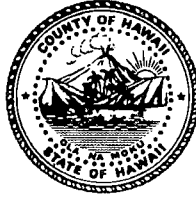


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 21 46 BILL NO. 36

AN ORDINANCE AMENDING ORDINANCE NO. 723 WHICH RECLASSIFIED LANDS FROM SINGLE-FAMILY RESIDENTIAL (RS-10) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-041:PORTION OF 75.

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

**SECTION 1.** Section 2 of Ordinance No. 723 is amended as follows:

“SECTION 2. [Section 7.29, Article 2, Chapter 8 (Zoning Code), of the Hawaii County Code, as amended, is further amended to add a new subsection, to read as follows:]In accordance with Section 25-8-33, Hawai'i County Code 1983 (2016 Edition, as amended), 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) that the petitioner, Beretania Properties, Inc., shall be responsible for complying with all of the stated conditions of approval; (B) that plans shall be submitted and Final Plan~~

Approval, in accordance with Chapter 8 (Zoning Code), Hawaii County Code, secured by the Planning Department for the proposed development within one (1) year from the effective date of the change of zone; (C) that construction commence within one (1) year from the date of receipt of Final Plan Approval and be completed within two (2) years thereafter; (D) that access to the property shall meet with the approval of the Department of Public Works; (E) that the proposed improvements shall be designed in keeping with the existing character of the immediate neighborhood; (F) that the General Plan density guidelines of a maximum of 24 percent ground cover and 28 percent paved parking area, and a minimum of 48 percent landscaping/open space shall be complied with; (G) that the sewage requirements of the appropriate governmental agencies shall be complied with; (H) that all water runoff generated by the proposed development shall be disposed of by a drainage system acceptable to the Department of Public Works; (I) that all other applicable rules, regulations and requirements be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated.]

**SECTION 2.** Material to be deleted is bracketed and stricken. New material is underscored.

**SECTION 3.** Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall take effect upon its approval.

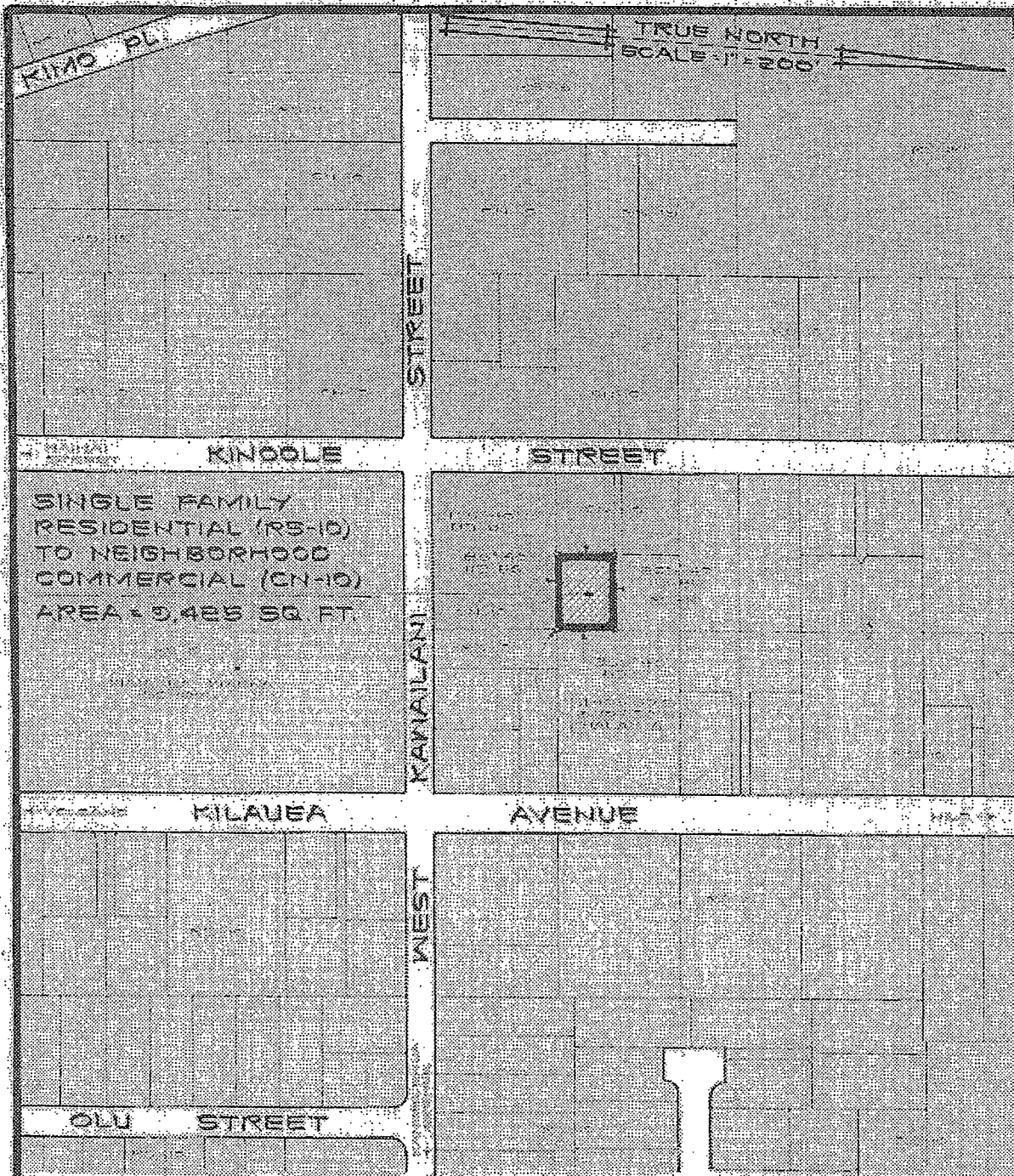
INTRODUCED BY:

A handwritten signature in black ink, appearing to read "AM Kona B/P", written over a horizontal line.

COUNCIL MEMBER, COUNTY OF HAWAI'I

Kona, Hawai'i  
Date of Introduction: June 2, 2021  
Date of 1st Reading: June 2, 2021  
Date of 2nd Reading: June 16, 2021  
Effective Date: June 25, 2021

REFERENCE Comm. 235



SINGLE FAMILY  
RESIDENTIAL (RS-10)  
TO NEIGHBORHOOD  
COMMERCIAL (CN-10)  
AREA = 5,425 SQ. FT.

### AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 94 TO SECTION 7.29 (THE CITY OF HILO ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT WAIAKEA, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING : JUNE 9, 1981  
EFFECTIVE DATE : NOV. 4, 1981  
ORDINANCE NUMBER : 789  
PREPARED BY : PLANNING DEPARTMENT,  
COUNTY OF HAWAII

TMR - 2-2-41-78 (POR)

AUG. 25, 1981

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

COUNTY CLERK  
 COUNTY OF HAWAII

2021 JUN 29 AM 8:26

Introduced By: Ashley Kierkiewicz (B/R)  
 Date Introduced: June 2, 2021  
 First Reading: June 2, 2021  
 Published: June 11, 2021

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Second Reading: June 16, 2021  
 To Mayor: June 24, 2021  
 Returned: June 29, 2021  
 Effective: June 25, 2021  
 Published: July 16, 2021

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Richards	X			
Villegas	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung			X	
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Richards	X			
Villegas			X	
	7	0	2	0

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

  
 COUNCIL CHAIRPERSON

  
 COUNTY CLERK

Approved Disapproved this 25 day  
 of June, 2021.

  
 MAYOR, COUNTY OF HAWAII

Bill No.: 36  
 Reference: C-235/PC-19  
 Ord No.: 21 46