

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 859

AN ORDINANCE AMENDING SECTION 7.04 (THE KAILUA URBAN ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-1) TO VILLAGE COMMERCIAL (CV-7.5) AT HONUULA, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-22:PORTION OF 1.

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

SECTION 1. Section 7.04, Article 2, Chapter 8 (Zoning Code), of the Hawaii County Code, as amended, is further amended to add a new subsection, to read as follows:

"7.04 ( z ). The district classification of the following area situated at Honuula, North Kona, Hawaii, shall be Village Commercial (CV-7.5):

Beginning at the Southwest corner of this parcel of land, on the Northerly side of Kalawa Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NORTH MERIDIAN" being 1437.09 feet South and 1415.03 feet East and running by azimuths measured clockwise from True South:

1. 151° 59' 142.38 feet along the Easterly side of Lots 53 and 54;
2. 241° 59' 120.00 feet along the Southerly side of Lot 57;
3. 331° 59' 108.10 feet along the Westerly side of Kalawa Street;

Thence along the Westerly side of Kalawa Street on a curve to the right with a radius of 50.00 feet, the chord azimuth and distance being;

4. 23° 53' 30" 78.70 feet;
5. 75° 48' 59.79 feet along the Northerly side of Kalawa Street to the point of beginning and containing an area of 17,932 square feet.

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 its authorized representative shall be responsible for complying with all of the stated conditions of approval; (B) that a consolidation plan for the affected four (4) lots be submitted to the Planning Department within six (6) months from the effective date of the zone change; (C) that plans shall be submitted to the Planning Department for Plan Approval within one (1) year from the date of approval of the consolidation plan; (D) that construction shall commence within one (1) year from the date of receipt of Final Plan Approval and be completed within two (2) years thereafter; (E) that a drainage system as required by the Department of Public Works shall be installed; (F) that accesses to the subject property shall meet with the approval of the Department of Public Works; (G) that the petitioner shall participate in the paving of Kalawa Street to a width of twenty (20) feet from the Kalani Street intersection to the south end of the subject property meeting with the approval of the Department of Public Works by (a) an actual paving of the roadway or (b) by contributing a roadway improvement fee paid to the Finance Director of the County of Hawaii. The amount of said fee shall be the approximate equivalent of the petitioner's share for a privately initiated improvement district for Kalawa Street, covering roadway, drainage, and related improvements, as determined by the Department of Public Works. Further, should an improvement district or similar arrangements be initiated

for the improvement of Kalawa Street, the petitioner shall automatically participate in such an arrangement. Should the individual share for the improvement district exceed the amount originally contributed by the petitioner, then the petitioner shall contribute towards the difference. One of the above methods of improvements must be implemented in order to obtain an occupancy permit for the proposed building; (H) all sewage generated from the project to be discharged into the public sewage system; and (I) that all the applicable rules, regulations and requirements, including those of the Department of Water Supply, be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated."

SECTION 2. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

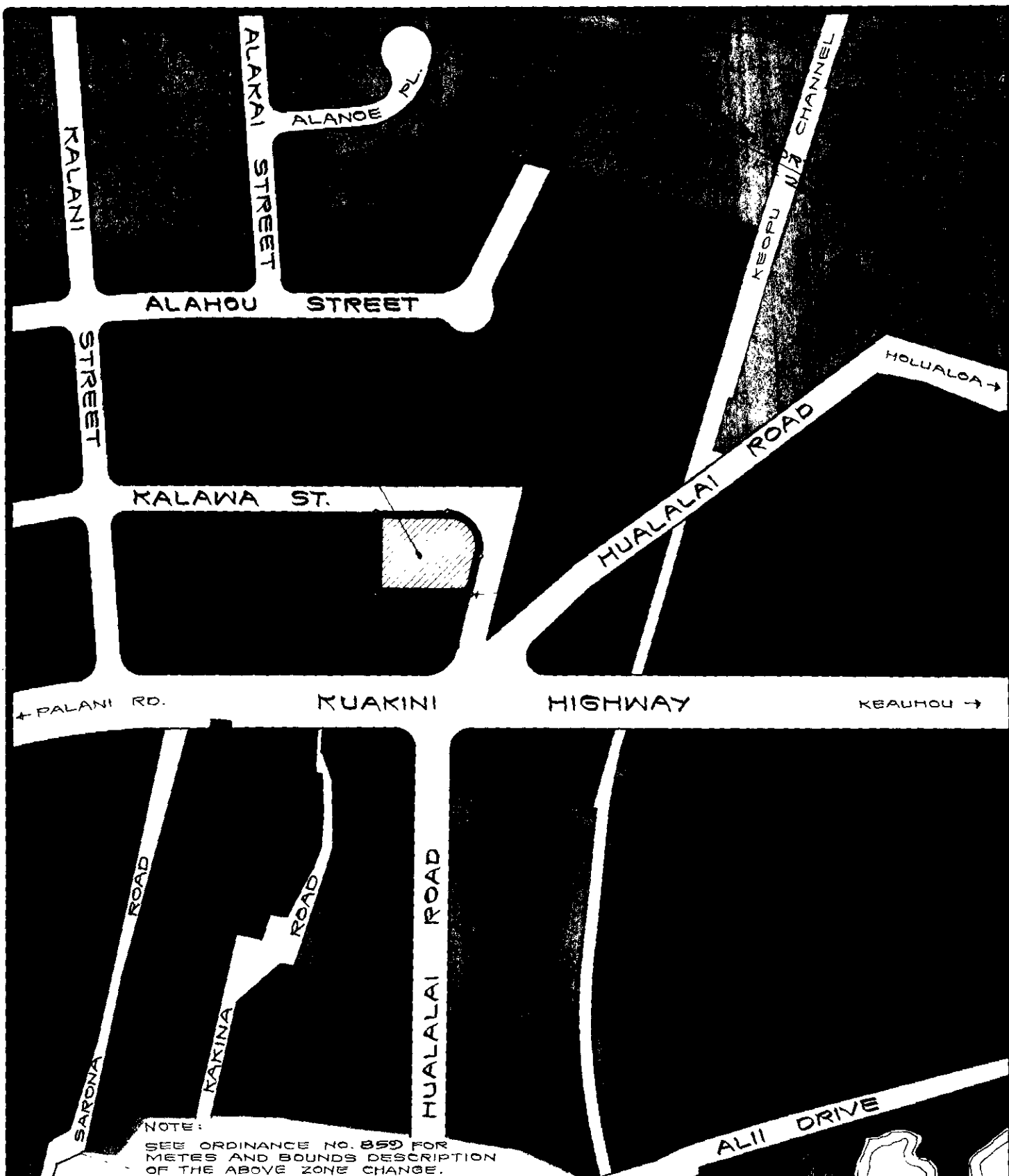
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 16, 1983

Date of Adoption: March 16, 1983

Effective Date: March 23, 1983



## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 26 TO SECTION 704 (THE KAILUA URBAN ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-1) TO VILLAGE COMMERCIAL (CV-7.5) AT HONUAAULA, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING: NOV. 23, 1982  
 EFFECTIVE DATE: MARCH 23, 1983  
 ORDINANCE NUMBER: 859  
 PREPARED BY: PLANNING DEPARTMENT  
 COUNTY OF HAWAII

TMK: 7-5-22: PORTION OF 1

DEC. 23, 1982

EXHIBIT "A"

Hilo, Hawaii  
Date: February 16, 1983

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo	X		
Fujii	X		
Hale	X		
Kawahara			X
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	8	0	1

Hilo, Hawaii  
Date: March 16, 1983

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo			X
Fujii	X		
Hale	X		
Kawahara			X
Lai	X		
Schutte	X		
Chr. Yamashiro			X
	6	0	3

Publication Date: \_\_\_\_\_

Publication Date: APR 5 1983

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

APPROVED as to  
FORM and LEGALITY  
*[Signature]*  
CORPORATION COUNSEL  
COUNTY OF HAWAII  
Date MAR 21 1983

*[Signature]*  
Council Chairman

*[Signature]*  
County Clerk

Approved/~~disapproved~~ this 23<sup>rd</sup> day of March, 1983.

*[Signature]*  
Mayor, County of Hawaii

Bill No. 925  
Reference: PC-183/C-1084  
M.B. No. \_\_\_\_\_  
Ord. No. 859