

COUNTY OF HAWAII  STATE OF HAWAII

BILL NO. 185
(Draft 2)

ORDINANCE NO. 98 19

AN ORDINANCE AMENDING SECTION 25-8-4 (SOUTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO VILLAGE COMMERCIAL (CV-7.5) AT KANAKAU 1ST AND 2ND AND KALUKALU 1ST - 3RD, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-1-4:POR. 52.

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

SECTION 1. Section 25-8-4, Article 8, 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 Kanakau 1st and 2nd and Kalukalu 1st - 3rd, South Kona, Hawaii, shall be Village Commercial (CV-7.5):

Beginning at the Southeasterly corner of this parcel of land, being also the Northeasterly corner of Lot 11 and being a point on the Westerly side of Mamalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUOHAU" being 245.12 feet South and 11,290.29 feet East and running by azimuths measured clockwise from True South:

Thence, for the next five (5) courses following along Lot 11 and along the remainder of Grant 787 to H. N. Greenwell:

1. 77° 44' 85.12 feet to a point;
2. 348° 57' 102.05 feet to a point;
3. 82° 13' 74.48 feet to a point;
4. 120° 16' 32.03 feet to a point;
5. 352° 56' 27.02 feet to a point;

Thence, for the next four (4) courses following along the remainder of Grant 787 to H. N. Greenwell:

6. 78° 02' 173.01 feet along Lot 2 to a point;
7. 172° 56' 251.66 feet along the remainder of Lot 1 to a point;
8. 250° 30' 345.96 feet along Lot 2 to a point;

Thence, following along Lot 2 on a curve to the right with a radius of 10.00 feet, the chord azimuth and distance being:

9. 301° 43' 15.59 feet to a point;
10. 352° 56' 183.56 feet along the Westerly side of Mamalahoa Highway to the point of beginning and containing an area of 2.005 Acres.

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. Final Plan Approval for the existing commercial buildings shall be secured from the Planning Director in accordance with the Zoning Code, Section 25-2-72, within two (2) years from the effective date of this change of zone ordinance. Plans shall identify existing structures, landscaping, fire protection measures, driveway and parking areas associated with the improvements required by the Department of Public Works. Landscaping improvements as required by Section 25-5-127 shall be required for the entire frontage of Mamalahoa Highway with the exception of driveway and walkways. Final Plan Approval shall be secured for all new additions and/or buildings and must comply with the applicable requirements of the Zoning Code.
- C. Mamalahoa Highway shall be improved along the property's frontage with rolled curbs, meeting with the approval of the Department of Public Works.
- D. Access(es) to the subject property from the Mamalahoa Highway shall be constructed in a manner meeting the approval of the Department of Public Works.

- E. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, walls, lava tube or cave systems be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- F. 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.
- G. The applicant shall comply with all applicable laws, rules, regulations and requirements of affected agencies.
- H. 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).
- I. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject 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: February 4, 1998
Date of 1st Reading: February 4, 1998
Date of 2nd Reading: February 18, 1998
Effective Date: February 24, 1998

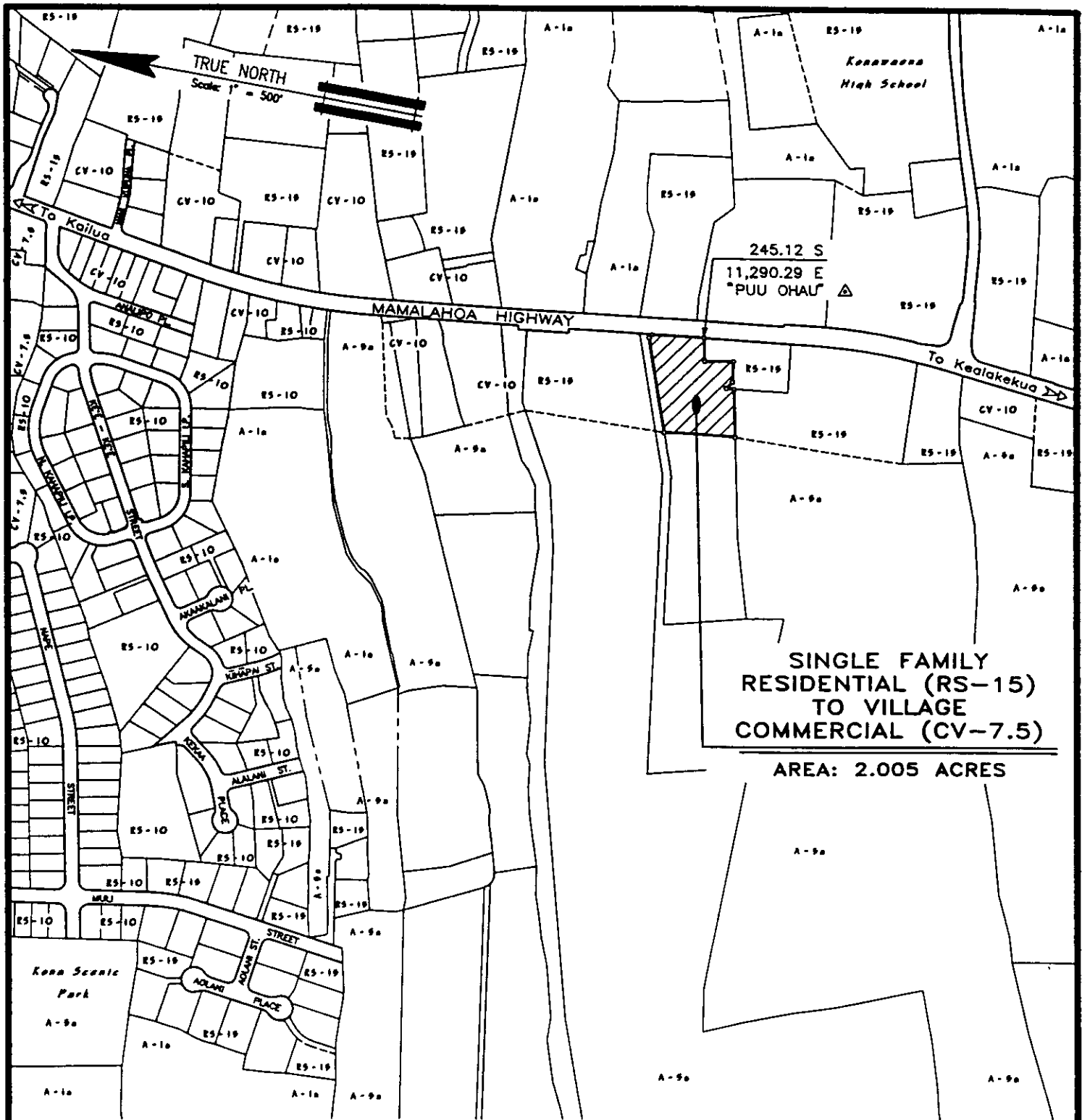
APPROVED AS TO FORM AND LEGALITY



DEPUTY

CORPORATION COUNSEL

DATED: 2/23/98



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-4 (SOUTH KONA ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO VILLAGE COMMERCIAL (CV-7.5) AT KANAKAU 1st & 2nd AND KALUKALU 1st - 3rd, SOUTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

100 FEB 25 8 18 AM '98

OFFICE OF THE COUNTY CLERK

(DRAFT 2)

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: February 4, 1998
 First Reading: February 4, 1998
 Published: N/A

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

REMARKS:

Second Reading: February 18, 1998
 To Mayor: February 20, 1998
 Returned: February 25, 1998
 Effective: February 24, 1998
 Published: March 8, 1998

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds			X	
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	8	0	1	0

REMARKS:

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

FORM AND LEGALITY:

Sudie H. Bennett
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 2/23/98

Approved/Disapproved this 24 day
 of February, 1998

James J. Galda
 COUNCIL CHAIRMAN
Donald R. Akaka
 COUNTY CLERK

Stan G. Kamae
 MAYOR, COUNTY OF HAWAII

Bill No.: 185 (Draft 2)
 Reference: C-647/PC-92
 Ord. No.: 98 19