

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 177

ORDINANCE NO. 02 48

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-20) AT WAIAKEA HOUSE LOTS SECOND SERIES, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-22:006.

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 House Lots Second Series, Waiakea, South Hilo, Hawaii, shall be General Commercial (CG-20):

Beginning at a pipe at the east corner of this lot, the south corner of Lot 16, Block 72, and on the north side of Road (60 feet wide), the coordinates of said point of beginning referred to Government Survey Trig. Station "HALAI", being 2458.16 feet south and 6404.15 feet east, as shown on Government Survey Registered Map No. 2705, and running by true azimuths:

- 1. 58° 10' 86.0 feet along north side of Road (60 feet wide);
- 2. 148° 10' 240.0 feet along Lot 14;
- 3. 238° 10' 86.0 feet along Lot 8;
- 4. 328° 10' 240.0 feet along Lot 16 to the point of beginning containing an area of 20,640 square feet, more or less.

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 for the proposed development shall be secured from the Planning Director in accordance with Chapter 25-2-70 of the Zoning Code within two (2) years from the effective date of this ordinance. Plans shall identify existing and proposed structures, 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).
- C. All driveway connections to Kamana Street shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code.
- D. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval. A copy of the approved plan shall be submitted to the Planning Department prior to the issuance of Final Plan Approval.
- E. If required, a drainage study shall be prepared and any drainage improvements shall be constructed meeting with the approval of the Department of Public Works prior to the issuance of a certificate of occupancy.
- F. Prior to the issuance of a certificate of occupancy for a new commercial structure, the applicant shall construct full improvements to the entire frontage along Kamana Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements, and any required relocation of utilities, meeting with the approval of the Department of Public Works.

- G. Should an improvement district or similar arrangement be initiated in the future for curb, gutter, sidewalk, drainage, sewer and related improvements to Kamana Street, the property owner(s) shall participate automatically in such an arrangement.
- H. The applicant shall comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development.
- I. Should the Hawaii County 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.
- J. 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 applicant, its 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.

K. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject area 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

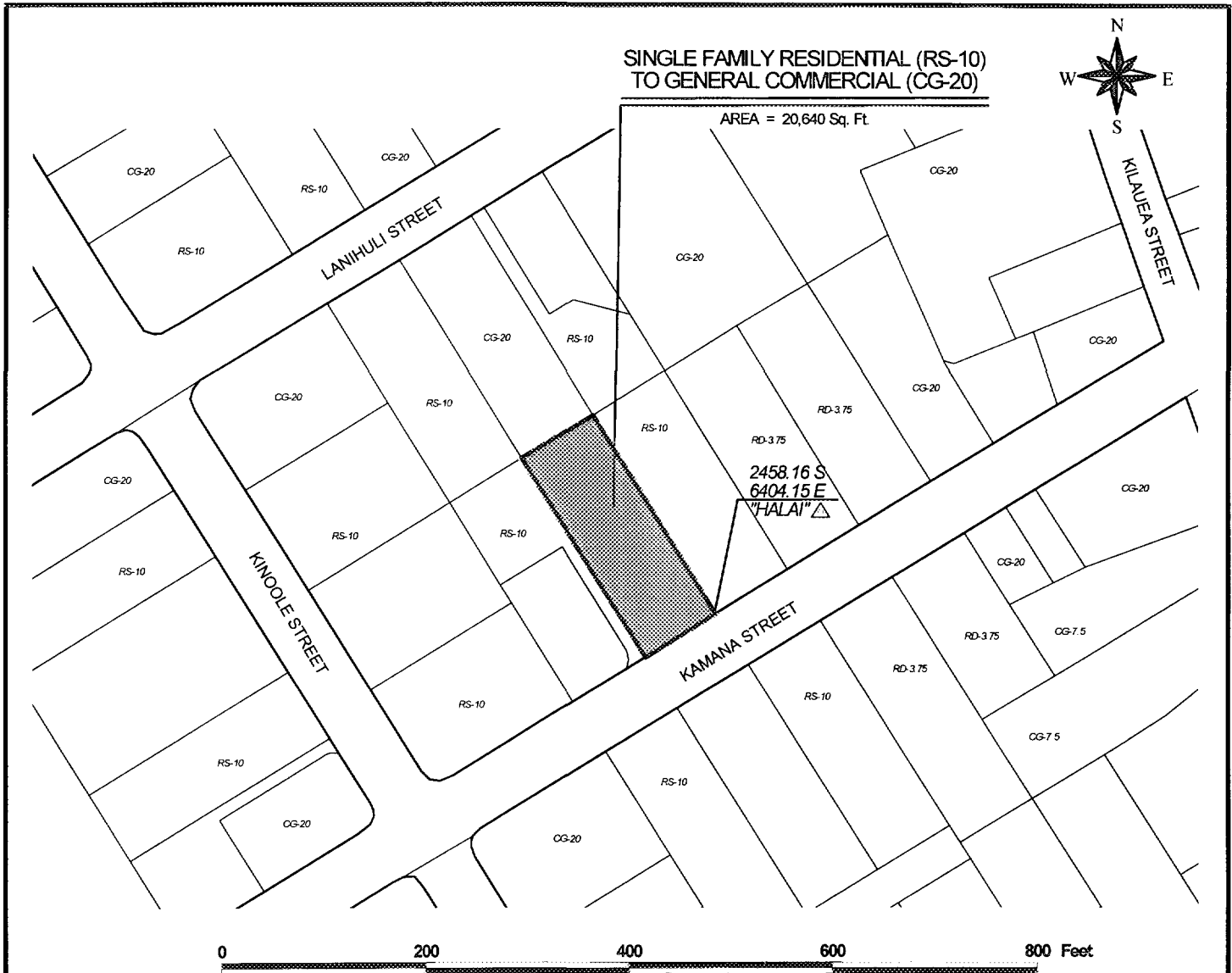
Date of Introduction: March 20, 2002

Date of 1st Reading: March 20, 2002

Date of 2nd Reading: April 3, 2002

Effective Date: April 10, 2002

REFERENCE: Comm. 525



# 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-20)  
 AT WAIAKEA, SOUTH HILO, HAWAII

PREPARED BY: PLANNING DEPARTMENT  
 COUNTY OF HAWAII

TMK : 2-2-22:006

NOV. 13, 2001

EXHIBIT "A"

(Branchek-1051)

OFFICE OF THE COUNTY CLERK  
County of Hawaii  
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd  
Date Introduced: March 20, 2002  
First Reading: March 20, 2002  
Published: N/A

REMARKS: \_\_\_\_\_  
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Second Reading: April 3, 2002  
To Mayor: April 5, 2002  
Returned: April 11, 2002  
Effective: April 10, 2002  
Published: April 25, 2002

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			
	9	0	0	0

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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 7, 2002

  
COUNCIL CHAIRMAN

COUNTY CLERK

Bill No.: 177  
Reference: C-525/PC-67  
Ord No.: 02 48

Approved/Disapproved this 10<sup>th</sup> day

of April, 2002  
  
MAYOR, COUNTY OF HAWAII