

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 541
(Draft 2)

ORDINANCE NO. 88 106

AN ORDINANCE AMENDING SECTION 25-95E (LALAMILO-PUUKAPU ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT PUUKAPU, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-4-06:8.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-95E, Article 3, 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 Puukapu, South Kohala, Hawaii, shall be Neighborhood Commercial (CN-10):

Beginning at a 1/2" pipe at the Southwesterly corner of this parcel of land, on the Northerly side of Mamalahoa Highway, the coordinates of which referred to Government Survey Triangulation Station "WEST BASE" being 88.88 feet South and 2,521.10 feet East and running by azimuths measured clockwise from True South:

- 1. 149° 07' 150.00 feet along remainder of Grant 4564 to W. Kaanaana to 1/2" pipe;

2. 250° 21' 175.00 feet along remainders of Grant 4564 to W. Kaanaana and Grant 4565 to H. Akona to a 1/2" pipe and passing over a 1-1/2" pipe (found) at 100.00 feet;
3. 329° 07' 150.00 feet along remainder of Grant 4565 to H. Akona to a nail;
4. 70° 21' 175.00 feet along the Northerly side of Mamalahoa Highway to the point of beginning and containing an area of 25,747 square feet or 0.591 Acre.

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 petitioner, successors or assigns shall be responsible for complying with all stated conditions of approval; (B) plans, including a detailed landscaping plan, for the proposed development shall be submitted to the Planning Director for plan approval review within one year from the effective date of approval of the change of zone. Plans shall reflect the design, landscaping and signage guidelines set forth in the Waimea Design Plan; (C) construction shall commence within one year from the date of receipt of final Plan Approval and be completed within two years thereafter; (D) curbs, gutters and sidewalks shall be constructed along the frontage of the subject property in accordance with the standards of the Department of Public

Works, in the event that: a) either of the adjoining property is rezoned for commercial use and is required to install curbs, gutters and sidewalks, at which time the applicant shall install the required improvements concurrently with the adjoining property, or b) the County Government authorizes an improvement district for Mamalahoa Highway for the purpose of installing curbs, gutters and sidewalks, whereupon the applicant shall automatically participate, or c) the County Council demands that such improvements be immediately installed. Further, the existing pavement shall be widened to match the curb; (E) drainage system(s) shall be installed in accordance with the requirements of the Department of Public Works; (F) comply with the requirements of the Department of Water Supply and the State Department of Health; (G) all other applicable laws, rules, regulations and requirements be complied with; (H) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the zone change. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; and (I) 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 applicants, 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; and 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); and 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. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. Should the council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance.

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.

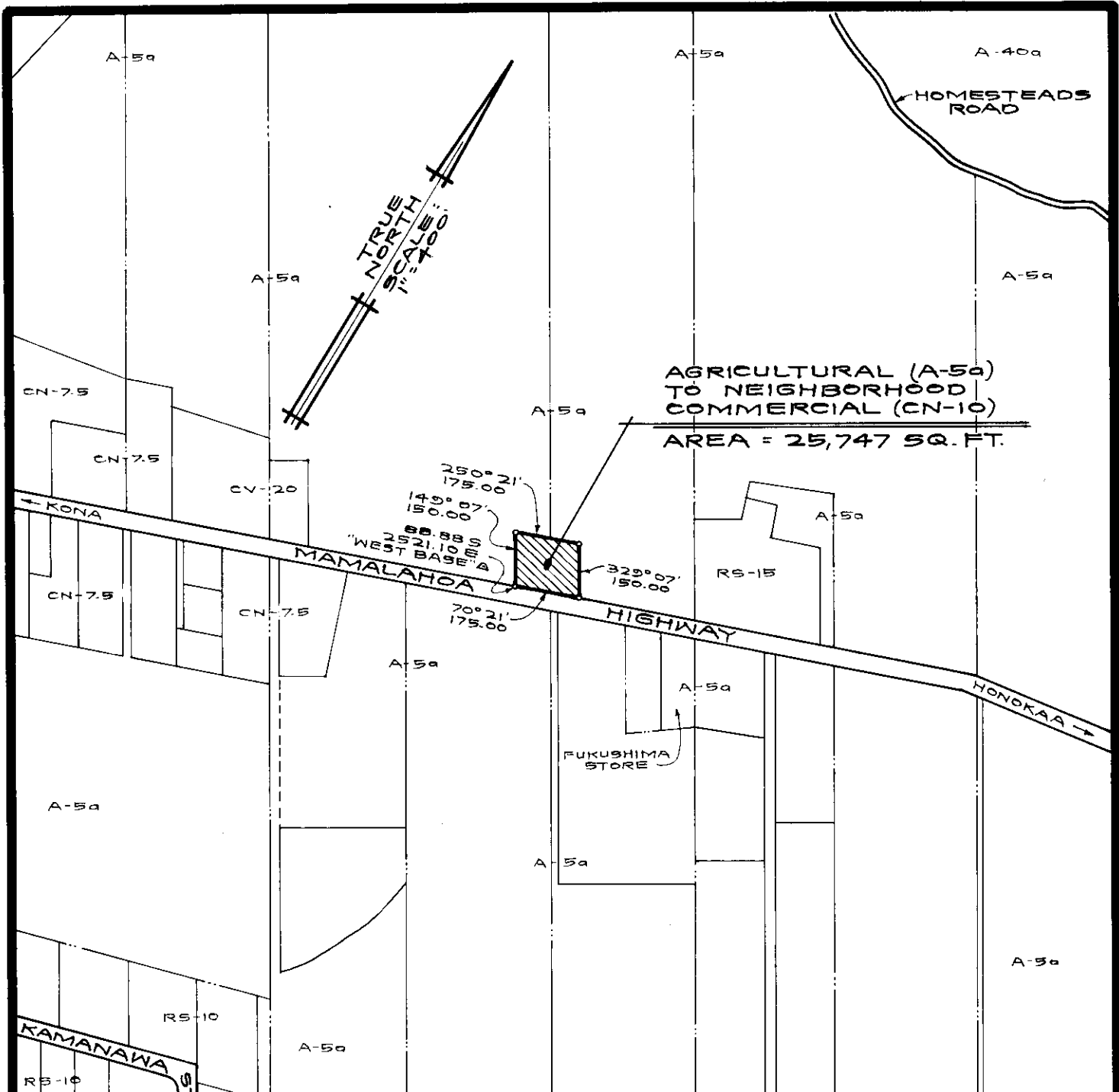
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 15, 1988
Date of 1st Reading: June 15, 1988
Date of 2nd Reading: July 6, 1988
Effective Date: July 12, 1988



AGRICULTURAL (A-5a)
TO NEIGHBORHOOD
COMMERCIAL (CN-10)
AREA = 25,747 SQ. FT.

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95E (LALAMILO-PUUKAPU ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT PUUKAPU, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 6-4-06 : B

FEB. 24, 1988

EXHIBIT "A"