

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 616

ORDINANCE NO. 88 142

AN ORDINANCE AMENDING SECTION 25-89 (KAILUA URBAN ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO VILLAGE COMMERCIAL (CV-10) AT WAIAHA, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:41.

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

SECTION 1. Section 25-89, 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 Waiaha, North Kona, Hawaii, shall be Village Commercial (CV-10):

Beginning at the southwest corner of Lot 29, the coordinates of which referred to Government Survey Station "KAHELO" being 2462.57 feet North and 493.50 feet East and running by azimuths measured clockwise from true South:

- 1. 164° 20' 139.20 feet along Lot 27;
- 2. 256° 11' 2.43 feet along stonewall, portion of Grant 5327 to Samuel Liftee;
- 3. 248° 49' 73.68 feet along same;
- 4. 297° 36' 82.66 feet along stonewall, southwest side of Government Middle Road (Kailua to Keauhou Mauka);
- 5. 322° 15' 96.63 feet along same;

6. 74° 20' 172.28 feet along North side
of 30-foot roadway to
the point of beginning.
Containing an area of
19,520 square feet, or
thereabouts.

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 applicant, successors
or assigns shall comply with all of the stated conditions of
approval; (B) plans for the subject development showing all
existing structures, list of tenants, square footages, etc.,
including a new landscaping and off-street parking plan shall
be submitted for Plan Approval review within one year from the
effective date of approval of the change of zone; (C) the
installation of the approved landscaping and restriping of the
off-street parking requirements shall be completed within one
year from the date of receipt of Final Plan Approval; (D) a
10-foot wide road widening strip along the entire frontage of
Lunapule Road shall be set aside and placed within a
restrictive covenant in the deed of the subject property and
recorded with the State of Hawaii Bureau of Conveyances. A
copy shall be submitted to the Department of Public Works and
the Planning Department. No structural improvements shall be
allowed in this future road widening strip. Further,
applicable future building setbacks shall be taken from the

future road widening strip; (E) curbs, gutters, and sidewalks shall be provided along the frontage of the property meeting with the approval of the Department of Public Works. The plans for these improvements shall be submitted to the Planning Director and the Chief Engineer for review and approval simultaneously with the plans for final Plan Approval. These improvements shall be constructed in accordance with the standards of the Department of Public Works within one year from the effective date of the change of zone and no change of uses within this complex shall be processed or be approved until either these improvements have been installed or a bond or other surety is provided to the satisfaction of the Planning Director; (F) should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered, work in the area affected shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken; (G) all applicable County and State laws, rules, regulations and requirements shall be complied with; (H) 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; (I) 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 (J) an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: a) 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; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; d) 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 e) 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 to a more appropriate designation.

SECTION 3. In the event that any portion of the 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.

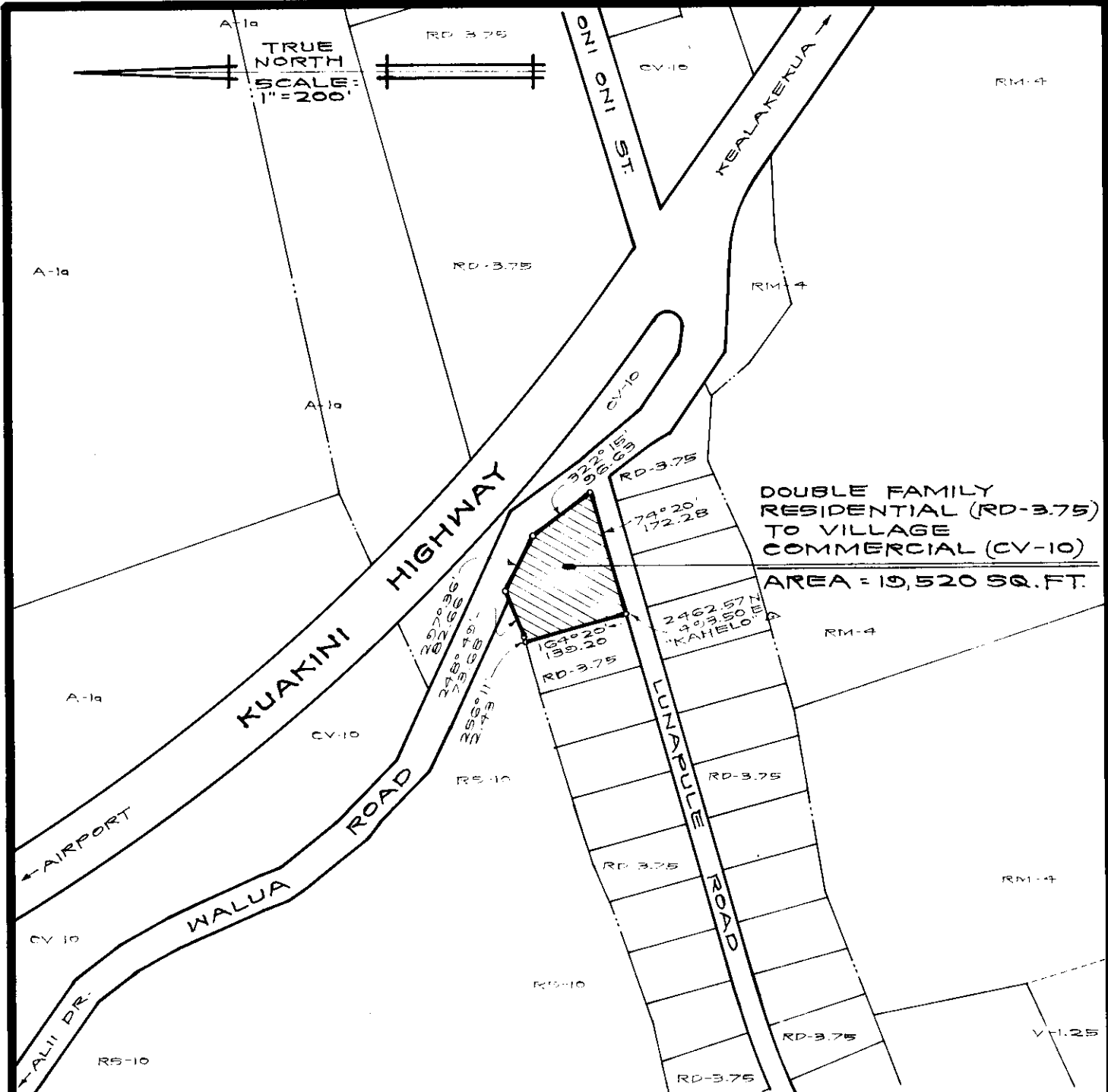
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	August 25, 1988
Date of 1st Reading:	August 25, 1988
Date of 2nd Reading:	September 7, 1988
Effective Date:	September 16, 1988



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-89 (KAILUA URBAN ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO VILLAGE COMMERCIAL (CV-10) AT WAIAHA, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 7-5-18 : 41

JULY 5, 1988

EXHIBIT "A"