

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 107
(Draft 2)

ORDINANCE NO. 99 108

AN ORDINANCE AMENDING SECTION 25-8-17 (HAINA-HONOKAA-KUKUIHAELE ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT KAAO, HAMAKUA, HAWAII, COVERED BY TAX MAP KEY 4-5-21:60.

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

SECTION 1. Section 25-8-17, 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 Kaa, Hamakua, Hawaii, shall be Neighborhood Commercial (CN-10):

Beginning at the Westerly corner of this parcel of land being the Southerly corner of parcel 61 along the Northeasterly side of Ohia Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kaa" being 381.14 feet North and 1,209.00 feet East, thence running by azimuths measured clockwise from True South:

1. 203° 53' 00" 159.21 feet along the Southeasterly side of parcel 61;

Thence along the Southwesterly side of Honokaa-Paauhau Road, F.A.S.P. S 238(1), on a curve to the right with a radius of 753.30 feet, the chord azimuth and distance being:

2. 290° 56' 03" 125.01 feet;

3. 23° 53' 00" 171.53 feet along the Southwesterly side of Lot 1, Hamakua Sugar Company Subdivision to the Northeasterly side of Ohia Street;

4. 116° 40' 00" 120.18 feet along the Northeasterly side of Ohia Street;
5. 114° 30' 00" 4.81 feet along the same to the point of beginning and containing an area of 20,851 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, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance.
- C. Construction of the proposed development and related improvements within the subject property shall be completed within five (5) years from the effective date of this ordinance. This time period shall include securing Final Plan Approval from the Planning Director in accordance with the Zoning Code Sections 25-2-72 and 25-5-117 and the Planning Department's Rule 17 (Landscaping Requirements) for the commercial development within the subject property. Plans shall identify structures, fire protection measures, landscaping and maintenance plan, paved and striped parking stalls and driveway and other improvements associated with the proposed uses. Plans shall include landscaping along property boundaries for the purpose of mitigating any potential adverse noise and visual impacts to surrounding properties.
- D. Driveway access from Ohia Street and drainage improvements shall meet with the approval of the Department of Public Works.

- E. Driveway access from Mamane Street shall meet with the approval of the State Department of Transportation.
- F. Fire flow shall meet with the approval of the Fire Department in consultation with the Department of Water Supply.
- G. Prior to the issuance of the Certificate of Occupancy for the proposed development, the applicant shall submit a final written report to the Planning Director stating that all conditions have been met.
- H. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property.
- 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 Fees 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 subject property 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.

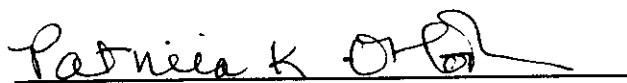
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: August 25, 1999
Date of 1st Reading: August 25, 1999
Date of 2nd Reading: September 9, 1999
Effective Date: September 21, 1999

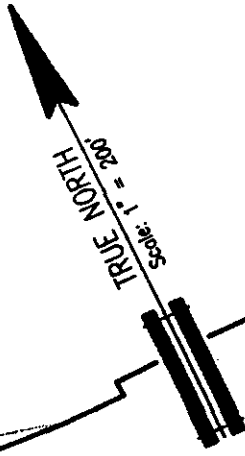
APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL
DATED: _____

**SINGLE FAMILY
RESIDENTIAL (RS-10)
TO NEIGHBORHOOD
COMMERCIAL (CN-10)**

AREA: 20,851 SQ. FT.

A-40a



381.14 N
1,209.00 E
"KAAO" Δ

MAMANE

STREET

CV-7.5

RS-10

OHIA

STREET

RS-10

RS-10

RS-10

RS-10

RS-10

RS-10

PIKAKE

STREET

OPEN

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-17 (HONOKAA ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT KAAO, HAMAKUA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 4-5-21:60

JUNE 15, 1999

(SCOTT T. NAKAHARA)

EXHIBIT "A"