

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 649 (Draft 4)

ORDINANCE NO. 89 100

AN ORDINANCE AMENDING SECTION 25-112 (WAIOHINU 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 WAIOHINU, KA'U, HAWAII, COVERED BY TAX MAP KEY 9-5-01:29.

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

SECTION 1. Section 25-112, 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 Waiohinu, Ka'u, Hawaii, shall be Neighborhood Commercial (CN-10):

Beginning at the Southernmost corner of this parcel of land, being also the Westernmost corner of the Waiohinu Park (Governor's Executive Order 193) as shown on C.S.F. 4270 and being a point on the Northeasterly side of Mamalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU A AO" being 1,577.21 feet South and 4,582.05 feet East and running by azimuths measured clockwise from True South:

- 1. 122° 49' 149.11 feet along the Northeasterly side of Mamalahoa Highway to a point;

Thence, for the next three (3) courses following along the remainder of Land Patent S-8549, Land Commission Award 10683 to D. Pipi:

2. 215° 57' 158.15 feet along Lot D to a point;
3. 305° 57' 148.89 feet to a point;
4. 35° 57' 150.00 feet along Waiohinu Park (Governor's Executive Order 193) as shown on C.S.F. 1470 to the point of beginning and containing an area of 22,940 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) 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 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 two years thereafter; (D) access to the property shall meet with the approval of the Department of Public Works; (E) a drainage system shall be installed meeting with the approval of the Department of Public Works; (F) upon consultation with the surrounding property owners, the applicant shall submit a trash pick-up and trash receptacle location plan and/or program to the Planning Department to minimize any potential litter impacts to the surrounding area. Said plan and/or program

shall also include provisions for the strategic placement of structures to avert or minimize trespasses to adjoining properties; (G) all other applicable laws, rules, regulations and requirements be complied with; (H) as agreed to by the applicant, the development's parking lot shall not include parking stalls for buses. Buses, for this purpose, are defined as vehicles with a wheelbase exceeding 20 feet; (I) 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; (J) 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, (K) an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:

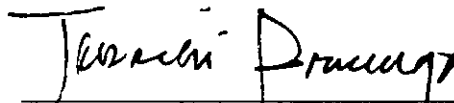
- 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result

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 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.

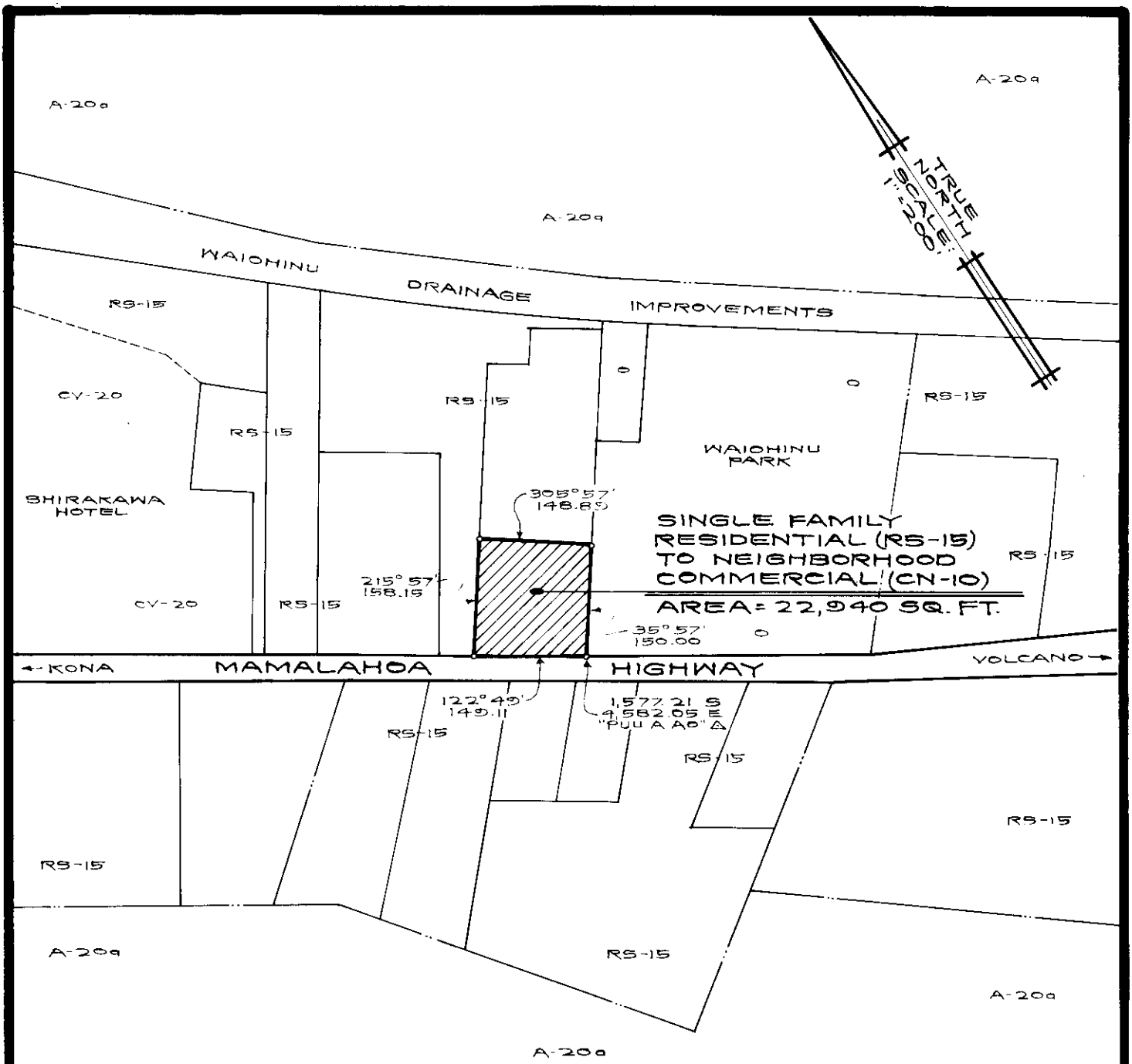
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 7, 1989
Date of 1st Reading: June 7, 1989
Date of 2nd Reading: June 21, 1989
Effective Date: July 10, 1989



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-112 (WAIOHINU 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 WAIOHINU, KA'U, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 9-5-01 : 29

SEPT. 20, 1988

EXHIBIT "A"