

COUNTY OF HAWAI'I STATE OF HAWAI'I

BILL NO. 56

ORDINANCE NO. 03 54

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO GENERAL COMMERCIAL (CG-10) AT WAIAKEA HOUSELOTS, 2<sup>ND</sup> SERIES, WAIAKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-21:25.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-33, Article 8, Chapter 25 (Zoning Code) of the Hawai'i 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 Houselots, 2<sup>ND</sup> Series, Waiakea, South Hilo, Hawai'i, shall be General Commercial (CG-10):

Beginning at a point at the north corner of this parcel of land, being also the east corner of Lot 2, Block 63, Grant 9159 to Alfred G. Souza and the westerly side of Kinoole Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halai" being 2,142.61 feet south and 5,735.05 feet east and running by azimuths measured clockwise from true south:

1. 328° 10' 61.00 feet along the westerly side of Kinoole Street; thence along a curve to the right having a radius of 20.00 feet, the chord azimuth and distance being:
2. 13° 10' 28.28 feet;
3. 58° 10' 105.88 feet along the northerly side of Lanihuli Street;
4. 148° 10' 81.00 feet along Lot 1-A;

5. 238° 10' 125.88 feet along Lot 2, Grant 9159 to Alfred G. Souza to the point of beginning and containing an area of 10,110 square feet.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code, the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
  - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
    - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
    - (B) Fulfillment of the need for public service demands created by the proposed use.
- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Construction of the proposed development 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 in accordance with the Zoning Code. 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 Lanihuli Street shall conform to Chapter 22, Streets and Sidewalks, of the Hawai'i County Code.
- D. The applicant shall connect to the existing County sewer lateral within Kino'ole Street.
- E. 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.
- F. A drainage study shall be prepared prior to the issuance of Final Plan Approval. Any required drainage improvements shall be constructed meeting with the approval of the Department of Public Works.
- G. Prior to the issuance of a certificate of occupancy for any new commercial structure, the applicant shall provide a concrete sidewalk, including a landscaping planting strip, along the entire frontage and provide full improvements to the entire frontage along Lanihuli Street, consisting of, but not limited to, concrete curb, gutter and sidewalk, and any required drainage improvements and utility relocation, meeting with the approval of the Department of Public Works.
- H. The applicant shall install a backflow preventer (reduced pressure type) meeting with the approval of the Department of Water Supply prior to the issuance of the certificate of occupancy.
- I. The applicant shall comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development, including the Department of Water Supply.

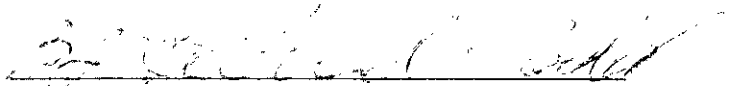
- J. Should the Hawai'i County Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- K. An initial extension of time 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.

- L. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning 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:

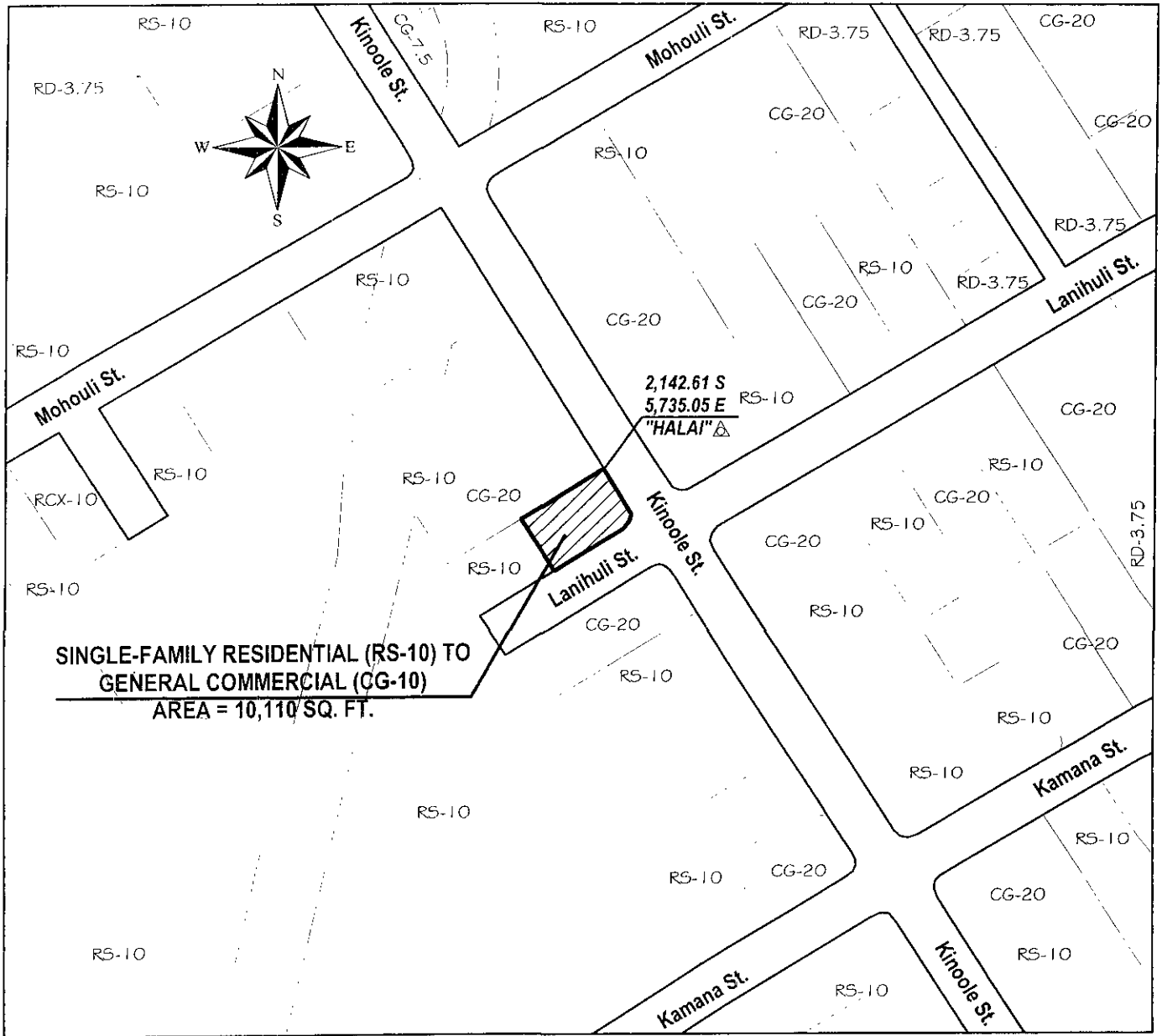


COUNCIL MEMBER, COUNTY OF HAWAII

          Hilo          , Hawai'i

Date of Introduction: March 19, 2003  
Date of 1st Reading: March 19, 2003  
Date of 2nd Reading: April 2, 2003  
Effective Date: April 9, 2003

REFERENCE: Comm.           134



**SINGLE-FAMILY RESIDENTIAL (RS-10) TO  
GENERAL COMMERCIAL (CG-10)  
AREA = 10,110 SQ. FT.**

2,142.61 S  
5,735.05 E  
"HALAI" 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 GENERAL COMMERCIAL (CG-10)  
AT WAIAKEA HOUSE LOTS, 2nd SERIES, 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: March 19, 2003  
First Reading: March 19, 2003  
Published: N/A

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
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Second Reading: April 2, 2003  
To Mayor: April 4, 2003  
Returned: April 10, 2003  
Effective: April 9, 2003  
Published: April 24, 2003

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Holschuh	X			
Jacobson		X		
Leithead-Todd	X			
Reynolds	X			
Safarik	X			
Tyler		X		
	7	2	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Holschuh	X			
Jacobson		X		
Leithead-Todd	X			
Reynolds	X			
Safarik	X			
Tyler		X		
	6	2	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 4/24/03

[Signature]  
COUNCIL CHAIRMAN  
[Signature]  
COUNTY CLERK

Bill No.: 56  
Reference: C-134/PC-22  
Ord No.: 03 54

Approved/Disapproved this 9<sup>th</sup> day  
of April, 2003  
[Signature]  
MAYOR, COUNTY OF HAWAII