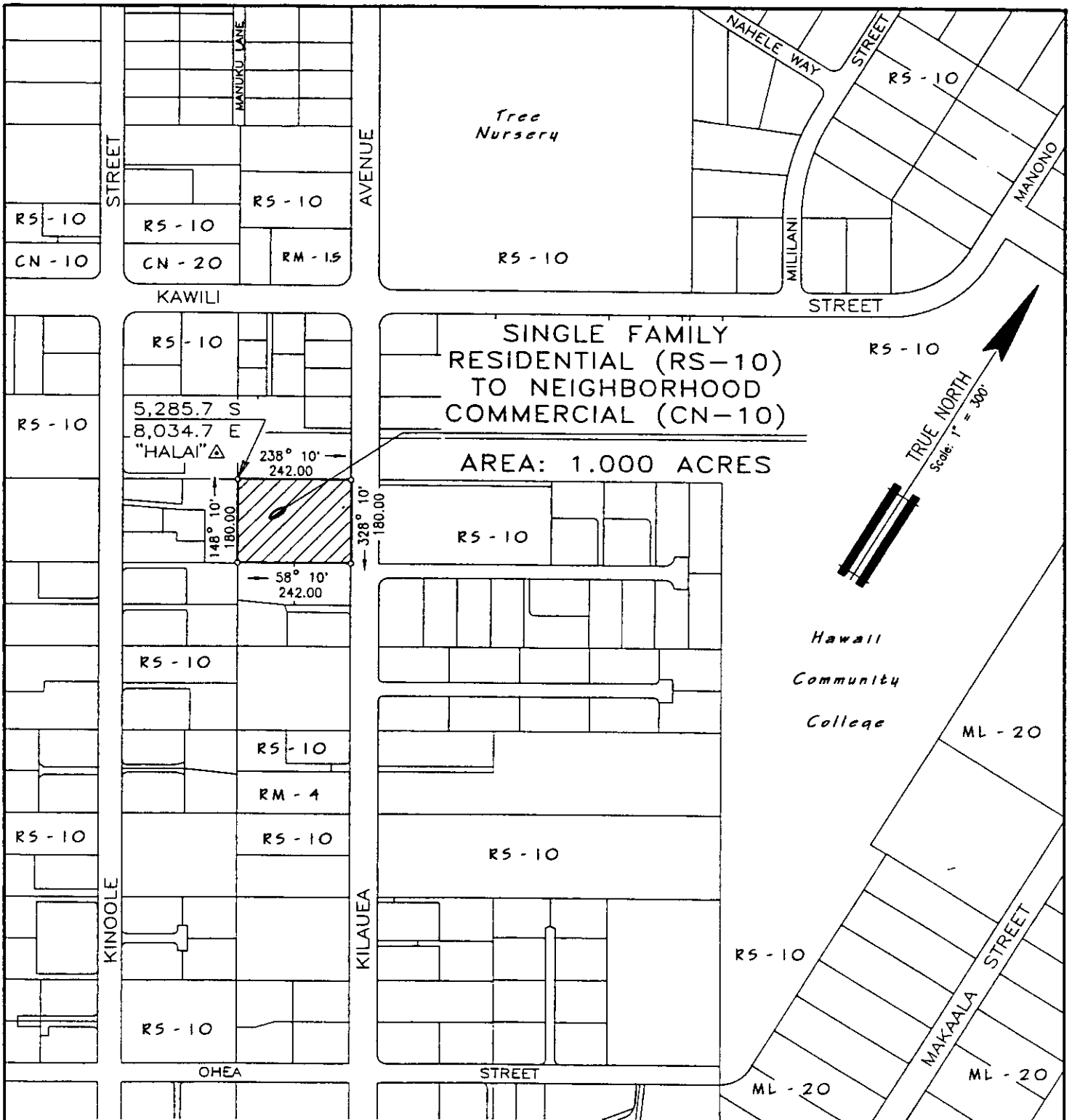
APPROVED AS TO FORM AND LEGALITY



DEPUTY CORPORATION COUNSEL

DATED: 1/13/97

REFERENCE: Comm. 1441



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 NEIGHBORHOOD COMMERCIAL (CN-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii RECEIVED

'97 JAN 21 AM 8 36

Introduced By: Takashi Domingo
 Date Introduced: December 18, 1996
 First Reading: December 18, 1996
 Published: N/A

REMARKS:

ROLL CALL VOTE				
OFFICE OF COUNTY CLERK	AYES	NOES	ABS	EX
COUNTY OF HAWAII				
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray			X	
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	8	0	1	0


Second Reading: January 8, 1997
 To Mayor: January 9, 1997
 Returned: January 21, 1997
 Effective: January 20, 1997
 Published: January 28, 1997

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this 20 day
 of January, 19 97.


 MAYOR, COUNTY OF HAWAII

Bill No.: 364
 Reference: C-1441/PC-174
 Ord. No.: 97 4