

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 24
(Draft 2)

ORDINANCE NO. 01 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-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-34 95.

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 northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1563 00 feet South and 9444 00 feet East and running by azimuths measured clockwise from True South

- 1 270° 00' 147 00 feet along a portion of Lot 12, Block 20, Waiakea Houselots,
2 360° 00' 75 00 feet along the west side of Hinano Street;
3 Thence along Lot 14-B, along a curve to the right having a radius of 10 00 feet, the chord azimuth and distance being 45° 00' 14 14 feet,
4 90° 00' 137 00 feet along Lot 14-B,

5      180°   00'                      85 00      feet along Lot 14-B to the point of beginning  
and containing an area of 12,473.5 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 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 property's Hinano  
Street frontage
- C**      Driveway access from Hinano Street shall meet with the approval of the  
Department of Public Works
- D**      The applicants shall construct the following roadway improvements along the  
Hinano Street frontage, meeting with the approval of the Department of Public  
Works

- 1 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
- 2 If required, installation of street lights, signs, and traffic markings fronting the subject property

All roadway improvements to 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 roadway improvements on Hinano Street shall be subdivided and dedicated to the County of Hawaii upon its completion
- 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 The applicants shall install a backflow preventer (reduced pressure type) on the subject property within 90 days from the effective date of the change of zone, meeting with the requirements of the Department of Water Supply
- I 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

- J Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property
- 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 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 applicants' request to the County Council for appropriate action

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

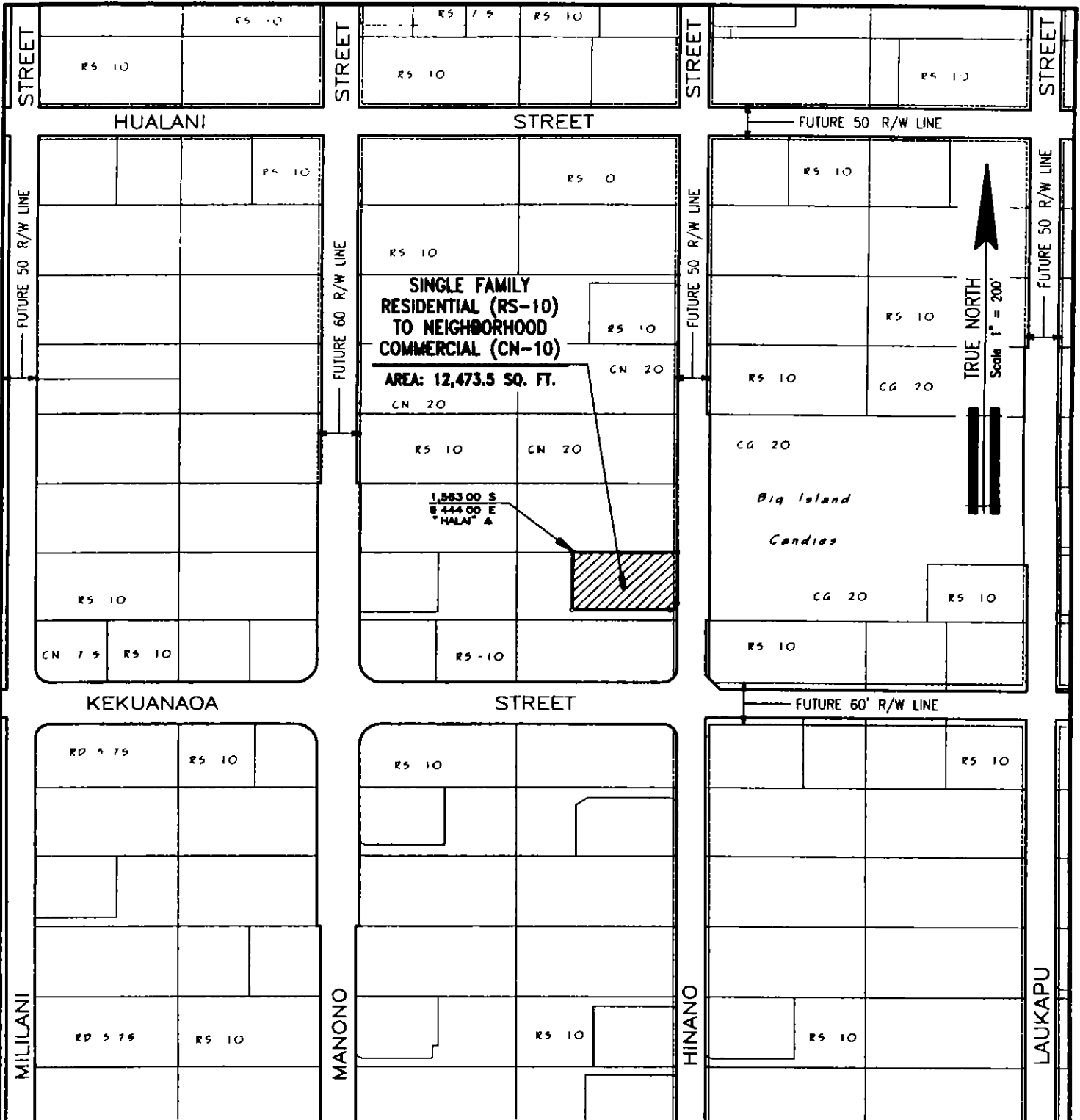
Hilo, Hawaii

Date of Introduction. February 22, 2001  
Date of 1st Reading February 22, 2001  
Date of 2nd Reading March 9, 2001  
Effective Date March 21, 2001  
REFERENCE: Comm. 84.1

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 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

RECEIVED  
 Time 8:52 AM By [Signature]  
 Date 2/21/01  
 County Council

Draft 2

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced February 22, 2001  
 First Reading February 22, 2001  
 Published N/A

REMARKS \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Jacobson			X	
Leithead-Todd			X	
Pisicchio	X			
Safarik	X			
Tyler	X			
Yagong			X	
	5	0	4	0

Second Reading March 9, 2001  
 To Mayor March 15, 2001  
 Returned March 21, 2001  
 Effective March 21, 2001  
 Published April 11, 2001

REMARKS \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki			X	
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Safarik	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:

[Signature]  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 3/15/01

[Signature]  
 COUNCIL CHAIRMAN  
[Signature]  
 COUNTY CLERK

Approved/Disapproved this 21<sup>st</sup> day  
 of March, 2001

[Signature]  
 MAYOR, COUNTY OF HAWAII

Bill No 24 (Draft 2)  
 Reference C-84.1/PC-8  
 Ord No 01 31