

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 271

ORDINANCE NO. 98 93

AN ORDINANCE AMENDING SECTION 25-8-9 (HAWI-KAPAAU 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-10) AT PUEPUEHU, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-4-7:PORTION OF 2.

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

SECTION 1. Section 25-8-9, 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 Puepuehu, North Kohala, Hawaii, shall be Village Commercial (CV-10):

Beginning at the Northwest corner of this parcel of land, at the Northwest corner of Road Parcel 91 on the Southerly side of Hawi-Niulii Road, the coordinates of said point of beginning referred to Government Triangulation Station "PUU-O-NALE" being 12,375.55 feet North and 10,298.08 feet East and running by azimuths measured clockwise from true South:

- 1. 295° 24' 30" 140.04 feet along the Northeast side of Road Parcel 91 and the Southwest side of Hawi-Niulii Road to the land of Alfred Yuen being designated as TMK: (3rd Div) 5-4-7:1;
- 2. 13° 54' 126.00 feet along said land;
- 3. 277° 24' 61.00 feet along said land to west side of Kynnersley Road;
- 4. 15° 39' 85.43 feet along the West side of Kynnersley Road;
- 5. 114° 12' 203.59 feet along the remainder of R.P. Grant No. 1544 to 30 foot wide roadway;

6. 195° 23' 47" 194.71 feet along 30 foot wide roadway to the point of beginning and containing an area of 31,591 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. Construction of the proposed development shall be completed within five (5) years from the effective date of this change of zone ordinance. This time period shall include the securing of Final Plan Approval from the Planning Director in accordance with the Zoning Code, Section 25-2-72. 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 Akoni Pule Highway with the exception of driveway and walkways. Final Plan Approval must be secured for all new additions and/or buildings and must comply with the applicable requirements of the Zoning Code.
- C. Access to the subject property from Akoni Pule Highway shall meet with the requirements of the Department of Transportation.
- D. Access to the subject property from Kynnersley Road shall meet with the requirements of the Department of Public Works.

- E. Drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval.

- F. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, 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.

- G. 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 Fees Ordinance.

- 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, its 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).
- J. 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:

A handwritten signature in cursive script, appearing to read "Todd (BR)", is written over a horizontal line.

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: August 19, 1998
Date of 1st Reading: August 19, 1998
Date of 2nd Reading: September 2, 1998
Effective Date: September 16, 1998

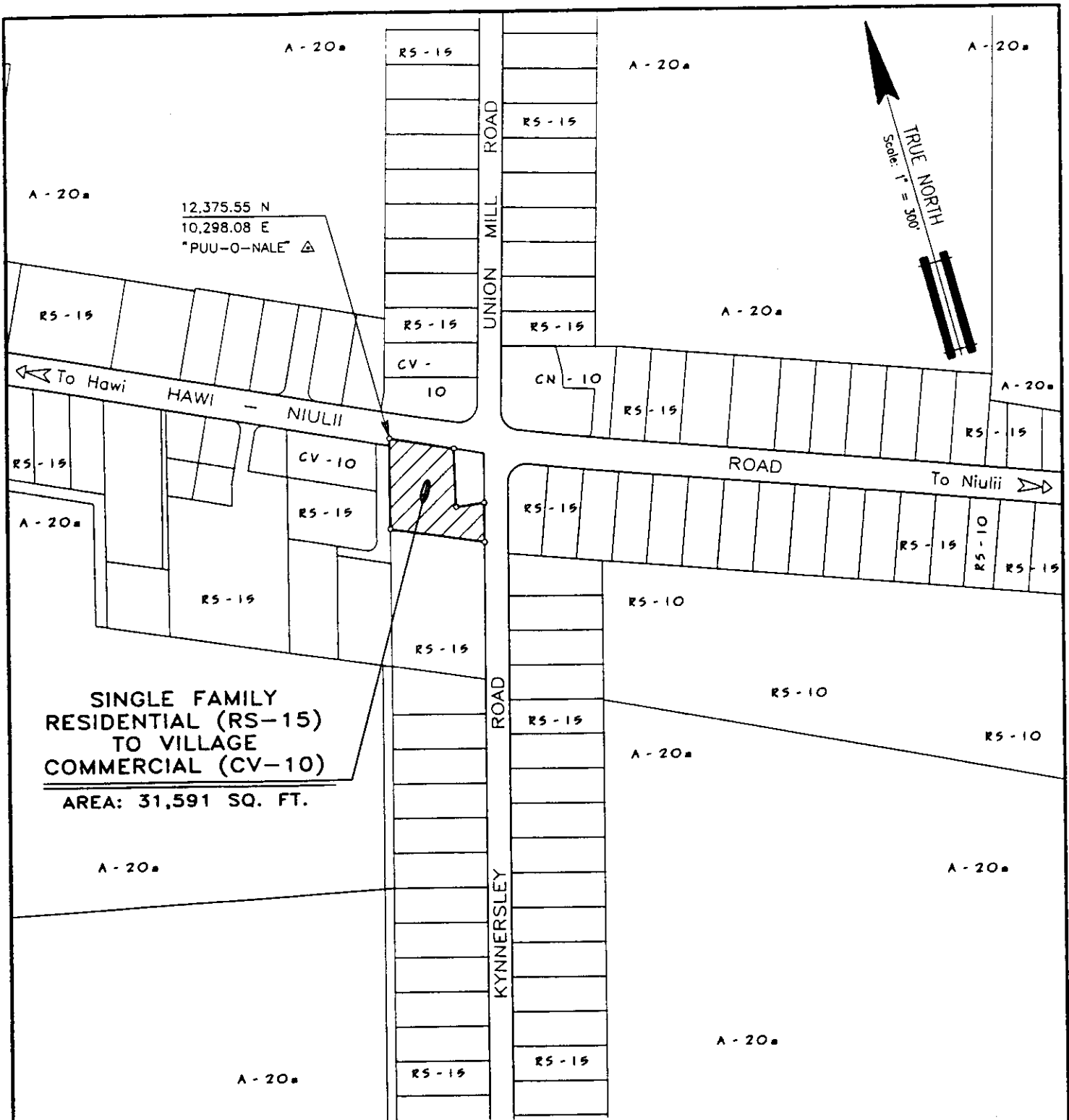
REFERENCE: Comm. 911

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in cursive script is written over a horizontal line.

CORPORATION COUNSEL

DATED: 9/4/98



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-9 (HAWI-KAPAAU 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-10) AT PUEPUEHU, NORTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: August 19, 1998
 First Reading: August 19, 1998
 Published: N/A

REMARKS:

Second Reading: September 2, 1998
 To Mayor: September 3, 1998
 Returned: September 16, 1998
 Effective: September 16, 1998
 Published: September 25, 1998

REMARKS:

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	
	7	0	2	0

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

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:

Frederick Manning
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 9/4/98
 Approved/Disapproved this 4 day
 of September, 19 98

Steve Gal
 MAYOR, COUNTY OF HAWAII

John O'Connell
 COUNCIL CHAIRMAN
Donald Akeda
 COUNTY CLERK

Bill No.: 271
 Reference: C-911/PC-137
 Ord. No.: 98 93