

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 29 (Draft 3)

ORDINANCE NO. 89 76

AN ORDINANCE AMENDING SECTION 25-90 (KAILUA-HONALO URBAN ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-7.5) AT HONUAINO 3RD, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-9-07:53.

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

SECTION 1. Section 25-90, Article 3, 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 Honuaino 3rd, North Kona, Hawaii, shall be Village Commercial (CV-7.5):

Beginning at a spike in concrete at the southeast corner of this parcel of land, and on the southwesterly side of 60 foot Government Belt Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O HAU" being 6,414.55 feet North and 9,735.69 feet East, thence running by azimuths measured clockwise from True South:

- 1. 74° 16' 45" 242.04 feet along remainder of "Ako Lot" along remainder of Grant 1462 to S. W. Makaike, to a pipe in concrete;
2. 165° 44' 90.78 feet along portion of Lot A, along remainder of Grant 1462 to S. W. Makaike, to a pipe in concrete;

3. 254° 05' 225.83 feet along K. Iwashita's Lot, along remainder of Grant 1462 to S. W. Makaike, to a pipe in concrete;

Thence along 60 foot Government Belt Road on a 5,699.65 foot radius curve to the right, the chord azimuth and distance to the point of beginning being:

4. 335° 38' 08.7" 92.58 feet and containing an area of 0.49 Acres.

All as shown on the map attached hereon, 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, successors or assigns shall comply with all of the stated conditions of approval; (B) Subdivision plans shall be submitted within one year from the effective date of the change of zone. Final subdivision approval shall be secured within one year from the date of receipt of final subdivision approval; (C) Final plan approval for the proposed development shall be secured within one year from the effective date of the change of zone. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum forty-five days prior to the date by which plan approval must be secured; (D) Construction of the proposed office shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (E) Access(es) to the property shall be in

accordance with the requirements of the Department of Public Works; (F) Curbs, gutters, sidewalks, and pavement improvements shall be installed along the frontage of the property meeting with the approval of the Department of Public Works prior to receipt of an occupancy permit; (G) All other applicable laws, rules, regulations and requirements be complied with, including those of the Department of Water Supply; (H) Should the council adopt a Unified Impact Fees ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (I) An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the zone change. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; and, (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; and 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); and 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. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the 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.

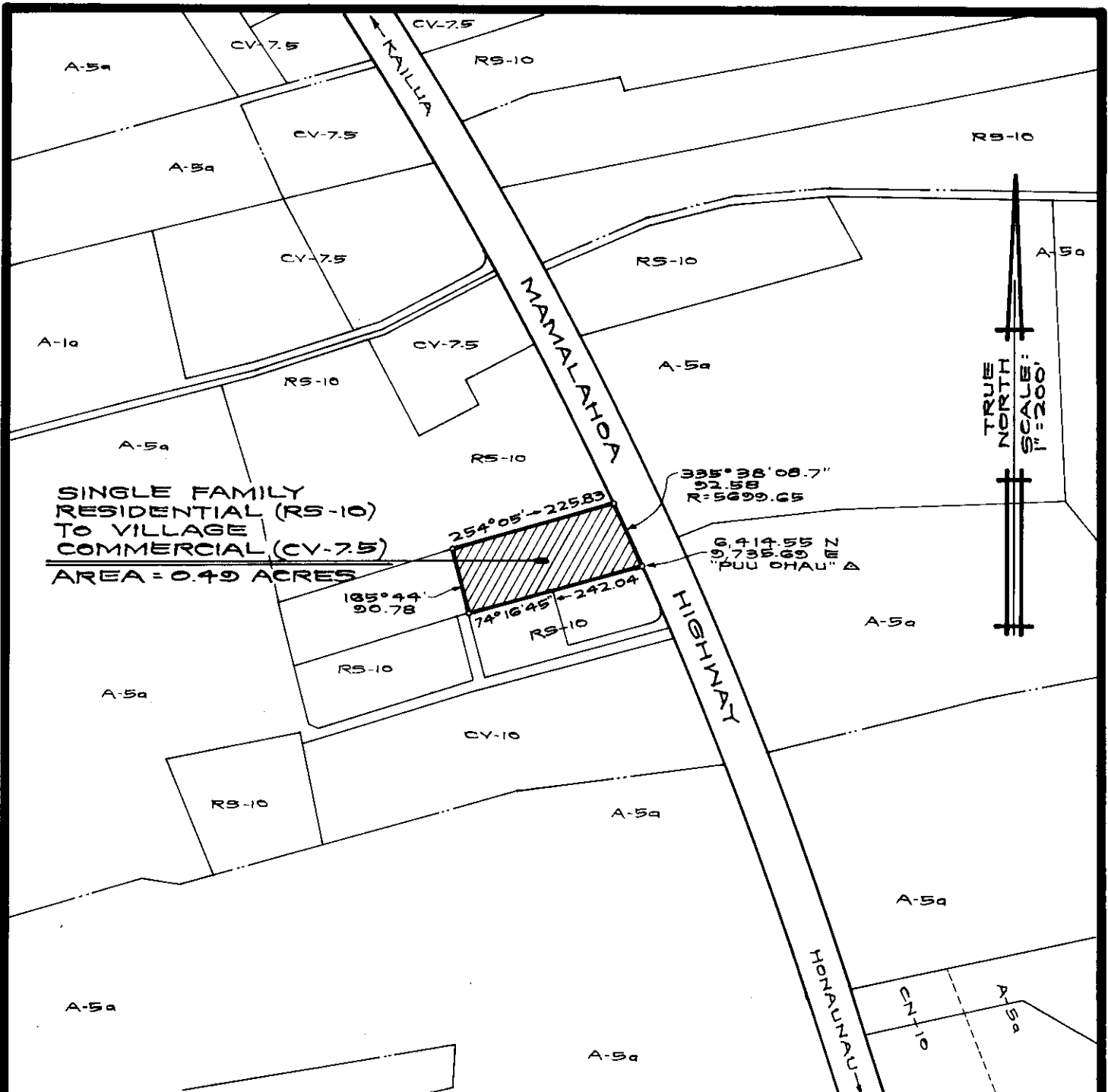
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: May 17, 1989
Date of 1st Reading: May 17, 1989
Date of 2nd Reading: June 7, 1989
Effective Date: June 13, 1989



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-90 (KAILUA-HONALO URBAN ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-7.5) AT HONUAINO 3RD, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-9-07:53

NOV. 17, 1988