

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 200  
(Draft 2)

ORDINANCE NO. 96 23

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA 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 HOKUKANO 1st, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-9-10:58.

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

SECTION 1. Section 25-87, 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 Hokukano 1st, North Kona, Hawaii, shall be Neighborhood Commercial (CN-10):

Beginning at a pipe at the northwest corner of this parcel of land and on the east side of Hawaii Belt Road (Mamalahoa Highway), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 5,057.41 feet north and 10,358.73 feet east, and running by azimuths measured clockwise from true South:

1. 238° 29' 30" 200.00 feet to a pipe;
2. 328° 29' 30" 75.00 feet to a pipe;
3. 58° 29' 30" 200.00 feet to a pipe on the east side of Hawaii Belt Road (Mamalahoa Highway);
4. 148° 29' 30" 75.00 feet along the east side of Hawaii Belt Road (Mamalahoa Highway) to the point of beginning and containing an area of 15,000 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. This change in district classification is conditioned upon the following:

- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within 90 days of the effective date of the change of zone ordinance.
- C. Construction of the commercial office building shall be completed within five (5) years from the effective date of this Change of Zone ordinance, which shall include securing Final Plan Approval for the proposed development from the Planning Department.
- D. A Drainage Study shall be submitted meeting with the approval of Department of Public Works prior to securing Final Plan Approval. The study must take into consideration the existing lava tube which has historically been used as a drainage way for mauka waters.
- E. A Solid Waste Management Plan shall be submitted meeting with the approval of the Department of Public Works prior to securing Final Plan Approval.
- F. A drainage system should be installed meeting with the approval of the Department of Public Works. Improvements may be required to an existing drop inlet on the shoulder.

- G. For the purpose of safe pedestrian transit, the applicant shall widen and improve the shoulders along the mauka (eastern) side of Mamalahoa Highway fronting the northerly adjacent parcel to a standard consistent with the frontage of neighboring commercially zoned parcels and which meets with the approval of the Department of Public Works. The applicant shall also improve the frontage of the subject property, as deemed necessary by the Department of Public Works, to maintain such standard in conjunction with driveway improvements.
- H. Should any unidentified sites or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
- I. Should the Council adopt a Unified Impact-Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fee Ordinance.
- 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).
  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.
- K. 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:

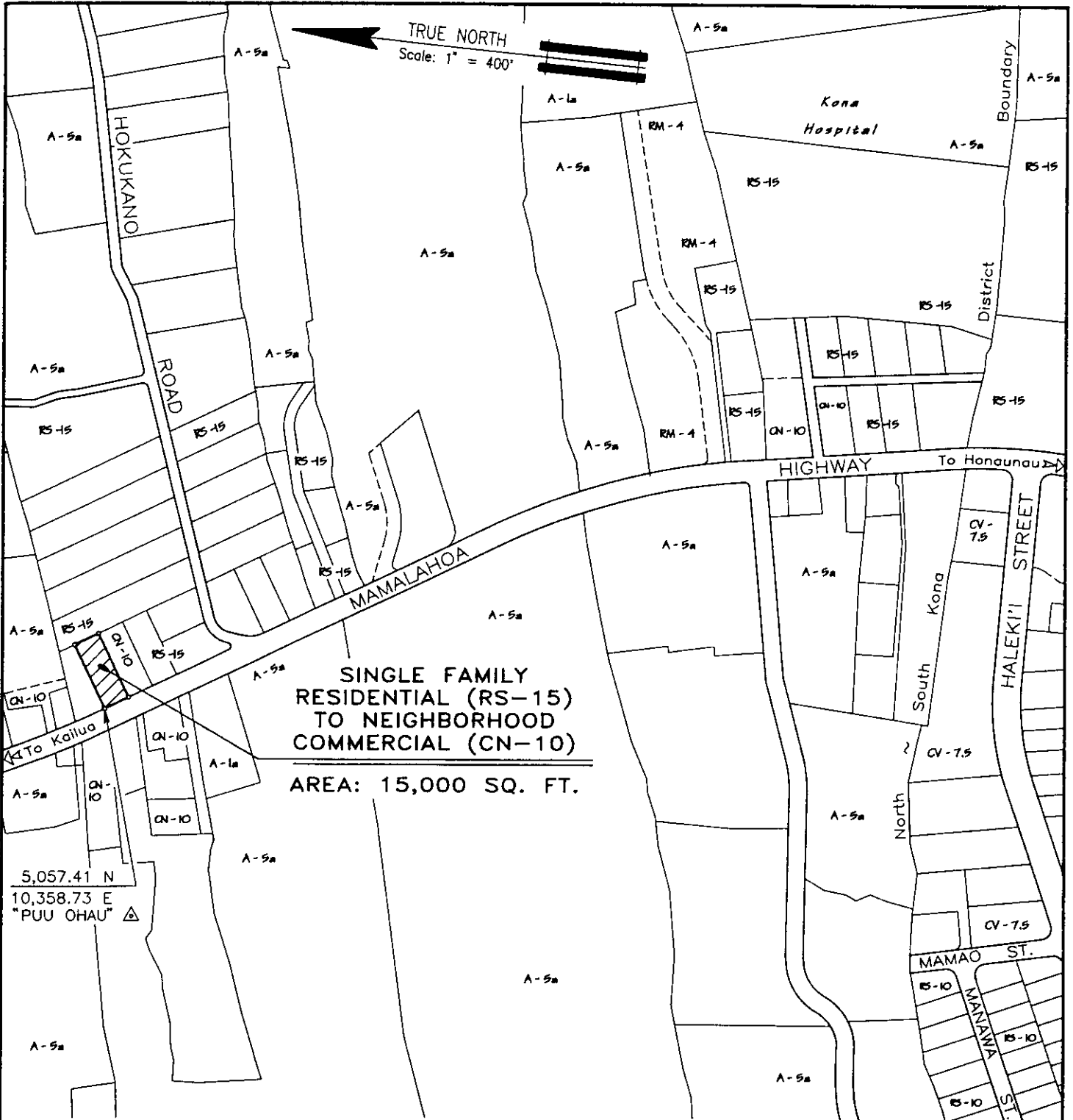
*Inahahi Domingo*  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 21, 1996  
Date of 1st Reading: February 21, 1996  
Date of 2nd Reading: March 7, 1996  
Effective Date: March 18, 1996

APPROVED AS TO FORM AND LEGALITY

*Fredrick Kaniini*  
DEPUTY CORPORATION COUNSEL  
DATED: 3/11/96



## AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-87 (NORTH KONA 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 HOKUKANO 1st, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RECEIVED

(DRAFT 2) '96 MAR 19 AM 8 21

Introduced By: Takashi Domingo  
 Date Introduced: February 21, 1996  
 First Reading: February 21, 1996  
 Published: N/A

REMARKS:

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OFFICE OF COUNTY CLERK ROLL CALL VOTE				
COUNTY	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo			X	
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
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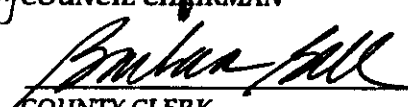
Second Reading: March 7, 1996  
 To Mayor: March 8, 1996  
 Returned: March 19, 1996  
 Effective: March 18, 1996  
 Published: March 25, 1996

REMARKS:

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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson			X	
Childs	X			
De Lima	X			
Domingo			X	
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	7	0	2	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

  
 Acting COUNCIL CHAIRMAN  
  
 COUNTY CLERK

Approved / ~~Disapproved~~ this 18 day  
 of March, 19 96.

  
 MAYOR, COUNTY OF HAWAII

Bill No.: 200 (Draft 2)  
 Reference: C-922/PC-101  
 Ord. No.: 96 23