

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 642

AN ORDINANCE AMENDING SECTION 7.10 (d) (THE KAWAIHAE-PUAKO ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE CONDITIONS OF THE CHANGE OF DISTRICT CLASSIFICATION FROM OPEN (O) TO RESORT-HOTEL (V-1.25) AT OULI, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-02:PORTION OF 4.

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

SECTION 1. Section 7.10 (d), Article 2, Chapter 8, (Zoning Code), of the Hawaii County Code, is amended to read as follows:

"7.10 (d). The district classification of the following area situated at Ouli, South Kohala, Hawaii, shall be Resort-Hotel (V-1.25):

Beginning at the Northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUAKO" being 11,904.00 feet North and 1,705.62 feet East, thence running by azimuths measured clockwise from True South:

1. 270° 00' 338.20 feet along the remainders of R.P. 2237, L.C. Aw. 8518-B to Kanehoa and Grant 12546, Part 4 to Richard Smart;
2. 0° 00' 399.07 feet along the remainder of R.P. 2237, L.C. Aw. 8518-B to Kanehoa;
3. 47° 00' 137.01 feet along same;
4. 137° 00' 214.00 feet along same and the remainder of Grant 12546, Part 4 to Richard Smart;

Thence along the remainder of R.P. 2237, L.C. Aw. 8518-B to Kanehoa, on a curve to the right with a radius of 375.00 feet, the chord azimuth and distance being:

5. 164° 40' 42" 348.38 feet to the point of beginning and containing an area of 3.00 acres.

All as outlined in red on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

This subsection is conditioned upon the following:

[(A) that the petitioner or his authorized representative submit plans and secure final plan approval within one (1) year from the effective date of the change of zone; (B) that construction of the proposed development commence within one (1) year from the date of receipt of final plan approval and be completed within two (2) years thereafter; (C) that the requirements of the State Department of Health be complied with; (D) that the location of the driveway access(es) shall meet with the approval of the Department of Public Works; (E) that a housing market study involving the potential housing demand to be directly generated by new employees of the proposed development shall be submitted to the Director prior to the issuance of Final Plan Approval for the proposed 117-unit addition. Based upon that study and any other available studies or reports, the Director shall determine and establish the required employee housing for the proposed 117-unit addition. Further, the required employee housing shall be made available prior to the issuance of occupancy permit for the 117-unit addition. A copy of the final employee housing requirement shall be forwarded to the Planning Commission and Council; (F) that all other applicable rules, regulations and requirements be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its initial or more appropriate designation may be initiated."]

(A) that plans for the proposed service building and the additional parking area shall be

submitted to the Planning Department and final plan approval secured within one (1) year from the effective date of the Change of Zone; (B) that construction of the improvements commence within one (1) year from the date of receipt of final plan approval and be completed within three (3) years thereafter; (C) that a housing market study involving the potential housing demand to be directly generated by new employees of the proposed development shall be submitted to the Director prior to the issuance of Final Plan Approval for the proposed 117-unit addition. Based upon that study and any other available studies or reports, the Director shall determine and establish the required employee housing for the proposed 117-unit addition. Further, the required employee housing shall be made available prior to the issuance of occupancy permit for the 117-unit addition. A copy of the final employee housing requirement shall be forwarded to the Planning Commission and Council; and (D) that all other applicable rules, regulations and requirements be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate zoning designation may be initiated."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, the brackets, bracketed material and underscoring need not be included.

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: October 1, 1980

Date of Adoption: October 15, 1980

Effective Date: October 17, 1980

Hilo, Hawaii
Date: October 1, 1980

| FIRST READING | | | |
|----------------|------|------|-----|
| | AYES | NOES | A/E |
| Dahlberg | X | | |
| Domingo | X | | |
| Fujii | X | | |
| Garcia | X | | |
| Kawahara | X | | |
| Lai | X | | |
| Sameshima | X | | |
| Tajiri | X | | |
| Chr. Yamashiro | | | X |
| | 8 | 0 | 1 |

OCT 06 1980

Publication Date: _____

Hilo, Hawaii
Date: October 15, 1980

| SECOND & FINAL READING | | | |
|------------------------|------|------|-----|
| | AYES | NOES | A/E |
| Dahlberg | X | | |
| Domingo | X | | |
| Fujii | X | | |
| Garcia | X | | |
| Kawahara | X | | |
| Lai | X | | |
| Sameshima | X | | |
| Tajiri | X | | |
| Chr. Yamashiro | X | | |
| | 9 | 0 | 1 |

OCT 24 1980

Publication Date: _____

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to
FORM & LEGALITY
[Signature]

10/14/80

[Signature]
Council Chairman

[Signature]
County Clerk

Approved/Disapproved this 17th day of
October, 1980

[Signature]
Mayor, County of Hawaii

Bill No. 679
Reference: C-1575.1/PC-185
M.B. No. _____
Ord. No. 642