

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 74

ORDINANCE NO. 89 63

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 7-5-18:30, 31 & 32.

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 a spike (in concrete) at the Southwesterly corner of this parcel of land, being also a point on the Northerly side of Lunapule Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO" being 2,200.74 feet North and 300.10 feet West and running by azimuths measured clockwise from True South:

Thence, for the next five (5) courses following along the remainder of Grant 5327 to Samuel Liftee:

- 1. 152° 49' 157.54 feet to a 1/2 inch pipe (set);
2. 249° 59' 106.64 feet to a point;
3. 254° 52' 30" 112.71 feet to a point;
4. 257° 18' 35.36 feet to a 1/2 inch pipe (set);

5. 341° 04' 123.63 feet along Lot 13 of the
Konalani Subdivision to a
1/2 inch pipe (found);

Thence, following along the Northerly side of
Lunapule Road on a curve
to the left with a radius
of 1,015.00 feet, the
chord azimuth and distance
being:

6. 68° 49' 47" 79.00 feet to a point;

Thence, following along the Northerly side of
Lunapule Road on a curve
to the left with a radius
of 1,015.00 feet, the
chord azimuth and distance
being:

7. 64° 42' 29" 67.00 feet to a point;

8. 62° 49' 87.00 feet along the Northerly
side of Lunapule Road to
the point of beginning and
containing an area of
34,157 Square Feet.

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 applicants, successors
or assigns shall comply with all of the stated conditions of
approval; (B) The properties shall be consolidated within one
year from the effective date of approval of the change of zone;
(C) Final Plan Approval for the proposed development shall be
secured within one year from the effective date of the change
of zone. To assure adequate time for plan approval review and
in accordance with Chapter 25-244 (Zoning Code), plans shall be

submitted a minimum forty-five days prior to the date by which plan approval must be secured; (D) Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within three years thereafter; (E) A drainage system shall be installed in accordance with the requirements of the Department of Public Works; (F) A 10-foot wide road widening strip along the entire frontage of Lunapule Road shall be dedicated to the County prior to receipt of final consolidation approval; (G) Curbs, gutters, and sidewalks and pavement improvements shall be constructed along the entire frontage of Lunapule Road. Further, there shall be a tie-in with the existing pavement on both ends of the property. These improvements shall meet with the approval of the Department of Public Works and be provided prior to receipt of an occupancy permit; (H) 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; (I) All other applicable laws, rules, regulations and requirements be complied with, including those of the Department of Water Supply, Fire Department and the State Department of Health; 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: 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. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

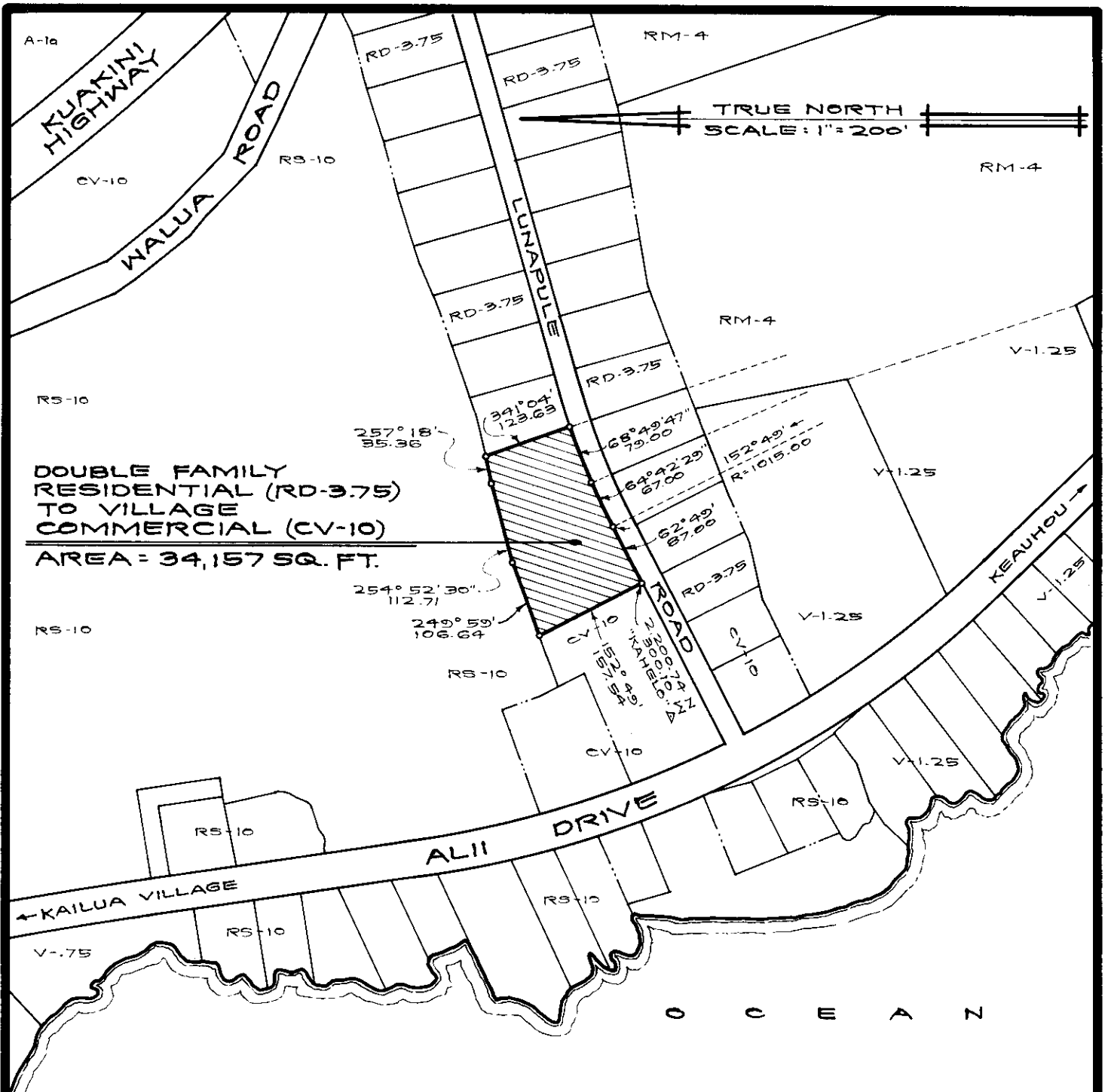
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 19, 1989
Date of 1st Reading: April 19, 1989
Date of 2nd Reading: May 3, 1989
Effective Date: May 9, 1989



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: 30, 31 AND 32

JAN. 27, 1989

EXHIBIT "A"