

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 308

(Draft 2)

ORDINANCE NO. 90 128

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 AND HONUULA, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-22:41 & 42.

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 and Honuaula, North Kona, Hawaii, shall be Village Commercial (CV-7.5):

Beginning at the Southwesterly corner of this parcel of land, being also the Northwesterly corner of Lot 80 of Lona Kona Subdivision and being a point on the Easterly side of Kalawa Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 996.72 feet South and 1,363.00 feet East, and running by azimuths measured clockwise from True South:

- 1. 151° 59' 107.19 feet along the Easterly side of Kalawa Street to a point;

Thence, following along the Easterly side of Kalawa Street on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

- 2. 194° 54' 30" 27.24 feet to a point;

3. 237° 50' 101.72 feet along the Southerly side of Kalani Street to a point;
4. 331° 59' 134.50 feet along Lots 111 and 110 of Lono Kona Subdivision (File Plan 769) and along the remainders of Royal Patent 4475, Land Commission Award 7713, Apana 5 to V. Kamamalu and Grant 3148, Apana 4 to W. P. Leleiohoku to a point;
5. 61° 59' 120.00 feet along Lot 80 of Lono Kona Subdivision and along the remainder of Grant 3148, Apana 4 to W. P. Leleiohoku to the point of beginning and containing an area of 15,545 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 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 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 Kalawa and Kalani Streets meeting with the approval of the Department of Public Works prior to receipt of a certificate of occupancy for any portion of the development; (E) A 5-foot wide future road widening strip along the frontage of Kalani 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) Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken; (G) All other applicable laws, rules, regulations, and requirements shall 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 change of zone. 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 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 applicant, 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; 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 the ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

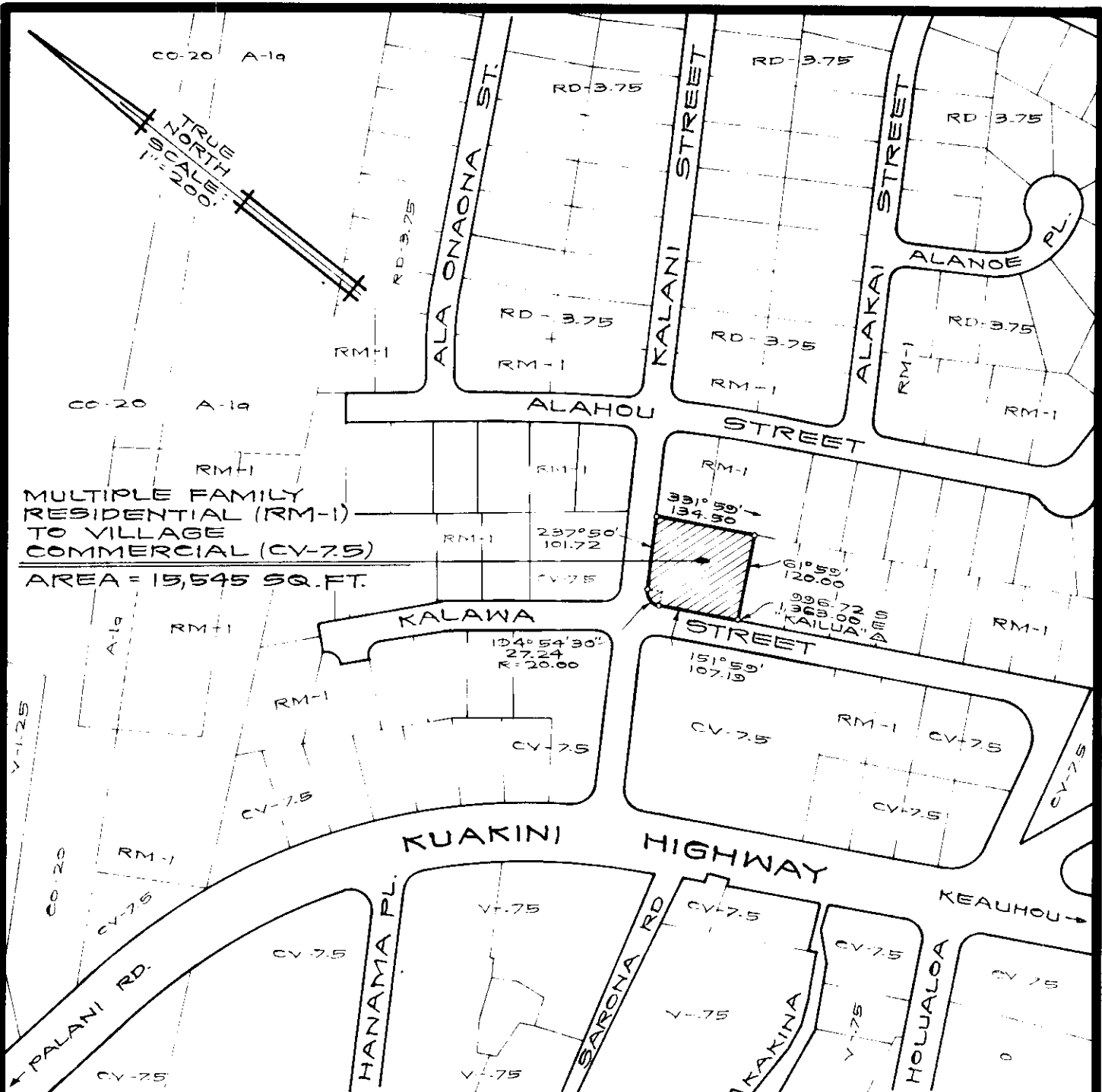
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	September 5, 1990
Date of 1st Reading:	September 5, 1990
Date of 2nd Reading:	October 17, 1990
Effective Date:	October 20, 1990



## 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, AND HONUAAULA, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 7-5-22: 41 AND 42

MAY 18, 1990

EXHIBIT "A"