

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 28

ORDINANCE NO. 01 34

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-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-20:7.

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-10):

Beginning at the Northeast corner of this lot, the Southeast corner of Lot 8, and on the Southwest side of Kinoole Street (60 feet wide), the coordinates of said point of beginning referred to Government Survey Trig. Station "Halai" being 1245.14 feet South and 5177.73 feet East, as shown on Government Survey Registered Map 2705, and running by azimuths measured clockwise from true South:

- 1. 328° 10' 83.21 feet along the Southwest side of Kinoole Street (60 feet wide);
- 2. 58° 10' 237.00 feet along Lot 6, Block 53, Waiakea House Lots;
- 3. 148° 10' 83.21 feet along remainder of Block 53;
- 4. 238° 10' 237.00 feet along Lot 8, Block 53, Waiakea House Lots, to the point of beginning and containing an area of 19,721 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. Final Plan Approval shall be secured from the Planning Director within two (2) years from the effective date of this ordinance, in accordance with the Zoning Code Sections 25-2-72 and 25-5-117 and the Planning Department's Rule 17 (Landscaping Requirements) for the commercial development within the subject property. Plans shall identify structures, fire protection measures, landscaping, 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.
- C. Prior to the issuance of the Certificate of Occupancy, the applicant shall reconstruct the existing concrete driveway and provide full-width concrete sidewalk along the subject property's entire Kinoole Street frontage to meet the requirements of the Hawaii County Code and the Americans with Disabilities Act (ADA), meeting with the approval of the Department of Public Works.
- D. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works. A copy of the approved Plan shall be submitted to the Planning Department prior to issuance of a Certificate of Occupancy.

- E. Prior to the issuance of a Certificate of Occupancy for the proposed development, the applicant shall submit a final written report to the Planning Director stating that all conditions have been met.

- 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).

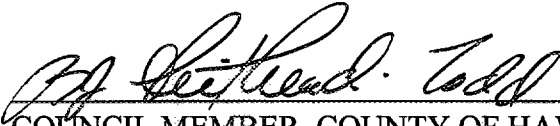
5. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

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

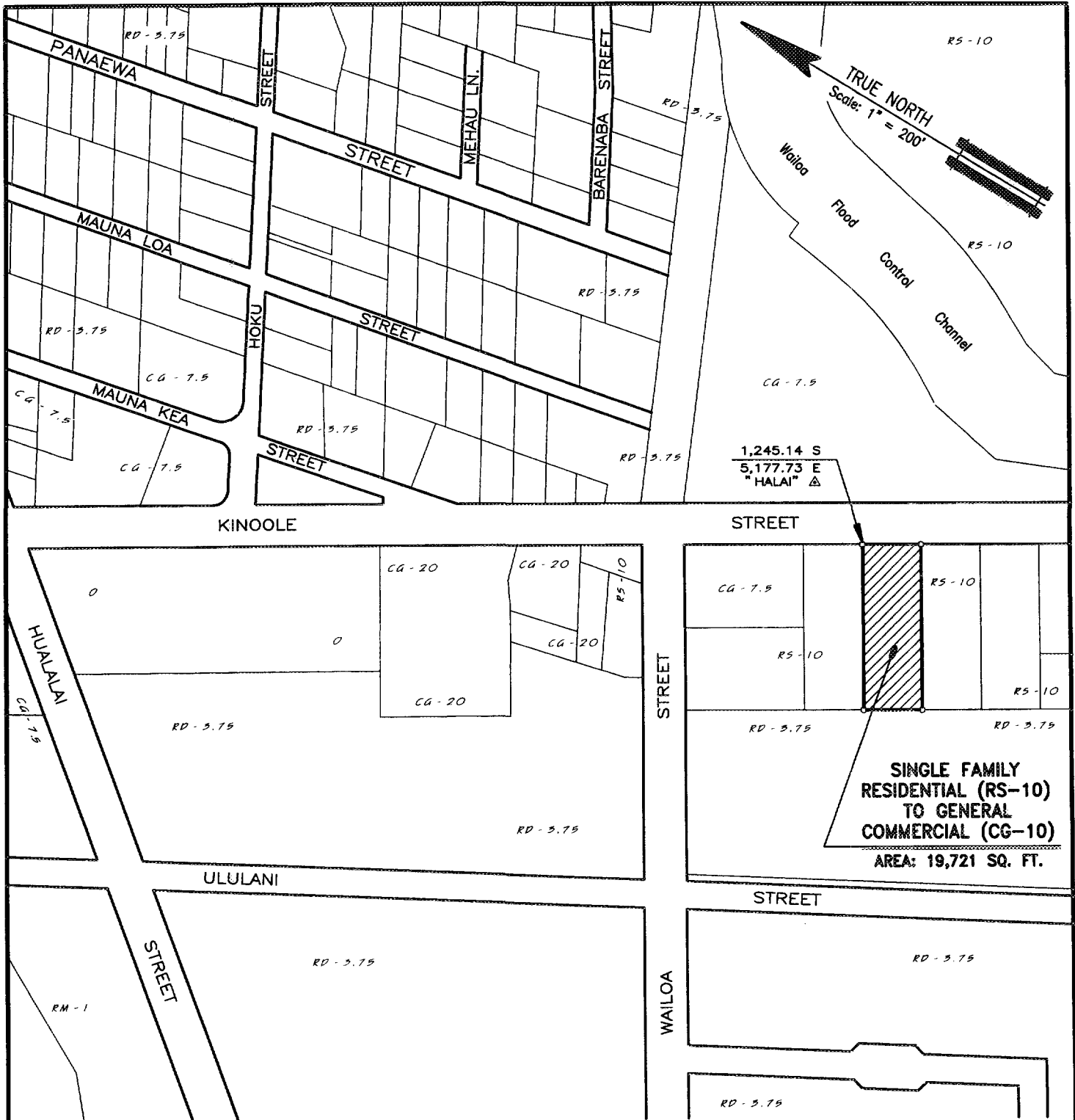
Hilo, Hawaii

Date of Introduction: March 9, 2001
Date of 1st Reading: March 9, 2001
Date of 2nd Reading: March 21, 2001
Effective Date: April 4, 2001
REFERENCE: Comm. 91

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 GENERAL COMMERCIAL (CG-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 2-2-20:7

DECEMBER 7, 2000

EXHIBIT "A"

(MABEL KUBOTA TR.)



OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: March 9, 2001
First Reading: March 9, 2001
Published: N/A

REMARKS: _____

Second Reading: March 21, 2001
To Mayor: March 29, 2001
Returned: April 4, 2001
Effective: April 4, 2001
Published: April 18, 2001

REMARKS: _____

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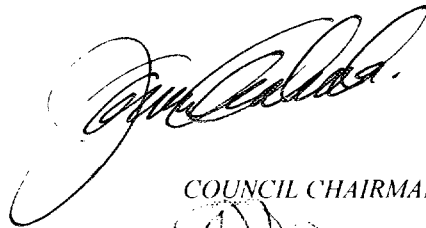
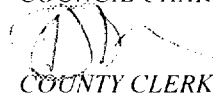
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Safarik	X			
Tyler	X			
Yagong	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

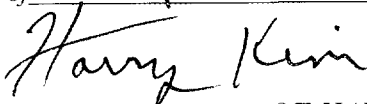
APPROVED AS TO
FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date April 2, 2001


COUNCIL CHAIRMAN

COUNTY CLERK

Approved Disapproved this 4th day
of April, 2001


MAYOR, COUNTY OF HAWAII

Bill No.: 28

Reference: C-91/PC-10

Ord. No.: 01 34