

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 62
(Draft 2)

ORDINANCE NO. 93 64

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 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:40.

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 properties described hereinafter as follows:

The district classification of the following area situated at Waiaha 2nd, North Kona, Hawaii, shall be Village Commercial (CV-10):

Beginning at a 1/2 inch pipe in concrete (found) at the Southeasterly corner of this parcel of land and 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 2,462.56 feet North and 340.32 feet East and running by azimuths measured clockwise from True South:

- 1. 74° 20' 75.00 feet along the Northerly side of Lunapule Road to a point;

2. 164° 20' 140.84 feet along Lot 25 of Konalani Subdivision and along the remainder of Grant 5327 to Samuel Liftee to a 1/2 inch pipe in concrete (found);
3. 250° 50' 30" 8.36 feet along Royal Patent 1930, No. 3, to Asa Thurston on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions to a spike in concrete (found);
4. 256° 11' 66.67 feet along Royal Patent 1930, No. 3, to Asa Thurston on a portion of Land Commission Award 387, Part 4, Section 2 to American Board of Commissioners for Foreign Missions to a spike in concrete (found);
5. 344° 20' 139.20 feet along the remainder of Grant 5327 to Samuel Liftee to the point of beginning and containing an area of 10,525 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) to establish any use or to modify any portion of the building, Final Plan Approval must be secured. Plans shall identify all structures, landscaping,

interior driveway circulation, landscaping, a 10-foot road widening strip along the property's Lunapule Road frontage to be dedicated to the County, drainage improvements, fire protection measures, and paved parking stalls associated with the development. Landscaping shall be provided for the purpose of mitigating noise and visual impacts to adjacent properties; (C) any necessary construction or related improvements to the existing structure shall be completed with one year from the date of receipt of Final Plan Approval; (D) a 10-foot wide road widening strip along the subject property's entire frontage along Lunapule Road, including all improvements required by Condition E, shall be dedicated to the County prior to the issuance of certificate of occupancy for the proposed development; ([D]E) access to the subject property shall comply with the requirements of the Department of Public Works prior to the issuance of a certificate of occupancy for the new use. The Lunapule Road frontage of the property shall be improved with curb, gutter sidewalk, pavement improvements and its transitions and striping, exclusive of driveway access, in accordance with the requirement of the Department of Public Works, prior to the issuance of certificate of occupancy for the proposed development. Preliminary plans for these improvements shall be submitted simultaneously with development plans for Plan Approval review; ([E]F) all runoff shall be maintained on the subject property. The applicant shall provide additional drainage improvements, as required by, and

meeting with the approval of the Department of Public Works prior to the issuance of a certificate of occupancy for the new use; ([F]G) comply with all other applicable laws, rules, regulations and requirements; ([G]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 shall be credited towards the requirements of the Unified Impact Fees Ordinance; ([H]I) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the 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; and, ([I]J) 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 the 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 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.

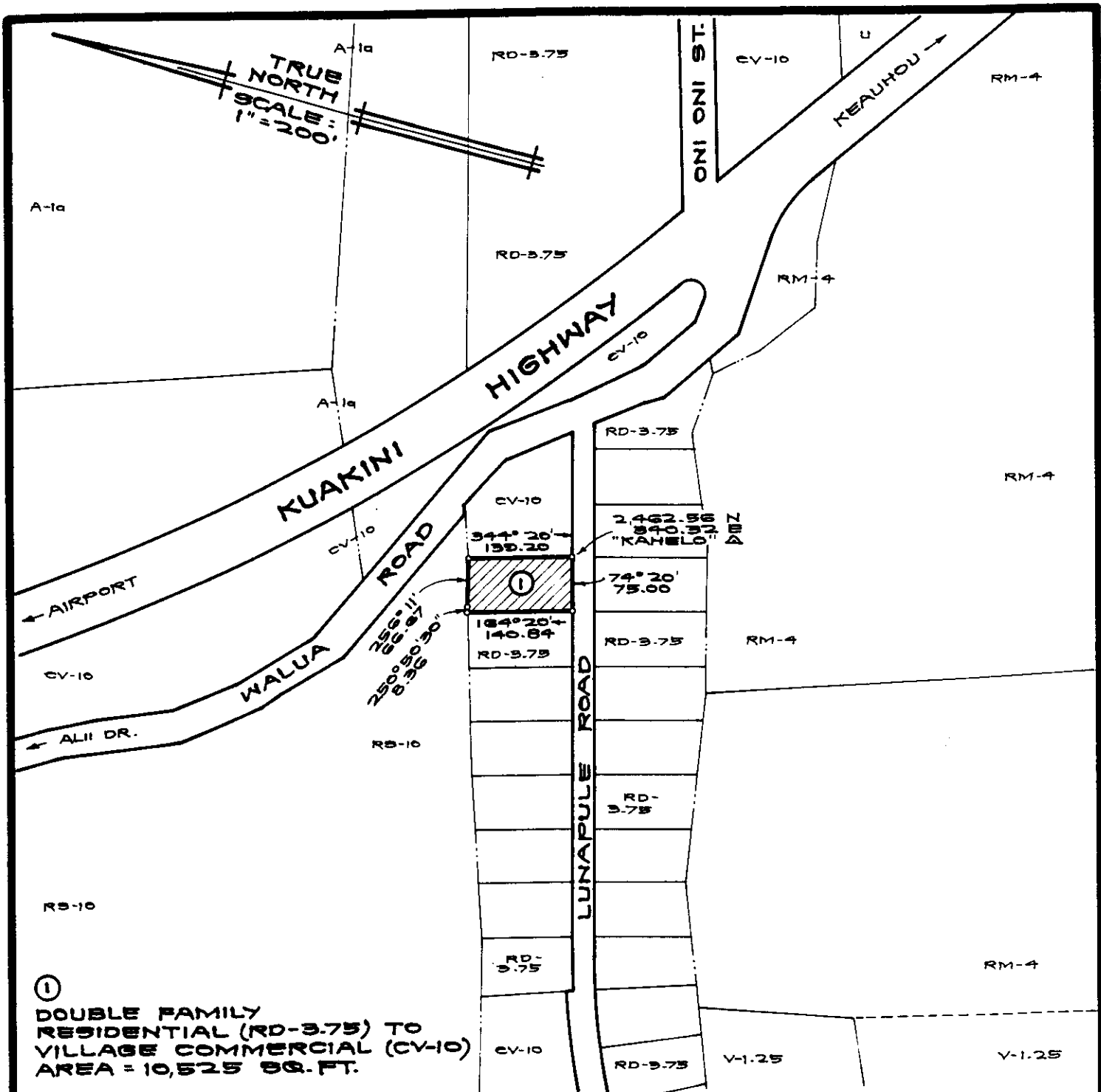
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 2, 1993
Date of 1st Reading: June 2, 1993
Date of 2nd Reading: June 16, 1993
Effective Date: June 22, 1993

APPROVED AS TO FORM AND LEGALITY:



①
 DOUBLE FAMILY
 RESIDENTIAL (RD-3.75) TO
 VILLAGE COMMERCIAL (CV-10)
 AREA = 10,525 SQ. FT.

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 2ND, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 7-5-18: 40

MARCH 9, 1992

(LEON AND CAROL FARRIS)

EXHIBIT "A"