

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 279

ORDINANCE NO. 90 83

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITIONS A, E, AND M OF ORDINANCE NO. 684, WHICH RECLASSIFIED 25.783 ACRES OF LAND FROM AGRICULTURAL (A-1a) TO GENERAL COMMERCIAL (CG-20) AT LANIHAU 2ND AND MOEAUOA 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-04:7.

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

SECTION 1. Ordinance No. 684 is amended as follows:

"This subsection is conditioned upon the following: (A) that the petitioner, [Lanihau Corporation, and/or Dillingham Corporation] successors, or assigns shall be responsible for complying with all of the stated conditions of approval; (B) that the conditions as outlined in Change of Zone Ordinance No. 566 (TMK: 7-5-04:10 and 28) be complied with and shall also be applicable to this request; (C) that plans for Phase I shall be submitted and Final Plan Approval secured within one (1) year from the effective date of approval of the change of zone; (D) that construction of Phase I commence within one (1) year from the date of receipt of Final Plan Approval and be completed within three (3) years thereafter; (E) that construction of Phase II shall commence [within one (1) year from the date of completion of Phase I] on or before September 30, 1991, and be completed within three (3) years thereafter; (F) that accesses to the proposed development shall meet with the approval of the Department of Public Works, and


the State Department of Transportation, Highways Division where applicable; (G) that improvements shall be made to Kuakini Highway as determined by the County Department of Public Works; (H) that Henry Street shall be improved with curbs, gutters and sidewalks in accordance with the requirements of the Department of Public Works; (I) that the method of sewage disposal shall meet with the approval of the appropriate County and State agencies; (J) that a detailed drainage study and proposed improvements shall be submitted at the time of plan approval to the Department of Public Works and Planning Department; (K) that the requirements of the Department of Water Supply shall be complied with; (L) that prior to any work being done on the archaeological sites on the property, clearance must first be obtained from the Planning Department. Further, should any sites be uncovered during land preparation activity, work shall immediately cease and the Planning Department notified. Work shall not resume unless clearance is obtained from the Planning Department; [and] (M) 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; (N) 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; (O) that all other applicable rules, regulations, and requirements shall be complied with[.]; and (P) [S]should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation [may] shall be initiated."

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

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.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	June 20, 1990
Date of 1st Reading:	June 20, 1990
Date of 2nd Reading:	July 5, 1990
Effective Date:	July 16, 1990