

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 277

ORDINANCE NO. 98 98

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 INDUSTRIAL - COMMERCIAL MIXED (MCX-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-37:29.

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 Industrial - Commercial Mixed (MCX-20):

Beginning at a point at the southeast corner of this parcel of land, on the west side of Kanoelehua Avenue, being also the northeast corner of a portion of Lot 16, Block 38, Waiakea House Lots the coordinates of said point of beginning referred to Government Triangulation Station "Halai" being 3243.00 feet South and 11062.50 feet East and running by azimuths measured clockwise from True South:

- 1.) 90° 00' 210.50 feet along a portion of Lot 16, Block 38, Grant 11463 to Charles C. Cross, and Lot 15, Block 38, Grant 12979 to Charles Tokumi and Miyuki Suetake Otani
- 2.) 180° 00' 100.00 feet along Lot 11-B, Block 38, portion of Grant 10780 to John L. Fontes
- 3.) 270° 00' 210.50 feet along a portion of Lot 10, Block 38, Grant 12485 to Shoichi and Chieko Y. Morishita to a point on the westerly side of Kanoelehua Avenue

- 4.) 0° 00' 100.00 feet along the westerly side of Kanoelehua Avenue to the point of beginning and containing an area of 21,050 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 required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance.

- C. Construction of the proposed development and related improvements within the subject property shall be completed within five (5) years from the effective date of this ordinance. This time period shall include securing Final Plan Approval from the Planning Director for the development within the subject property. Plans shall identify structures, fire protection measures, paved and striped parking stalls and driveway and other improvements associated with the proposed uses. Plans shall include a landscaping buffer along the northern, western, and southern boundaries of the subject property.

- D. An overall landscaping master plan and maintenance plan, which includes landscaping along the side property boundaries of the subject property, shall be submitted to the Planning Director for review and approval prior to the issuance of Final Plan Approval.

- E. Driveway access and sidewalk improvements along Kanoelehua Avenue shall meet the approval of the Department of Transportation and the Department of Public Works, whichever is applicable.
- F. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of plans for Plan Approval.
- G. A drainage system, if applicable, shall be installed, meeting with the approval of the Department of Public Works.
- H. Sewer line connections shall be installed meeting with the requirements of the Department of Public Works.
- I. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property.
- J. Upon compliance with applicable conditions of approval, prior to 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 Fee 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 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).
- 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

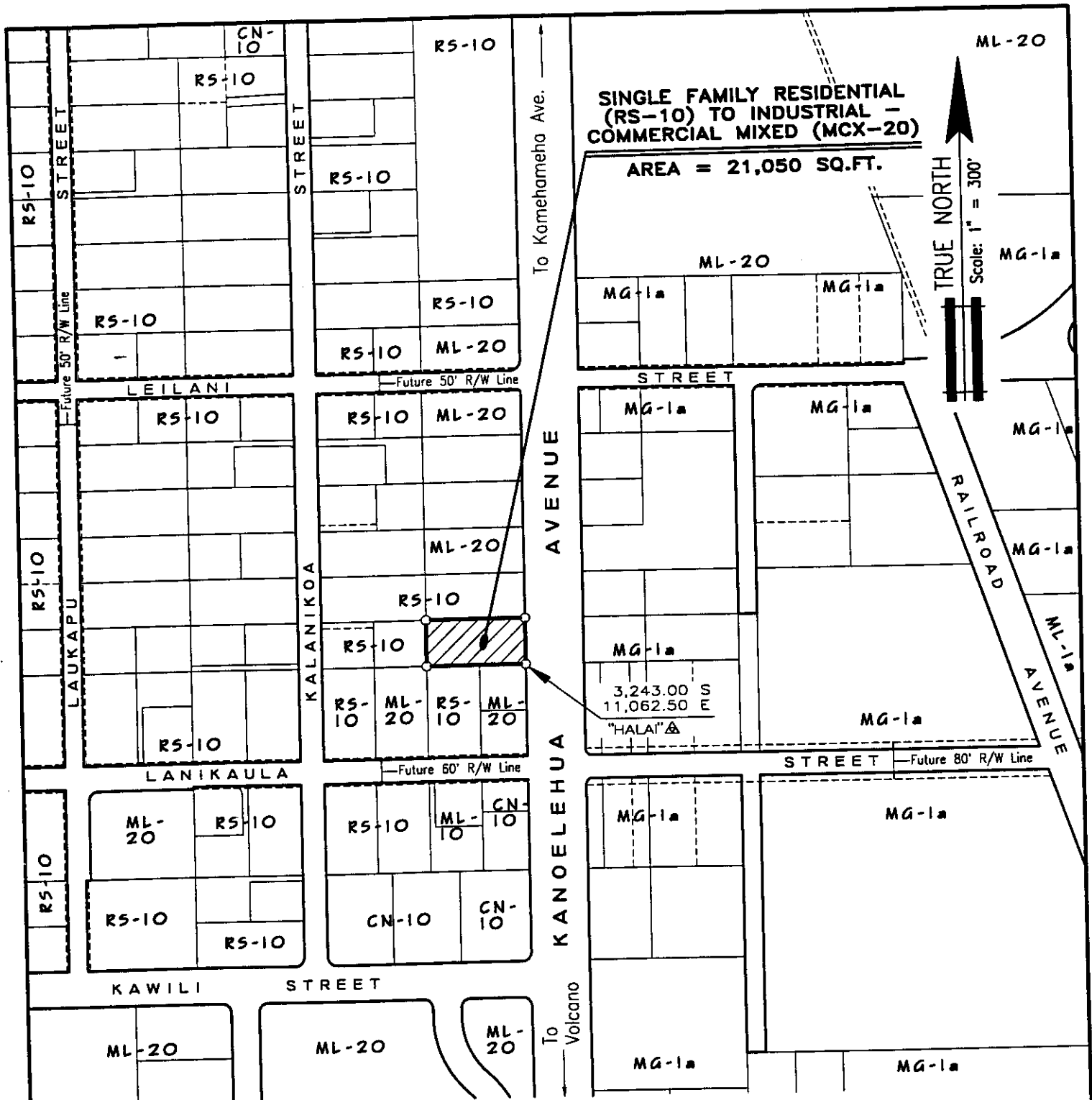
Date of Introduction: September 2, 1998
Date of 1st Reading: September 2, 1998
Date of 2nd Reading: September 16, 1998
Effective Date: September 25, 1998

REFERENCE: Comm. 936

APPROVED AS TO FORM AND LEGALITY

CORPORATION COUNSEL

DATED: _____



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 INDUSTRIAL-COMMERCIAL MIXED (MCX-20) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: September 2, 1998
 First Reading: September 2, 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			
	7	0	2	0

Second Reading: September 16, 1998
 To Mayor: September 18, 1998
 Returned: September 25, 1998
 Effective: September 25, 1998
 Published: October 2, 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			
	8	0	1	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:

Patricia K. O'Toole
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date SEP 21 1998

James A. ...
 COUNCIL CHAIRMAN

Donald ...
 COUNTY CLERK

Approved/Disapproved this 25 day
 of September, 1998.

Steph ...
 MAYOR, COUNTY OF HAWAII

Bill No.: 277
 Reference: C-936/PC-139
 Ord. No.: 98 98