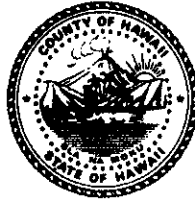


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 08 48 BILL NO. 254
(Draft 2)

AN ORDINANCE AMENDING CHAP. 25, ARTICLE 2, DIVISION 4, SECTION 25-2-45 OF THE HAWAII COUNTY CODE 1983 (2005 EDITION) WITH RESPECT TO NON-SIGNIFICANT ZONING CHANGES.

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

SECTION 1. Purpose. The Zoning Code allows some zoning changes, called "nonsignificant zoning changes", to be done administratively by the planning director, rather than by action of the county council. The purpose of this ordinance is to clearly limit the scope of such changes so that only small changes, not affecting more than five percent of any lot or one acre, whichever is less, can be made without the county council enacting a rezoning ordinance.

SECTION 2. Chapter 25, article 2, division 4, section 25-2-45, Hawai'i County Code 1983 (2005 Edition, as amended) is amended to read as follows:

"Section 25-2-45. Nonsignificant zoning changes.

(a) The director may administratively grant any nonsignificant zoning change. A nonsignificant zoning change must comply with the designations for the property set forth in the general plan and any development plan adopted by ordinance, and not result in an increase or decrease in any zoning designation affecting more than five percent of the area, or one acre, of any lot, whichever is less. ~~must either:~~

~~(1) Not result in a net increase in the density allowed in the zoning district(s) containing the affected area; or~~

~~(2) Be the lesser of a five percent or one acre increase or decrease in the area of any zoning district(s).]~~

(b) The applicant for a nonsignificant zoning change shall give notice to surrounding owners and lessees of record, pursuant to section 25-2-4, and shall post a sign for public notification as provided by section 25-2-12."

SECTION 3. Material to be replaced is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed material, and underscoring need not be included.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

_____Hilo_____, Hawai'i

Date of Introduction: **March 25, 2008**
Date of 1st Reading: **March 25, 2008**
Date of 2nd Reading: **April 9, 2008**
Effective Date: **April 21, 2008**

REFERENCE: Comm: 1041.2

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

RECEIVED

Introduced By: K. Angel Pilago
Date Introduced: March 25, 2008
First Reading: March 25, 2008
Published: April 4, 2008

REMARKS: _____

Second Reading: April 9, 2008
To Mayor: April 17, 2008
Returned: April 22, 2008
Effective: April 21, 2008
Published: May 1, 2008

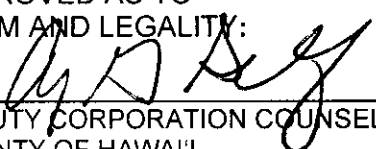
REMARKS: _____

2008 APR 22 10:12 AM HAWAII COUNTY				
	AYES	NOES	ABS	EX
Ford	X			
Higa	X			
Hoffmann	X			
Ikeda	X			
Jacobson	X			
Naeole	X			
Pilago	X			
Yagong	X			
Yoshimoto			X	
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Ford	X			
Higa	X			
Hoffmann	X			
Ikeda	X			
Jacobson	X			
Naeole	X			
Pilago	X			
Yagong	X			
Yoshimoto	X			
	9	0	0	0

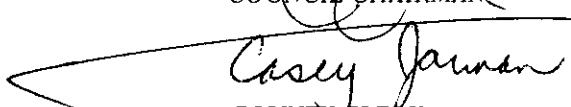
I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

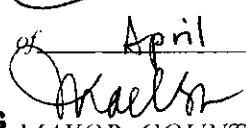
Date APR 18 2008


COUNCIL CHAIRMAN


COUNTY CLERK

Approved/Disapproved this 21st day

of April, 2008

ACTING 
MAYOR, COUNTY OF HAWAII

Bill No.: 254 (Draft 2)
Reference: C-1041.2/PC-75
Ord No.: 08 48

Ordinances Numbered 08-48, 08-49, 08-50, 08-51, 08-52, 08-53, 08-54, & 08-55

I hereby certify that the following Ordinances passed second and final reading at the meeting of the County Council on April 9, 2008, by vote, as listed below:

Ordinance 08-48 (Bill 254, Draft 2): An Ordinance Amending Chap. 25, Article 2, Division 4, Section 25-2-45 of the Hawai'i County Code 1983 (2005 Edition) with Respect to Non-Significant Zoning Changes. AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9; NOES: None; ABSENT: None; EXCUSED: None.

Ordinance 08-49 (Bill 258, Draft 2): An Ordinance Amending Chapter 2, Article 15, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Campaign Mailing Restrictions. AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8; NOES: None; ABSENT: Council Member Yoshimoto – 1; EXCUSED: None.

Ordinance 08-50 (Bill 259): An Ordinance Amending Chapter 2, Article 15, Section 2-91.1(a), Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Filing of Financial Disclosures by Regulatory Employees. AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8; NOES: None; ABSENT: Council Member Yoshimoto – 1; EXCUSED: None.

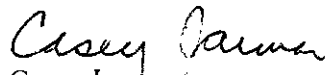
Ordinance 08-51 (Bill 260): An Ordinance to Amend Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8; NOES: None; ABSENT: Council Member Yoshimoto – 1; EXCUSED: None.

Ordinance 08-52 (Bill 261): An Ordinance to Amend Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8; NOES: None; ABSENT: Council Member Yoshimoto – 1; EXCUSED: None.

Ordinance 08-53 (Bill 271): An Ordinance Amending Chapter 7, Article 2, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Civil Defense Disaster Control. AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8; NOES: None; ABSENT: Council Member Yagong – 1; EXCUSED: None.

Ordinance 08-54 (Bill 272): An Ordinance to Amend Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9; NOES: None; ABSENT: None; EXCUSED: None.

Ordinance 08-55 (Bill 273): An Ordinance Amending Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. AYES: Council Members Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8; NOES: None; ABSENT: Council Member Ford – 1; EXCUSED: None.


Casey Jarman/
County Clerk

(Hawai'i Tribune-Herald – May 1, 2008)
(West Hawai'i Today – May 1, 2008)

Note: The original Digest/Affidavit is attached to Ordinance No. 08-48.