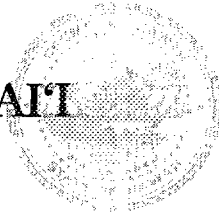


COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 140

ORDINANCE NO. 02 11

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 2-2-36:123.

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 northeast corner of this parcel of land and on the south side of Kekuanaoa Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1803.00 feet South and 10450.00 feet East and running by azimuths measured clockwise from True South:

1. 360° 00' 100.00 feet along Lot 2, Block 29 of Waiakea House Lots;
2. 90° 00' 160.00 feet along Lots B and 3, Block 29 of Waiakea House Lots;
3. 180° 00' 100.00 feet along a portion of Lot 1, Block 29 of Waiakea House Lots and on the south side of Kekuanaoa Avenue;
4. 270° 00' 160.00 feet along the south side of Kekuanaoa Avenue to the point of beginning and containing an area of 16,000 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, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The applicants shall submit daily water usage calculations and 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 within the subject property shall be completed within five (5) years from the effective date of this ordinance. Prior to commencing construction, Final Plan Approval for the proposed development shall be secured from the Planning Director in accordance with Chapter 25-2-70 of the Zoning Code. Plans shall identify existing and proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).
- D. Driveway access to the subject property from Kekuanaoa Street shall meet with the approval of the Department of Public Works.
- E. The applicants shall construct roadway improvements with concrete curb, gutter and sidewalk, and drainage improvements along the entire subject property's Kekuanaoa Street frontage, meeting with the approval of the Department of Public

Works. The applicants shall also install street lights, signs and traffic markings fronting the subject property. All of the roadway improvements to Kekuaanoa Street shall be completed prior to a Certificate of Occupancy.


- F. The 10-foot future road widening section fronting the entire subject property along Kekuaanoa Street, including the roadway improvements thereon, shall be subdivided and dedicated to the County of Hawaii upon its completion.
- G. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Environmental Management in conjunction with the submittal of plans for Plan Approval.
- H. Wastewater disposal shall be connected to the County's sewer system, meeting with the rules and regulations of the Department of Environmental Management.
- I. Upon compliance with applicable conditions of approval, prior to the establishment 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 laws, 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 area within 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: December 19, 2001

Date of 1st Reading: December 19, 2001

Date of 2nd Reading: January 9, 2002

Effective Date: January 17, 2002

REFERENCE: Comm: 429

APPROVED AS TO FORM AND LEGALITY

DEPUTY



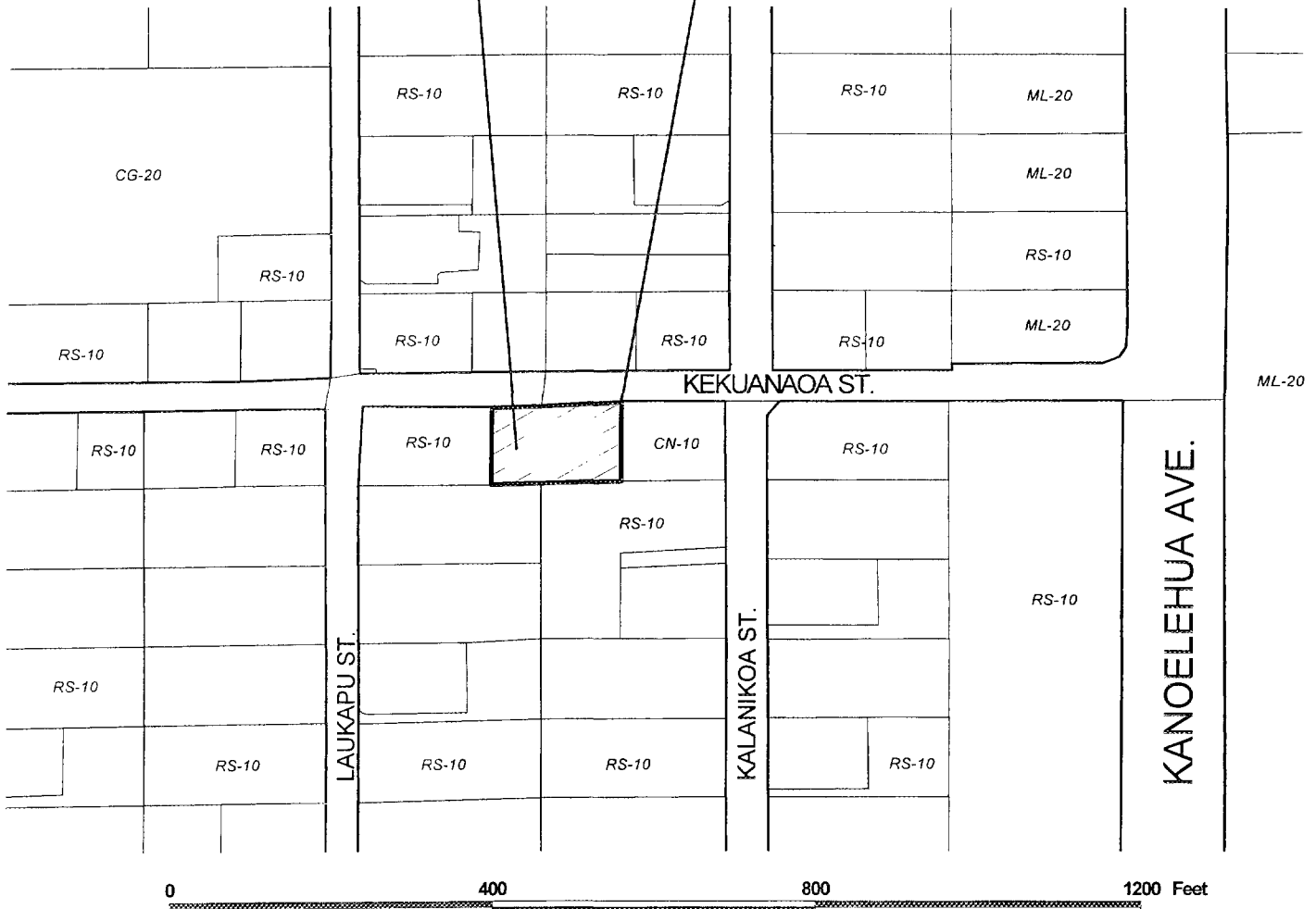
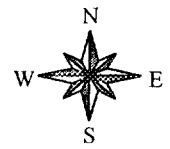
CORPORATION COUNSEL

DATED: 1-15-02

SINGLE FAMILY (RS-10)
TO NEIGHBORHOOD
COMMERCIAL (CN-10)

AREA = 16,000 Sq. Ft.

1,803.00 S
10,450.00 E
"HALAJ" Δ



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 HOUSELOTS, SOUTH HILO, HAWAII

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 2-2-36:123

SEPT. 14, 2001

EXHIBIT "A"

(Maeda)

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: December 19, 2001
First Reading: December 19, 2001
Published: N/A

REMARKS: _____

Second Reading: January 9, 2002
To Mayor: January 11, 2002
Returned: January 17, 2002
Effective: January 17, 2002
Published: January 31, 2002

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			
	8	0	1	0

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:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

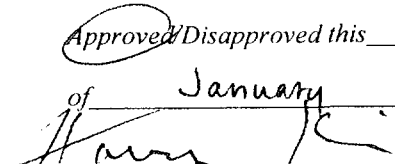
Date 1-15-02


COUNCIL CHAIRMAN


COUNTY CLERK

Bill No.: 140
Reference: C-429/PC-50
Ord No.: 02 11

Approved/Disapproved this 17th day
of January, 20 02


MAYOR, COUNTY OF HAWAII