

COUNTY OF HAWAI'I

STATE OF HAWAI'I

BILL NO. 344
Draft 2

ORDINANCE NO. 04 150

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 NEIGHBORHOOD COMMERCIAL (CN-10) TO INDUSTRIAL-COMMERCIAL MIXED (MCX-20) AT WAIAKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-2-32:93.

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, South Hilo, Hawai'i, shall be Industrial-Commercial Mixed (MCX-20):

Beginning at the southeast corner of this parcel of land and on the intersection of Kuawa Street and Kanoelehua Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1684.91 feet North and 11061.50 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 90° 00' | 227.47 | feet along the north side of Kuawa Street; |
| 2. | 180° 00' | 260.94 | feet along Lot 1; |
| 3. | 270° 00' | 227.47 | feet along Government Land and Grant 8576 to K. Kaikuaana; |
| 4. | 360° 00' | 260.94 | feet along the west side of Kanoelehua Avenue to the point of beginning and containing an area of 59,356 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:

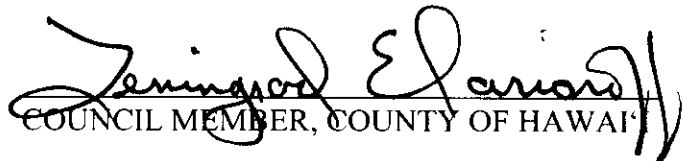
- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
 - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.
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- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
 - B. Access(es) to the property shall be limited to Kuawa Street.
 - C. All driveway connections to Kuawa Street shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code.
 - D. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties. If required, a drainage study shall be prepared and submitted to the Department of Public Works prior to the issuance of Final Plan Approval for any new structures. 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.
 - E. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy of any new structure.

- F. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area
- G. shall cease and the Department of Land and Natural Resources – State Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-HPD when it finds that sufficient mitigation measures have been taken.
- H. 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.
- I. The applicant shall comply with all applicable County, State, and Federal laws, rules, requirements, and regulations.

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.

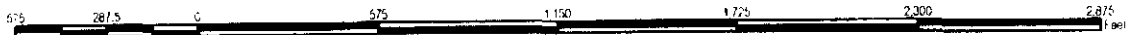
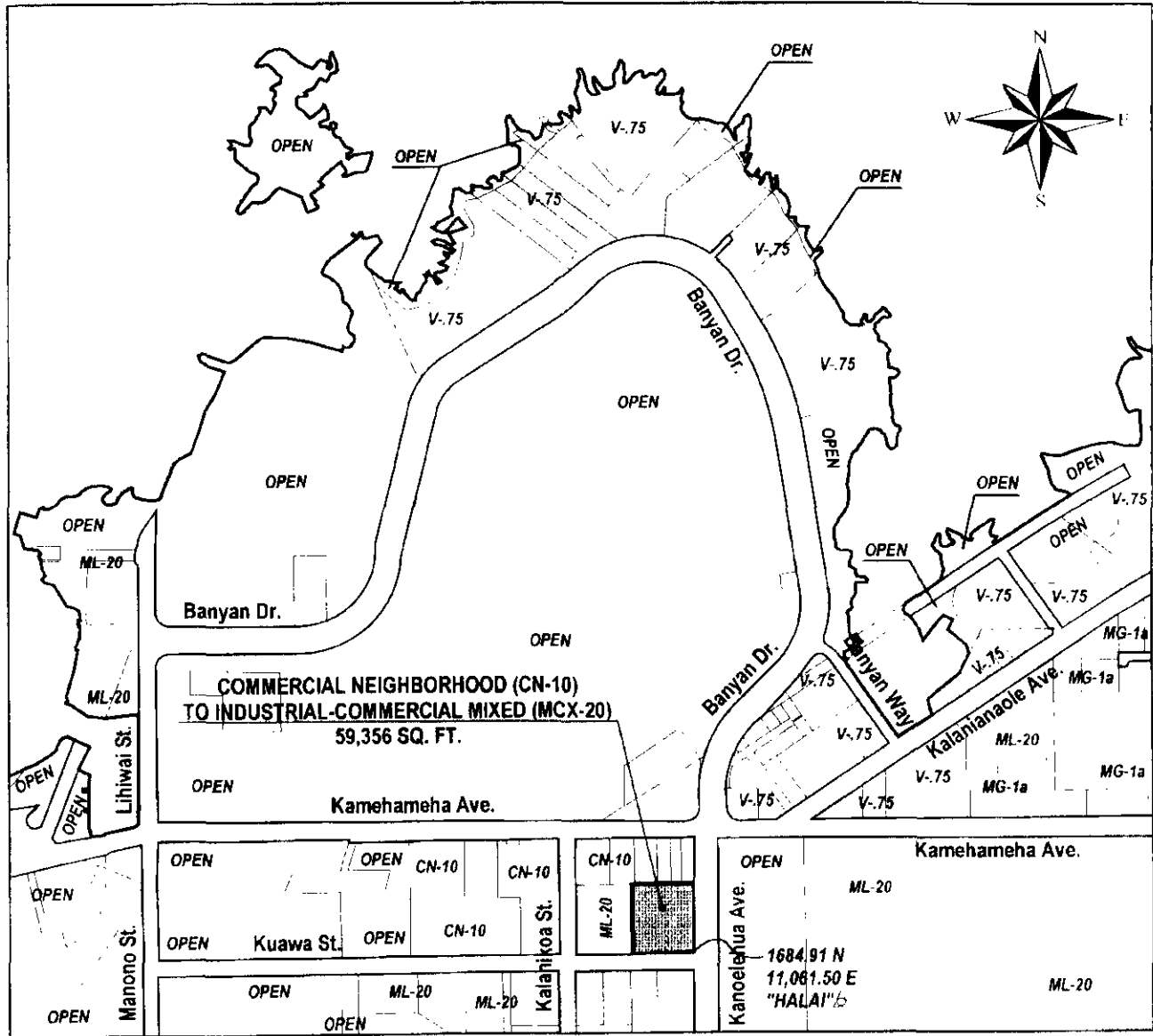
INTRODUCED BY:


 COUNCIL MEMBER, COUNTY OF HAWAII

_____ Kona _____, Hawai'i

Date of Introduction: November 10, 2004
 Date of 1st Reading: November 10, 2004
 Date of 2nd Reading: November 24, 2004
 Effective Date: December 8, 2004

REFERENCE: Comm. 793.1



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 NEIGHBORHOOD COMMERCIAL (CN-10)
 TO INDUSTRIAL-COMMERCIAL MIXED (MCX-20)
 AT WAIAKEA, SOUTH HILO, HAWAII

PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
 County of Hawaii
Kona, Hawaii

DEC 9 00:11:15

Introduced By: Leningrad Elarionoff
 Date Introduced: November 10, 2004
 First Reading: November 10, 2004
 Published: N/A

REMARKS: _____

Second Reading: November 24, 2004
 To Mayor: November 29, 2004
 Returned: December 9, 2004
 Effective: December 8, 2004
 Published: December 15, 2004

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Holschuh	X			
Jacobson	X			
Reynolds			X	
Safarik			X	
Tulang	X			
Tyler		X		
	6	1	2	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Holschuh	X			
Jacobson	X			
Reynolds	X			
Safarik	X			
Tulang	X			
Tyler		X		
	8	1	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 November 29, 2004

Approved Disapproved this 8th day
 of December, 20 04


 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRMAN


 COUNTY CLERK

Bill No.: 344 (Draft 2)
 Reference: C-793.1/PC-116
 Ord: 04 150