

COUNTY OF HAWAII  STATE OF HAWAII

BILL NO. 177
(Draft 2)

ORDINANCE NO. 98 15

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO NEIGHBORHOOD COMMERCIAL (CN-7.5) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-34:35.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-8-33, Article 8, 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-7.5):

Beginning at the northwest corner of this parcel of land, also being the southwest corner of Grant 8686 to T. Tanaka (Lot 9, Block 13 of Waiakea House Lots, 1st Series) on the east side of Manono Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 623.00 feet south and 9,141.00 feet east and running by azimuths measured clockwise from true south:

- | | | | |
|----|----------|--------|---|
| 1. | 270° 00' | 225.00 | feet along Grant 8686 to T. Tanaka (Lot 9, Block 13 of Waiakea House Lots, 1st Series); |
| 2. | 360° 00' | 100.00 | feet along Grant 8796 to K. Wakimoto (Lot 12, Block 13 of Waiakea House Lots, 1st Series); |
| 3. | 90° 00' | 225.00 | feet along Grant 8687 to A. J. Gomes (Lot 13, Block 13 of Waiakea House Lots, 1st Series); |
| 4. | 180° 00' | 100.00 | feet along the east side of Manono Street to the point of beginning and containing an area of 22,500 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. Construction of the proposed development and related improvements shall be completed within five (5) years from the effective date of this ordinance. This time period shall include the securing of Final Plan Approval from the Planning Director for the commercial development. Plans shall identify structures, fire protection measures, paved and striped parking stalls and driveway and other improvements associated with the proposed use. Plans shall include a landscaping buffer along the southern property boundary. Plans shall also indicate a 5-foot future road widening setback along the subject property's Manono Street frontage.
- C. An overall landscaping master plan for the subject property, which includes landscaping along the side/rear property boundaries, shall be submitted to the Planning Director for review and approval prior to the issuance of Final Plan Approval.
- D. Driveway access(es) to the subject property from Manono Street shall meet with the approval of the Department of Public Works.
- E. The applicant shall construct the following roadway improvements along the subject property's Manono Street frontage, meeting with the approval of the Department of Public Works:

1. A half-section roadway improvements on the east side of Manono Street consisting of a 21-foot wide A.C. pavement with concrete curb, gutter and sidewalk and drainage improvements within the 60-foot wide right-of-way; and
2. If required by the Department of Public Works, installation of street lights, signs and traffic markings fronting the subject property.

All of the roadway improvements to Manono Street shall be completed within five (5) years from the effective date of the change of zone ordinance or in conjunction with the County's road widening improvements, whichever occurs first.

- F. The 5-foot future road widening section fronting the subject property along Manono Street and roadway improvements thereon shall be subdivided and dedicated to the County of Hawaii upon its completion.
- G. A Solid Waste Management Plan for the subject property shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of plans for Plan Approval to the Planning Director.
- H. Sewer line connections shall meet with the requirements of the Department of Public Works.
- I. Comply with all applicable laws, rules, regulations and requirements of affected agencies, including the Department of Water Supply.
- J. 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.

- K. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- 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 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 Zoning Code;
 3. Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; and
 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).
- M. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject property 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

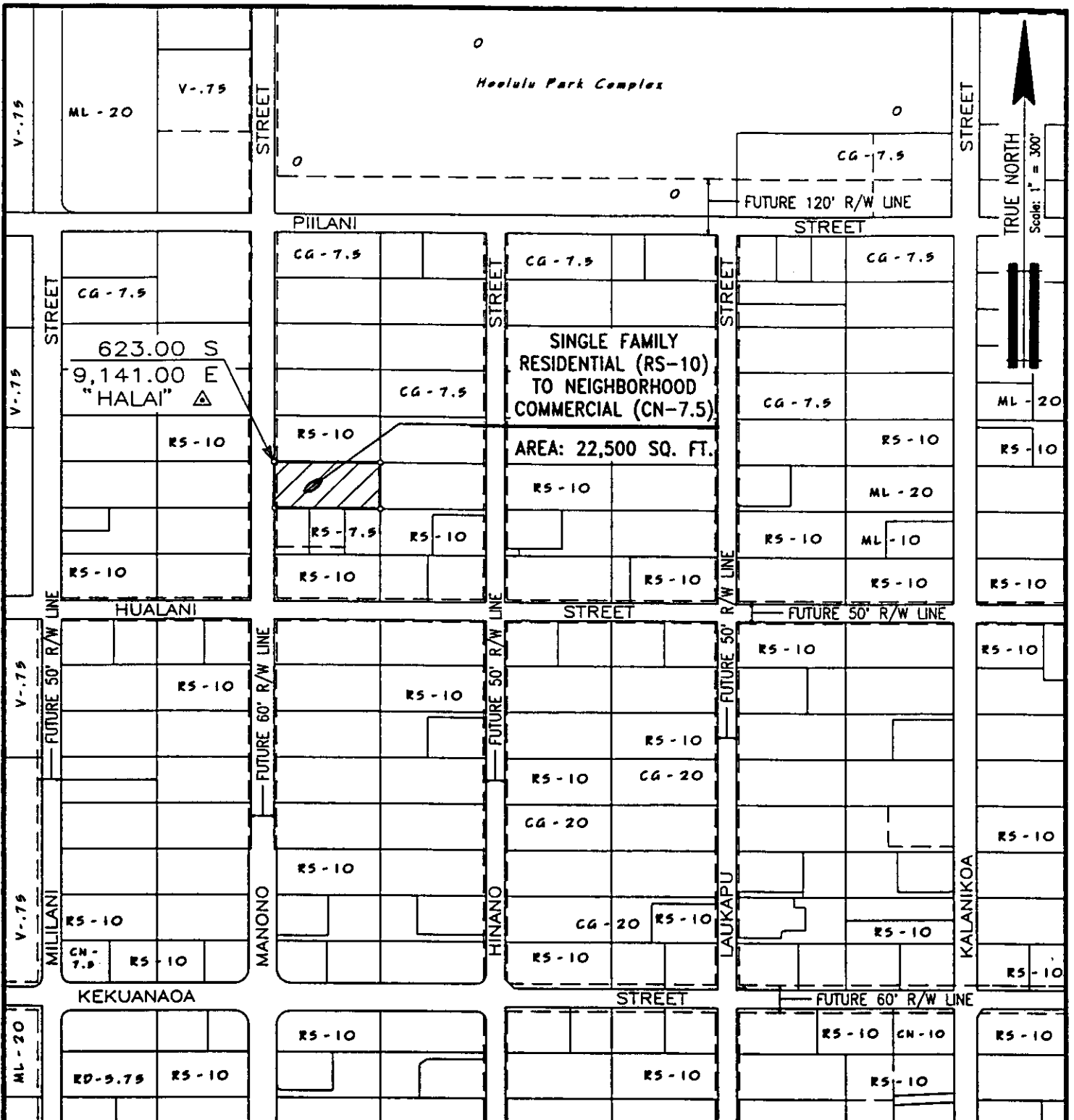
Hilo, Hawaii

Date of Introduction: February 4, 1998
Date of 1st Reading: February 4, 1998
Date of 2nd Reading: February 18, 1998
Effective Date: February 24, 1998

APPROVED AS TO FORM AND LEGALITY


DEPUTY CORPORATION COUNSEL

DATED: 2/23/98



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO NEIGHBORHOOD COMMERCIAL (CN-7.5) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

199 FEB 25 7:18 06

(DRAFT 2)

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: February 4, 1998
 First Reading: February 4, 1998
 Published: N/A

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

Second Reading: February 18, 1998
 To Mayor: February 20, 1998
 Returned: February 25, 1998
 Effective: February 24, 1998
 Published: March 8, 1998

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.

APPROVED AS TO
 FORM AND LEGALITY:

Frederick Hanania
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 2/23/98

Approved/~~Disapproved~~ this 24 day
 of February, 1998.

Herb Romo
 MAYOR, COUNTY OF HAWAII

James J. Galbraith
 COUNCIL CHAIRMAN
Donald Akiba
 COUNTY CLERK

Bill No.: 177 (Draft 2)
 Reference: C-617/PC-90
 Ord. No.: 98 15