



ORDINANCE NO. 05 103

AN ORDINANCE AMENDING SECTION 25-8-6 (PAHOA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-10) AT NANAWALE HOMESTEADS, PUNA, HAWAI'I, COVERED BY TAX MAP KEY 1-5-11:10.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-6, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Nanawale Homesteads, Puna, Hawai'i, shall be Village Commercial (CV-10):

Beginning at a point at the southwest corner of this lot, being also the east corner of Lot 10 and on the northerly side of the Government Main Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "VILLAGE FLAG", being 1219.11 feet South and 1678.64 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|----|-------------|-------------|------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 207° 40' | 209.14 feet | along Lot 10; |
| 2. | 304° 58' | 52.00 feet | along Lot 34; |
| 3. | 27° 42' 30" | 195.00 feet | along Lot 8; |
| 4. | 109° 20' | 52.00 feet | along the North side of Government Main Road to the point of beginning and containing an area of 10,410 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. In accordance with Section 25-2-44, Hawai'i County Code, the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
 - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.
- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Construction of the proposed improvements 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. Plans shall identify proposed structure(s), fire protection measures, access roadway, driveway and parking stalls. The applicant shall provide adequate off-street parking and a turnaround before entering the County road right-of-way. Landscaping shall be indicated on the plans for the purpose of mitigating any potential adverse noise or visual impacts to adjoining parcels. Landscaping shall be provided in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).
- C. The driveway connection to the Pahoia Village Road (Government Main Road) shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code.

- D. No direct access shall be allowed from Pahoia Village Road to the parking spaces.
- E. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
- F. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
- G. All earthwork activity shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.
- H. 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 – State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigation 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 Fees Ordinance.
- J. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

K. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:

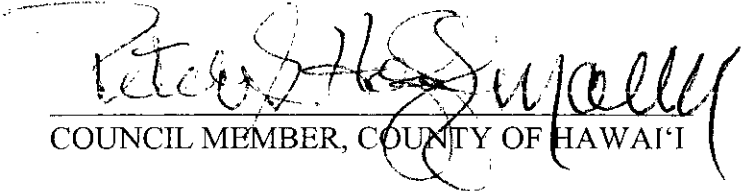
1. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
2. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
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.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning 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 HAWAI'I

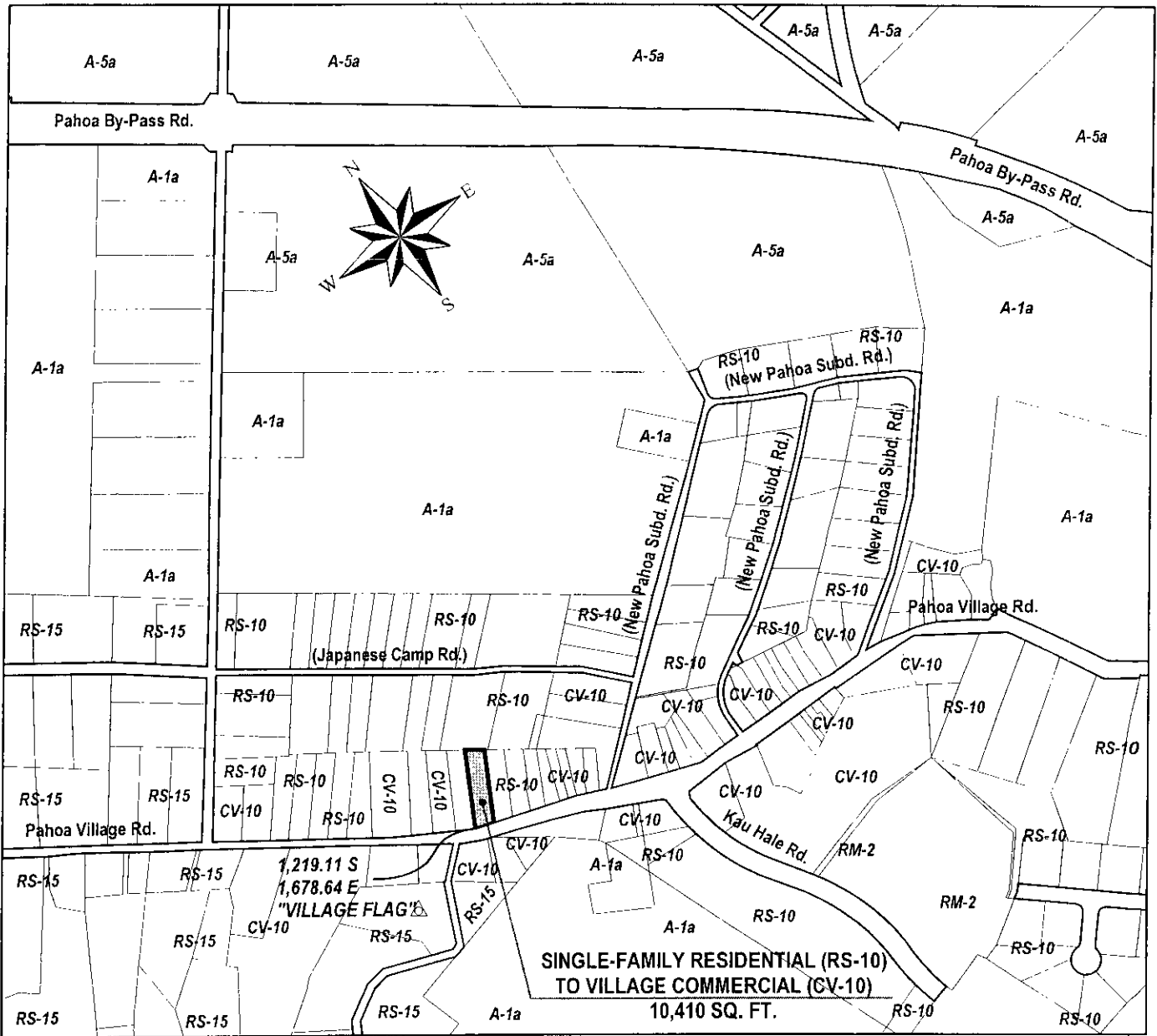
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

 Kona , Hawai'i

Date of Introduction: June 1, 2005
Date of 1st Reading: June 1, 2005
Date of 2nd Reading: June 15, 2005
Effective Date: June 17, 2005

REFERENCE: Comm. 242



500 250 0 500 1,000 1,500 2,000 2,500 Feet

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-6 (PAHOA 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 VILLAGE COMMERCIAL (CV-10)
 AT NANAWALE HOMESTEADS, PUNA, HAWAII

PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Kona, Hawai'i

Introduced By: Pete Hoffmann/K. Angel Pilago
Date Introduced: June 1, 2005
First Reading: June 1, 2005
Published: N/A

REMARKS: _____

Second Reading: June 15, 2005
To Mayor: June 16, 2005
Returned: June 17, 2005
Effective: June 17, 2005
Published: June 23, 2005

REMARKS: _____

2005 JUN 17 PM 2:18
ROLL CALL VOTE

	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago	X			
Safarik	X			
	9	0	0	0

ROLL CALL VOTE

	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago	X			
Safarik			X	
	8	0	1	0

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

APPROVED AS TO
FORM AND LEGALITY:

Maui Iku
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date JUN 16 2005

Angel Pilago

COUNCIL CHAIRMAN

Constance R. Allen

COUNTY CLERK

Bill No.: 93
Reference: C-242/PC-20
Ord No.: 05 103

Approved/Disapproved this 17th day

of June, 2005

Harry Keen
MAYOR, COUNTY OF HAWAII