

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 239

ORDINANCE NO. 00 61

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 GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-20:11.

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 General Commercial (CG-7.5):

Beginning at the north corner of this parcel of land, and on the south side of the intersection of Kinoole Street and Wailoa Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,033.03 feet south and 5,046.05 feet East and running by azimuths measured clockwise from True South:

- 1. 328° 10' 166.45 feet along the southwest side of Kinoole Street;
- 2. 58° 10' 118.50 feet along Lot 8;
- 3. 148° 10' 166.45 feet along Lot 10;
- 4. 238° 10' 118.50 feet along the southeast side of Wailoa Street to the point of beginning and containing an area of 19,724 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, their successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The existing non-conforming abandoned driveway on Kinoole Street shall be removed and a concrete sidewalk constructed in its place, meeting with the approval of the Department of Public Works. The improvements shall be completed within five (5) years from the effective date of this ordinance.
- C. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works, with a copy to the Planning Director.
- D. Comply with all applicable rules, regulations and requirements of the affected agencies.
- E. Upon compliance with applicable conditions of approval, prior to the establishment of any new use, the applicant shall submit a final status report in writing to the Planning Director.
- F. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property.
- G. 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.

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

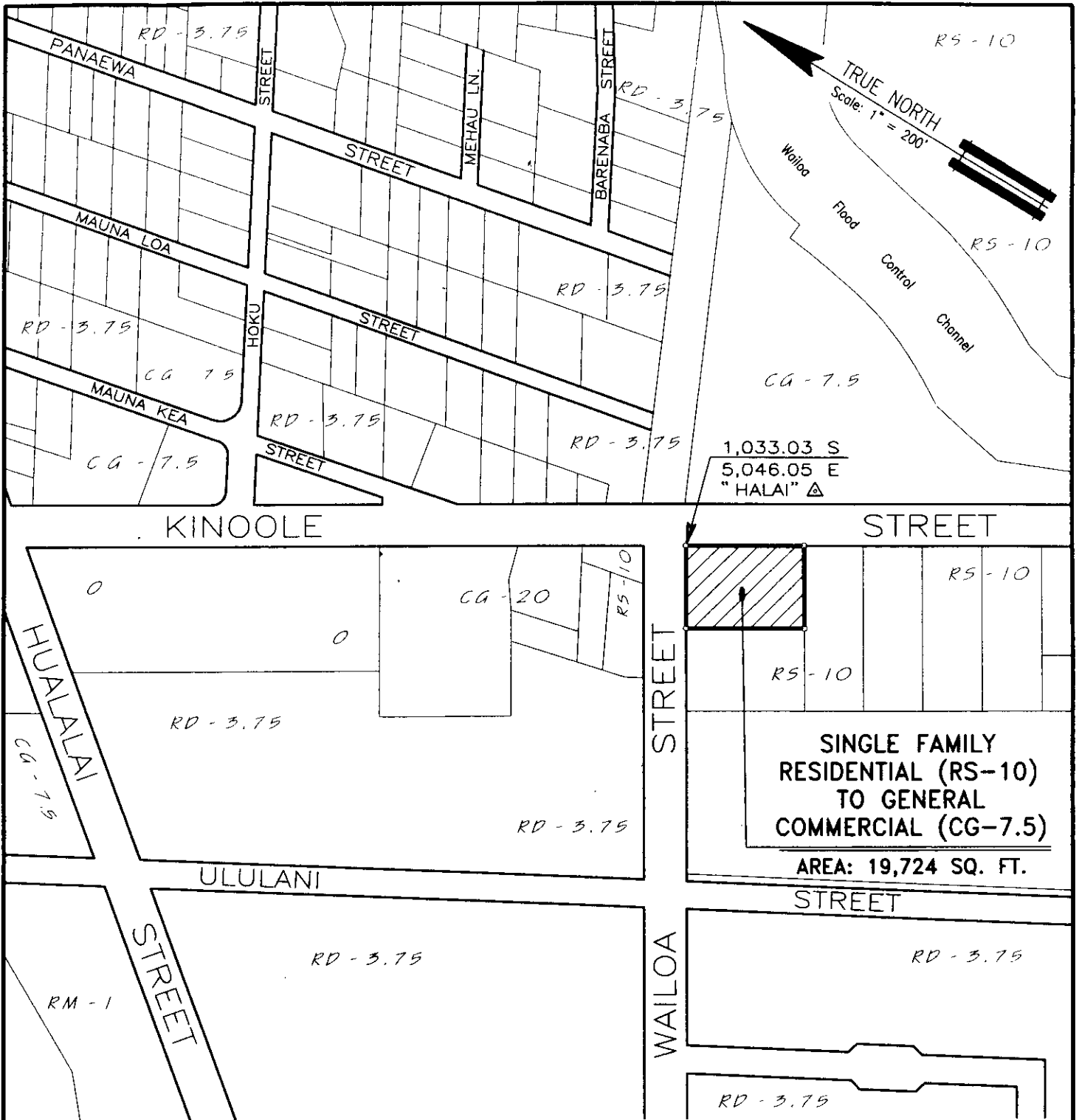
Date of Introduction: May 3, 2000
Date of 1st Reading: May 3, 2000
Date of 2nd Reading: May 15, 2000
Effective Date: May 23, 2000

REFERENCE: Comm. 733

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL

DATED: 5/18/00



1,033.03 S
5,046.05 E
"HALAI" Δ

**SINGLE FAMILY
RESIDENTIAL (RS-10)
TO GENERAL
COMMERCIAL (CG-7.5)**
AREA: 19,724 SQ. FT.

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 GENERAL COMMERCIAL (CG-7.5) 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: May 3, 2000
First Reading: May 3, 2000
Published: N/A

REMARKS: _____

Second Reading: May 15, 2000
To Mayor: May 18, 2000
Returned: May 23, 2000
Effective: May 23, 2000
Published: June 5, 2000

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



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:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 5/18/00


COUNCIL CHAIRMAN

COUNTY CLERK

Approved/Disapproved this 23 day

of May, 2000


MAYOR, COUNTY OF HAWAII

Bill No.: 239
Reference: C-731/PC-95
Ord. No.: 00 61