

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 159

ORDINANCE NO. 89 152

AN ORDINANCE AMENDING SECTION 25-89 (KAILUA URBAN ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-1) TO VILLAGE COMMERCIAL (CV-7.5) AT KEOPU 3RD, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-22:21 & 22.

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

SECTION 1. Section 25-89, 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 Keopu 3rd, North Kona, Hawaii, shall be Village Commercial (CV-7.5):

Beginning at a pipe at the North corner of this parcel of land on the westerly side of Kalawa Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NORTH MERIDIAN" being 666.76 feet South and 1070.30 feet East, thence running by azimuths measured clockwise from True South:

- 1. 311° 22' 44.18 feet along the westerly side of Kalawa Street to a pipe;
2. 321° 04' 93.84 feet along the westerly side of Kalawa Street to a pipe;
3. 51° 04' 120.00 feet along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 5 to V. Kamamalu (Lot 46-A) to a pipe;
4. 141° 04' 83.66 feet along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 5 to V. Kamamalu (Lot 46-A and Lot 44) to a pipe;

5. 131° 22' 34.00 feet along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 5 to V. Kamamalu (portion of Lot 43) to a pipe;
6. 221° 22' 120.00 feet along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 5 to V. Kamamalu (Lot 67) to the point of beginning and containing an Area of 15,341 square feet.

All as shown on the map attached hereto, 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) Final Plan Approval of the proposed development shall be secured from the Planning Department within one year from the effective date of the zone change. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted; (C) Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) Curbs, gutters, sidewalks, and pavement improvements shall be provided along the properties' frontage with Kalawa Street

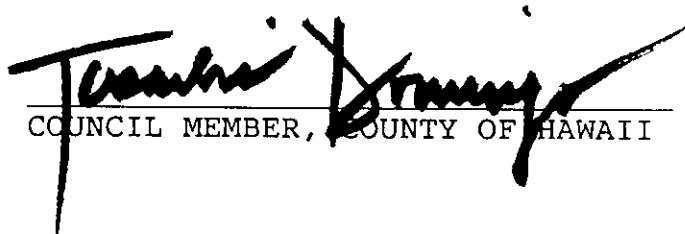
meeting with the approval of the Department of Public Works prior to receipt of a certificate of occupancy; (E) A 10-foot wide strip along the frontage with Kalawa Street shall be set aside and delineated on the plans submitted for plan approval. The structural setbacks shall be observed from the future road widening line; (F) No buildings shall be constructed over the sewer easement which traverses through the property; (G) All other applicable laws, rules, regulations, and requirements be complied with; (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 shall 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.

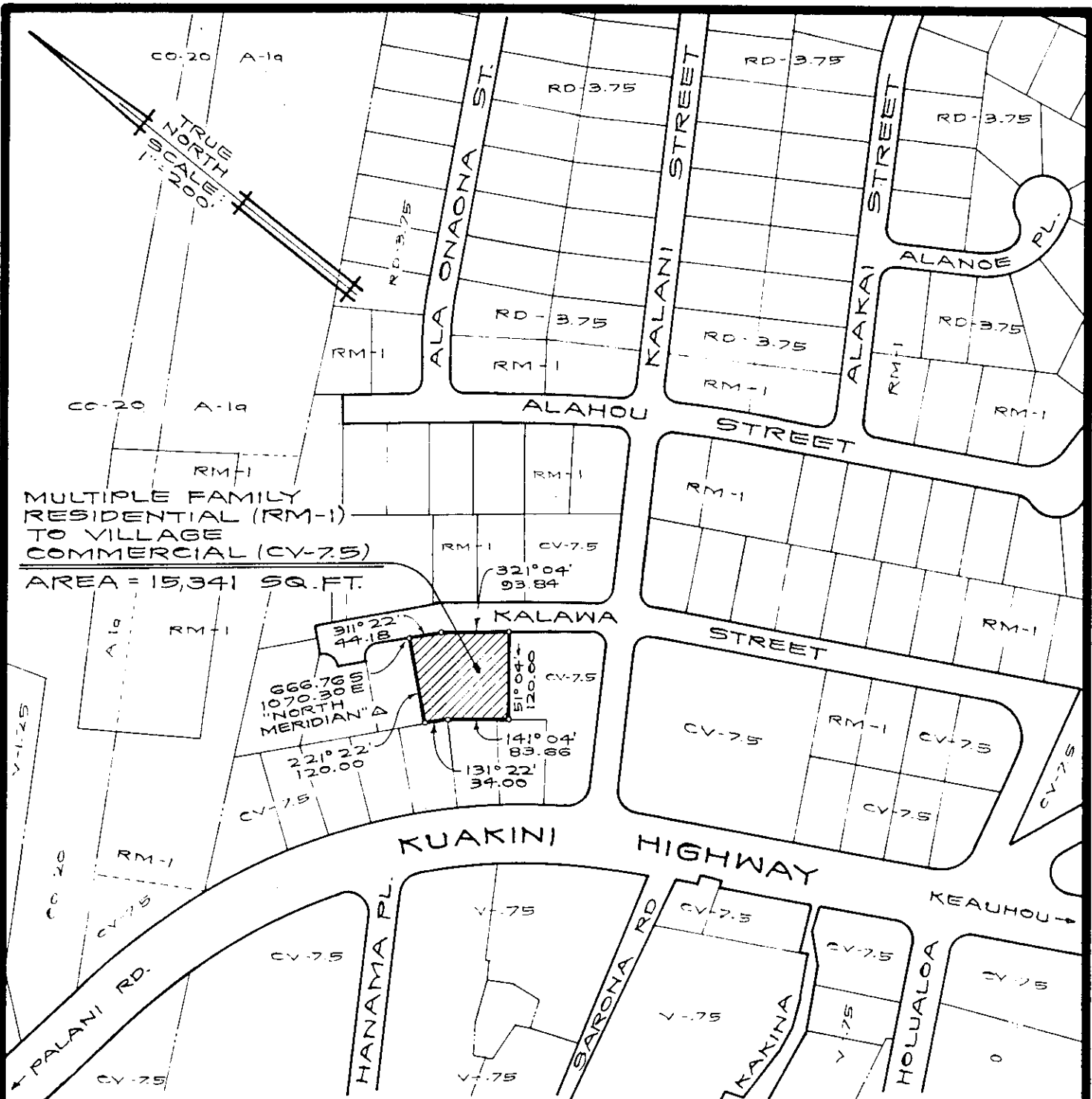
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 15, 1989
Date of 1st Reading: November 15, 1989
Date of 2nd Reading: December 5, 1989
Effective Date: December 11, 1989



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-89 (KAILUA URBAN ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-1) TO VILLAGE COMMERCIAL (CV-7.5) AT KEOPU 3RD, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII