

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 200

ORDINANCE NO. 86 79

AN ORDINANCE AMENDING SECTION 25-87 (THE NORTH KONA ZONE MAP), AND SECTION 25-89 (THE KAILUA URBAN ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, RELATING TO THE MODIFICATION OF CONDITIONS TO THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO MULTIPLE FAMILY RESIDENTIAL (RM-4) AND (RM-7) AND FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO MULTIPLE FAMILY RESIDENTIAL (RM-4) AT WAIAHA 2ND AND KAHULUI 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:61 & 7-5-19:PORTION OF 5.

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

SECTION 1. Sections 25-87 and 25-89, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, as amended, is amended to modify conditions to reclassification in Ordinance No. 870, to read as follows:

These subsections are conditioned upon the following: (A) that the petitioner, its successors or assigns shall be responsible for complying with all conditions of the change of zone; (B) that prior to the issuance of any further permits or approvals except those for grubbing, the petitioner shall submit an overall site development plan for the approval of the Chief Engineer and the Planning Director within one year from the effective date of this amendment. The site development plan shall include the following: general alignment and right-of-way widths of all streets, the location and density of various land uses, maintenance of scenic

vistas, the proposed treatment of archaeological sites, and the location and type of major landscaping elements. Subsequent development shall be consistent with the approved site development plan unless otherwise approved by the Planning Director. In lieu of this the petitioner may proceed through the Planned Unit Development (PUD) process; (C) that the zoning for the RM-4 area shall be on an incremental basis. Development shall be in two (2) or more increments with each increment to be not less than 10 acres nor to exceed 20 acres. The effective date of zoning for the second and any succeeding increments shall be after development has occurred in the prior increment. "Development" means that building permits have been issued for residential dwelling units and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent (25%) of the number of units proposed for the entire prior increment. The petitioner may enter into an agreement with the Hawaii County Housing Agency for a bond to assure the County that the dwellings will be constructed within a given period. Such agreement shall meet with the approval of the Corporation Counsel and the Hawaii County Housing Agency. Upon final execution of such agreement, development of the succeeding increments may proceed prior to the actual construction of the dwellings in the prior

increment; (D) that plans for subdivision, if applicable, shall be submitted within one [(1)] year from the [effective date of each respective zoning increment] date of receipt of a SMA Use Permit. Final subdivision plans shall be submitted within one [(1)] year from the date of tentative subdivision approval; (E) that plans for Plan Approval, if applicable, shall be submitted within one [(1)] year from the effective date of [the change of zone] receipt of a SMA Permit; (F) construction shall commence within one (1) year from the date of receipt of each respective final plan approval and be completed within two (2) years thereafter; (G) that the petitioner shall dedicate the Alii Highway right-of-way and the associated easements within the subject property to the County within six (6) months of the date of final right-of-way determination by the Chief Engineer; (H) that the petitioner, alone, or in cooperation with other property owners, shall construct and complete the portion of the Alii Highway from the Kuakini Highway to the Southern end of the subject property, including Kuakini Highway intersection improvements and left turn pockets for the property access road meeting with the approval of the Chief Engineer, prior to the issuance of any occupancy permits on the subject property; (I) that the petitioner shall construct and complete a connecting road between

Alii Highway and Alii Drive, meeting with the approval of the Chief Engineer, prior to the issuance of any occupancy permits for those portions of the subject property makai of the Alii Highway; (J) that no direct access off the Kuakini Highway shall be permitted; (K) that the petitioner, alone, or in conjunction with other affected property owners and the County, shall construct and complete drainage improvements within the Waiaha flood plain including the replacement of the Kahului Bridge on Alii Drive prior to the issuance of any occupancy permits on the subject property. All improvements shall meet with the approval of the Chief Engineer; [and] (L) that all other applicable rules, regulations and requirements of the Department of Water Supply including those of the Department of Health shall be complied with. [Should any of the foregoing conditions not be met the rezoning of the property to its original or more appropriate zoning designation may be initiated.]; and (M) A SMA Use Permit application for the proposed development, if applicable, shall be submitted within one year from the date of approval of the overall site development plan required under condition B, above. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should any of the conditions not be

met or complied with in a timely fashion, the Director may initiate rezoning of the property to its original or more appropriate designation.

SECTION 2. Material to be deleted is bracketed. New material is underscored.

SECTION 3. In the event that any portion of the 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:

Sakashi Kamehaha
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 17, 1986
Date of 1st Reading: June 17, 1986
Date of 2nd Reading: July 2, 1986
Effective Date: July 9, 1986