

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 309

ORDINANCE NO. 98 126

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-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-23:09.

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-10):

Beginning at the east corner of this parcel of land on the westerly side of Kinoole Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,162.94 feet south and 6,368.54 feet east and running by azimuths measured clockwise from true south:

Following along Kinoole Street on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

- 1. 13° 10' 28.28 feet;
2. 58° 10' 191.27 feet along Lono Street;

Thence along a Railroad Right of Way (30 feet wide) on a curve to the right with a radius of 395.28 feet, the chord azimuth and distance being:

- 3. 191° 45' 29" 306.40 feet;
4. 328° 10' 201.93 feet along Kinoole Street to the point of beginning and containing an area of 29,720 Sq. Ft.

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 submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this change of zone 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 in accordance with the Zoning Code Sections 25-2-72 and 25-5-127 and the Planning Department's Rule 17 for the commercial development on the subject property. Plans shall identify structures, fire protection measures, noise buffers (i.e., air conditioners), landscaping and maintenance plan, paved and striped parking stalls and driveway and other improvements associated with the proposed uses.

- D. Driveway access to the subject property shall be permitted from Kinoole Street meeting with the requirements of the Department of Public Works and applicant shall provide a six foot tall privacy buffer along the southeast side of Lono Street prior to construction.

- E. Prior to the issuance of a Certificate of Occupancy for development on the subject property, the applicant shall provide all required improvements to the

property frontage along Kinoole Street including street lights, signs and markings, if required, meeting with the approval of the Department of Public Works.

- 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 Final Plan Approval.
- G. Sewer line connections to the County sewer system shall be installed meeting with the requirements of the Department of Public Works prior to the issuance of a certificate of occupancy.
- H. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property.
- I. 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.
- J. Should the Council adopt a Unified Impact Fee 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.
- K. 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).
- L. 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

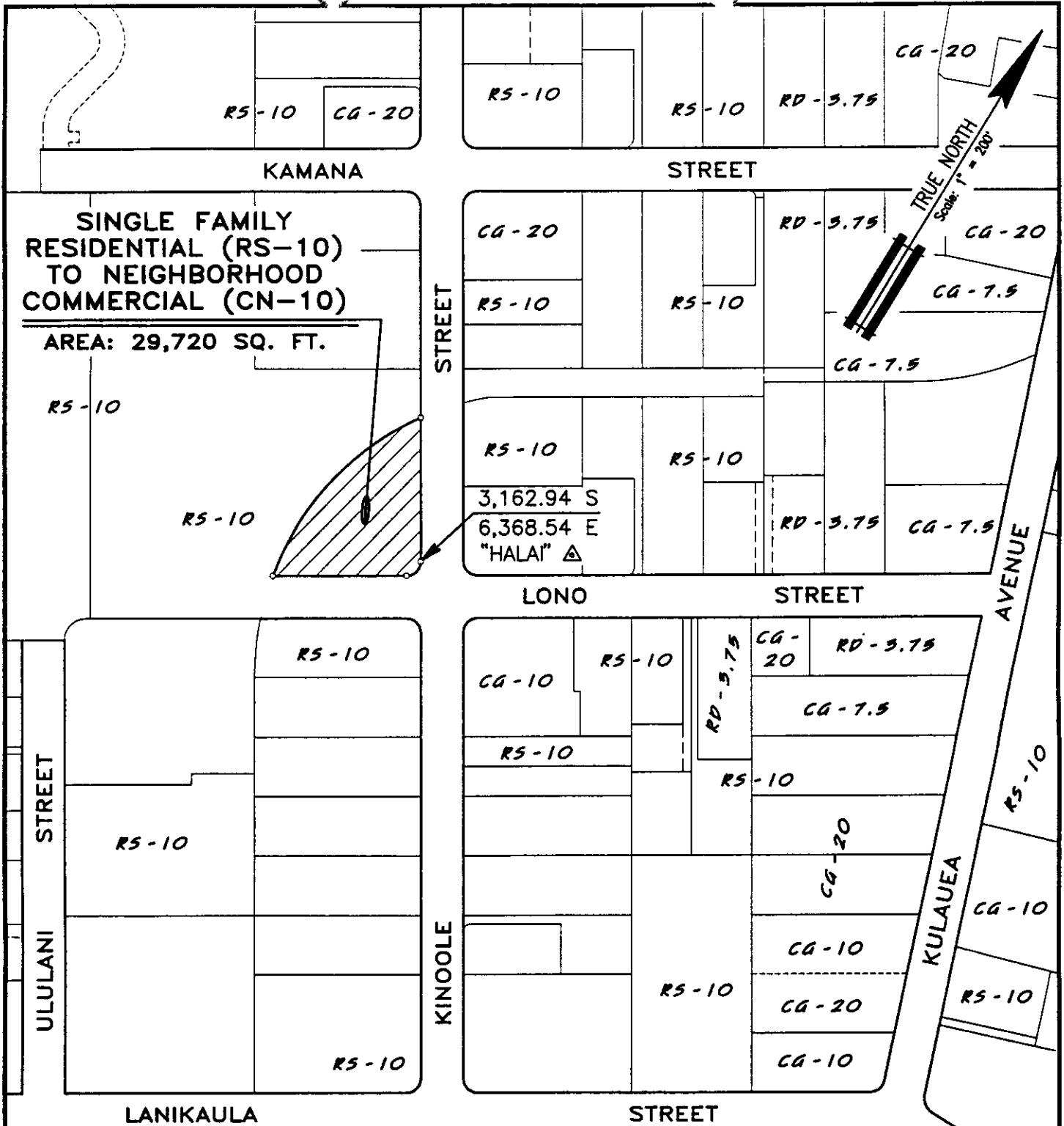
Hilo, Hawaii

Date of Introduction: November 6, 1998
Date of 1st Reading: November 6, 1998
Date of 2nd Reading: November 18, 1998
Effective Date: December 7, 1998
REFERENCE: Comm. 1012

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL

DATED: 11/25/98



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-10) 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: November 6, 1998
 First Reading: November 6, 1998
 Published: N/A

REMARKS:

Second Reading: November 18, 1998
 To Mayor: November 24, 1998
 Returned: December 7, 1998
 Effective: December 7, 1998
 Published: December 21, 1998

REMARKS:

| ROLL CALL VOTE 257 | | | | |
|--------------------|------|------|-----|----|
| | 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 |

| 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 |

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:

Fredrick M. ...
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date 11/25/98

Approved/Disapproved this 7 day
 of December, 19 98

Steve Yamashiro
 MAYOR, COUNTY OF HAWAII

Donna ...
 COUNCIL CHAIRMAN
Donald ...
 COUNTY CLERK

Bill No.: 309
 Reference: C-1012/PC-153
 Ord. No.: 98 126