

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 205
(Draft 2)

ORDINANCE NO. 00 31

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-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-34:85 AND 93.

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-20):

Beginning at a galvanized iron spike and ahu at the Northwest corner of this lot and the Southwest corner of Lot 5, on the East side of Manono Avenue, the coordinates of said point of beginning referred to Government Survey Trig. Station "Halai" being 1263.0 feet South and 9141.0 feet East, as shown on Government Survey Registered Map No. 2566, and running by true azimuths:

- 1. 270° 00' 450.0 feet along Lot 5 and Lot 6 to a galvanized iron spike and ahu;
- 2. 360° 00' 200.0 feet along the West side of Hinano Avenue to a galvanized iron spike and ahu;
- 3. 90° 00' 225.0 feet along Lot 12 to a galvanized iron spike and ahu;
- 4. 180° 00' 100.0 feet along Lot 9 to a galvanized iron spike and ahu;
- 5. 90° 00' 225.0 feet along Lot 9 to a galvanized iron spike and ahu;

6. 180° 00' 100.0 feet along the East side of Manono Avenue to the point of beginning and containing an area of 67,500 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 applicants, their 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 securing Final Consolidation Approval and Final Plan Approval from the Planning Director for the commercial development. Plans shall identify structures, fire protection measures, landscaping and maintenance plan, paved and striped parking stalls and driveway and other improvements associated with the proposed uses. Plans shall include landscaping along property boundaries for the purpose of mitigating any potential adverse noise and visual impacts to surrounding properties. Plans shall also indicate a 5-foot future road widening setback along the properties' Manono Street frontage.
- C. Driveway accesses from Manono Street and Hinano Street shall meet with the approval of the Department of Public Works.
- D. The applicants 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 of 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 future road widening setback area established as one-half the distance between the existing right-of-way and 60 feet.

2. A half-section of roadway improvements on the west side of Hinano Street consisting of a 16-foot wide A.C. pavement with concrete curb, gutter and sidewalk and drainage improvements in the area established as one-half the distance between the existing right-of-way and 50-feet.
3. If required, installation of street lights, signs, and traffic markings meeting with the approval of the Department of Public Works, Traffic Division.

All roadway improvements to Manono Street and Hinano 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.

- E. The 5-foot future road widening section fronting the subject property along Manono Street and roadway improvements on Hinano Street shall be subdivided and dedicated to the County of Hawaii.
- 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 to the Planning Director.

- G. Sewer line connections shall meet with the requirements of the Department of Public Works.
- H. Upon compliance with applicable conditions of approval, prior to the establishment of any new use or the opening of the proposed development, the applicants shall submit a final status report, in writing, to the Planning Director.
- I. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property.
- J. 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.
- 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).

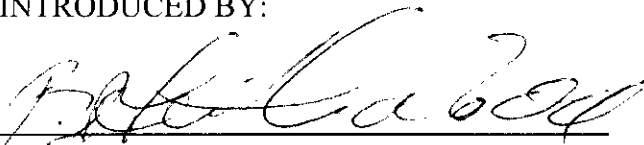
5. If the applicants should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

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

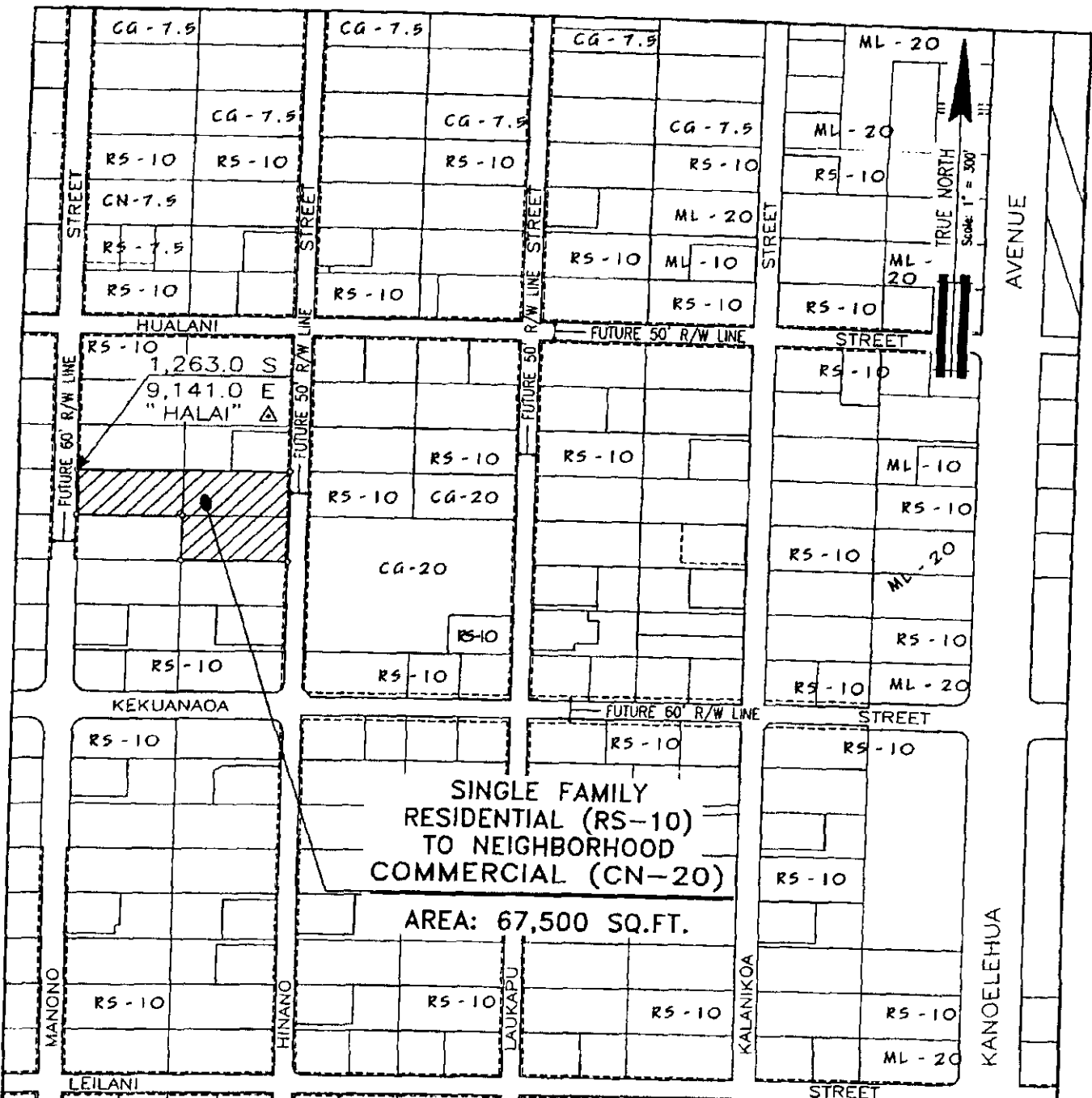
Date of Introduction: March 22, 2000
Date of 1st Reading: March 22, 2000
Date of 2nd Reading: April 5, 2000
Effective Date: April 13, 2000

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL

DATED: 4/12/00



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-20) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 2-2-34.85 & 93

JANUARY 13, 2000

(George K. Hora)

EXHIBIT "A"



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 2)

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: March 22, 2000
 First Reading: March 22, 2000
 Published: N/A

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

Second Reading: April 5, 2000
 To Mayor: April 12, 2000
 Returned: April 13, 2000
 Effective: April 13, 2000
 Published: April 24, 2000

REMARKS:

(DRAFT 2)

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff			X	
Jacobson	X			
Leithead-Todd	X			
Pisicchio	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 published as indicated above.

APPROVED AS TO
 FORM AND LEGALITY:

Frederic L. Harris
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 4/12/00


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this 13 day
 of April, 2000

Stephen Kemashiro
 MAYOR, COUNTY OF HAWAII

Bill No.: 205 (Draft 2)

Reference: C-657/PC-89

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