

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 580  
(Draft 2)

ORDINANCE NO. 88 112

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT HOKUKANO 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-9-10:57.

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

SECTION 1. Section 25-87, 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 Hokukani 1st, North Kona, Hawaii, shall be Neighborhood Commercial (CN-10):

Beginning at a pipe at the southwesterly corner of this parcel of land, being also the northwesterly corner of Lot 6 and a point on the easterly side of the Hawaii Belt Road (Mamalahoa Highway), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 4,929.52 feet North and 10,437.14 feet East and running by azimuths measured clockwise from True South:

- 1. 148° 29' 30" 75.00 feet along the Easterly side of the Hawaii Belt Road (Mamalahoa Highway) to a pipe;

Thence, for the next three (3) courses following along the remainder of Grant 864 to Henry I.H. Holdsworth:

- 2. 238° 29' 30" 200.00 feet along Lot 8 to a pipe;

3. 328° 29' 30" 75.00 feet to a pipe;
4. 58° 29' 30" 200.00 feet along Lot 6 to the point of beginning and containing an area of 15,000 Square Feet.

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

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the following conditions: (A) that applicant, successors or assigns shall be responsible for complying with all stated conditions of approval; (B) plans for the proposed development shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of the change of zone; (C) construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within one year thereafter; (D) all other applicable laws, rules, regulations and requirements be complied with; (E) 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 (F) 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 the 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: July 6, 1988  
Date of 1st Reading: July 6, 1988  
Date of 2nd Reading: July 20, 1988  
Effective Date: July 29, 1988

