

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 196

ORDINANCE NO. 90 011

AN ORDINANCE AMENDING SECTION 25-111 (NAALEHU 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 VILLAGE COMMERCIAL (CV-10) AT KOWALA, KA'U, HAWAII, COVERED BY TAX MAP KEY 9-5-08:Portion of 1.

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

SECTION 1. Section 25-111, 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 Kowala, Ka'u, Hawaii, shall be Village Commercial (CV-10):

Beginning at the Southwest corner of this parcel of land, being approximately 150 feet North of the intersection of the centerline of Kaalaiki Road and Mamalahoa Highway and being also on the East side of Kaalaiki Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "STEIN 2" being 148.22 feet North and 3,387.48 feet West and thence running by azimuths measured clockwise from true South:

- 1. 173° 24' 265.00 feet along the East side of Kaalaiki Road;
2. 263° 24' 95.00 feet along the remainder of Grant 1377 to D.F. Sanford;
3. 353° 24' 137.56 feet along the remainder of Grant 1377 to D.F. Sanford;

4. 257° 30' 122.40 feet along the remainder of Grant 1377 to D.F. Sanford;
5. 347° 30' 117.00 feet along the remainder of Grant 1377 to D.F. Sanford;
6. 77° 30' 230.00 feet along the remainder of Grant 1377 to D.F. Sanford to the point of beginning and containing an area of 39,737 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 applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) Final Plan Approval shall be secured from the Planning Department within one year from the effective date of the zone change. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), Hawaii County Code, as amended, plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured; (C) Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) pedestrian access improvements shall be constructed along the Kaalaiki Road frontage of the property from the Mamalahoa Highway-Kaalaiki Road intersection to the northernmost boundary of the area to be rezoned. The improvements shall be

constructed meeting with the approval of the Department of Public Works prior to the issuance of the Certificate of Occupancy for the proposed use; (E) Access shall meet with the approval of the Department of Public Works; (F) A drainage system shall be installed in accordance with the requirements of the Department of Public Works; (G) All other applicable 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: 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; 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 shall 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.

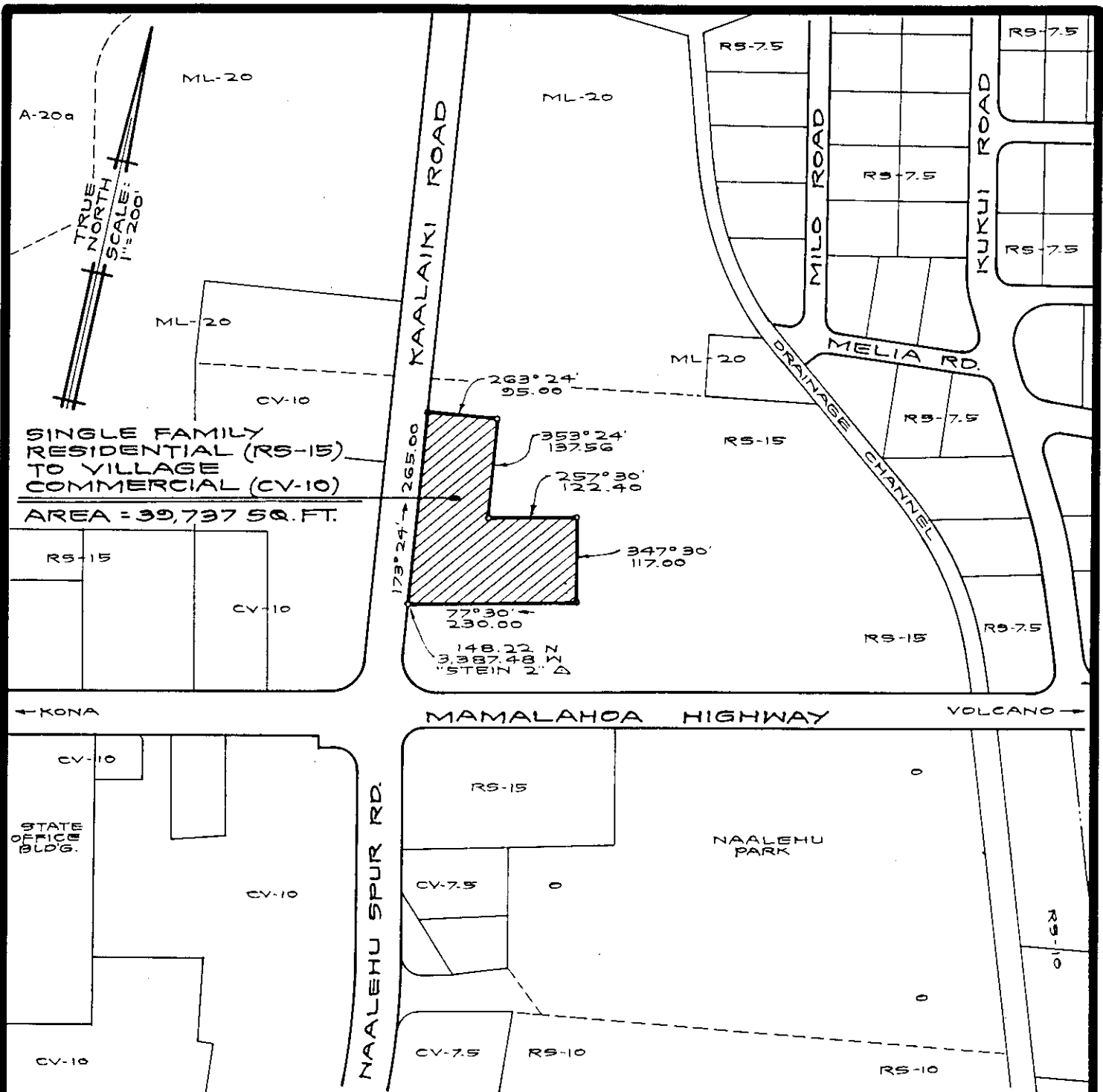
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	January 16, 1990
Date of 1st Reading:	January 16, 1990
Date of 2nd Reading:	February 7, 1990
Effective Date:	February 13, 1990



SINGLE FAMILY
RESIDENTIAL (RS-15)
TO VILLAGE
COMMERCIAL (CV-10)
AREA = 39,737 SQ. FT.

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-III (NAALEHU 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 VILLAGE COMMERCIAL (CV-10) AT KOWALA, KA'U, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 9-5-08: PORTION OF 1

NOV. 27, 1989