

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 567 (Draft 2)

ORDINANCE NO. 92 33

AN ORDINANCE AMENDING SECTION 25-98 (HAINA-HONOKAA-KUKUIHAELE ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-7.5) AT KAAO, HAMAKUA, HAWAII, COVERED BY TAX MAP KEY 4-5-21:61.

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

SECTION 1. Section 25-98, 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 KaaO, Hamakua, Hawaii, shall be Village Commercial (CV-7.5):

Beginning at the West corner of this parcel of land and at the corner of road junction, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PAAUAHAU", being 4381.39 feet North and 5501.86 feet West and running by azimuths measured clockwise from True South:

- 1. 203° 09' 63.48 feet along the East side of road intersection;
2. 268° 13' 39.19 feet along the South side of Mamalahoa Highway;
3. Thence following along the South side of Mamalahoa Highway along a curve to the right having a radius of 743.30 feet, the chord azimuth and distance being:
269° 42' 25" 38.66 feet;

4. Thence following along same along a curve to the right having a radius of 743.30 feet, the chord azimuth and distance being:  
       275° 35' 50"           114.05 feet;
5. 253° 12'                   21.63 feet along the South side of Mamalahoa Highway;
6. Thence following along same along a curve to the right having a radius of 753.30 feet, the chord azimuth and distance being:  
       283° 49' 13"           61.89 feet;
7. 23° 53'                   159.21 feet along Union Oil Company's Lease;
8. 114° 23'                   255.43 feet along the North side of old Government road to the point of beginning and containing an area of 30,004 square feet, more or less.

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

SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicant, its successors or assigns shall comply with all stated conditions of approval; (B) Final Plan Approval for the proposed development shall be secured from the Planning Department 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 of forty-five days prior to the date by

which plan approval must be secured. Plans shall indicate all structures, driveway circulation and parking stalls associated with the proposed development; (C) construction of the proposed development shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter; (D) access to the proposed development from Ohia Street shall meet with the approval of the Department of Public Works. The applicant shall provide for adequate site distance at the proposed project's ingress and egress points along Ohia Street. No access from the subject property onto Mamane Street shall be permitted; (E) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (F) all other laws, rules, regulations and requirements of State and County agencies shall be complied with, including the Departments of Public Works and Health; (G) 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; (H) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this change of zone. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required; (I) an 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 applicant, 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: March 18, 1992  
Date of 1st Reading: March 18, 1992  
Date of 2nd Reading: April 01, 1992  
Effective Date: April 7, 1992

APPROVED AS TO FORM AND LEGALITY:

  
CORPORATION COUNSEL

DATE: \_\_\_\_\_

