

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 553

ORDINANCE NO. 92 17

AN ORDINANCE AMENDING SECTION 25-89 (KAILUA URBAN ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITIONS OF ORDINANCE NO. 714, WHICH RECLASSIFIED 118,884± SQUARE FEET OF LAND FROM A SINGLE FAMILY RESIDENTIAL (RS-15) TO MULTIPLE FAMILY RESIDENTIAL (RM-2) ZONED DISTRICT AT PUA'A 3RD, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:28. THE AMENDMENTS ARE TO RECOGNIZE THE RESPONSIBLE PARTY FOR COMPLYING WITH THE CONDITIONS OF APPROVAL, AN EXTENSION OF TIME IN WHICH TO SECURE FINAL PLAN APPROVAL, AND A CONDITION RELATING TO IMPACT FEES.

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

SECTION 1. Ordinance No. 714 is amended as follows:

"SECTION 1. Section [7.04]25-89, Article [2]3,

Chapter [8]25 (Zoning Code), of the Hawaii County Code, as amended is further amended to add a new subsection, to read as follows:

"[7.04(w).] The district classification of the following area situated at Pua'a 3rd, North Kona, Hawaii, shall be Multiple Family Residential (RM-2):

Beginning at the southeast corner of this parcel of land, the coordinates of said point of beginning referred to government Survey Triangulation Station "NORTH MERIDIAN," being 4301.12 feet South and 3245.13 feet East, thence running by azimuths measured clockwise from True South:

- 1. 85° 01' 424.15 feet;
2. 151° 59' 246.34 feet along the easterly side of Kuakini Highway;
3. 256° 40' 30" 472.30 feet along Grant 4037, Apana 2 to J. Kaaeamoku;
4. 344° 48' 300.00 feet to the point of beginning and containing an area of 118,884 Square Feet.

All as outlined in red on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

This subsection is conditioned upon the following:

- "(A) that the [petitioner, T & K Enterprises,] applicant,
its successors, or assigns shall be responsible for complying with all of the stated conditions of approval;
- [(B) that the Planned Development Permit (PDP) shall not become effective until the change of zone application is approved;]
- [(C)B] that plans shall be submitted for the proposed development and Final Plan Approval, in accordance with Chapter 8 (Zoning Code), Hawaii County Code, shall be secured from the Planning Department within one (1) year from the effective date of [approval of the change of zone] this amendment;
- [(D)C] that construction of the proposed development shall commence within one (1) year from the date of receipt of Final Plan Approval and be completed within two (2) years thereafter;
- [(E)D] that the method of sewage disposal shall meet with the approval of the appropriate governmental agencies:
- [(F)E] that the location of the driveway shall meet with the approval of the Department of Public Works and/or Department of Transportation, Highways Division;
- [(G)E] that the Great Wall of Kuakini, situated on the mauka property line, shall not be disturbed. Further,

should any unanticipated archaeological or historic features be uncovered during land preparation activities, work shall cease immediately and the Planning Department shall be notified. Work shall not resume until clearance has been obtained from the Planning Department;

([H]G) that all water runoff generated by the proposed improvements shall be disposed on-site by a drainage system acceptable to the Department of Public Works;

([I]H) that no time sharing units shall be allowed; [and]

(I) that 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 applicants' election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance;

(J) that 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]K) that all other applicable rules, regulations and requirements be complied with. Should any of the foregoing conditions not be met[,] or substantially complied with in a timely fashion, the Planning Director shall initiate rezoning of the area to its [initial] original or more appropriate designation, [may be initiated. The PDP may also be nullified by the Planning Commission.]"

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 be effective upon its approval.

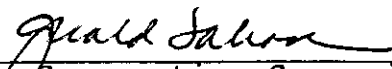
INTRODUCED BY:

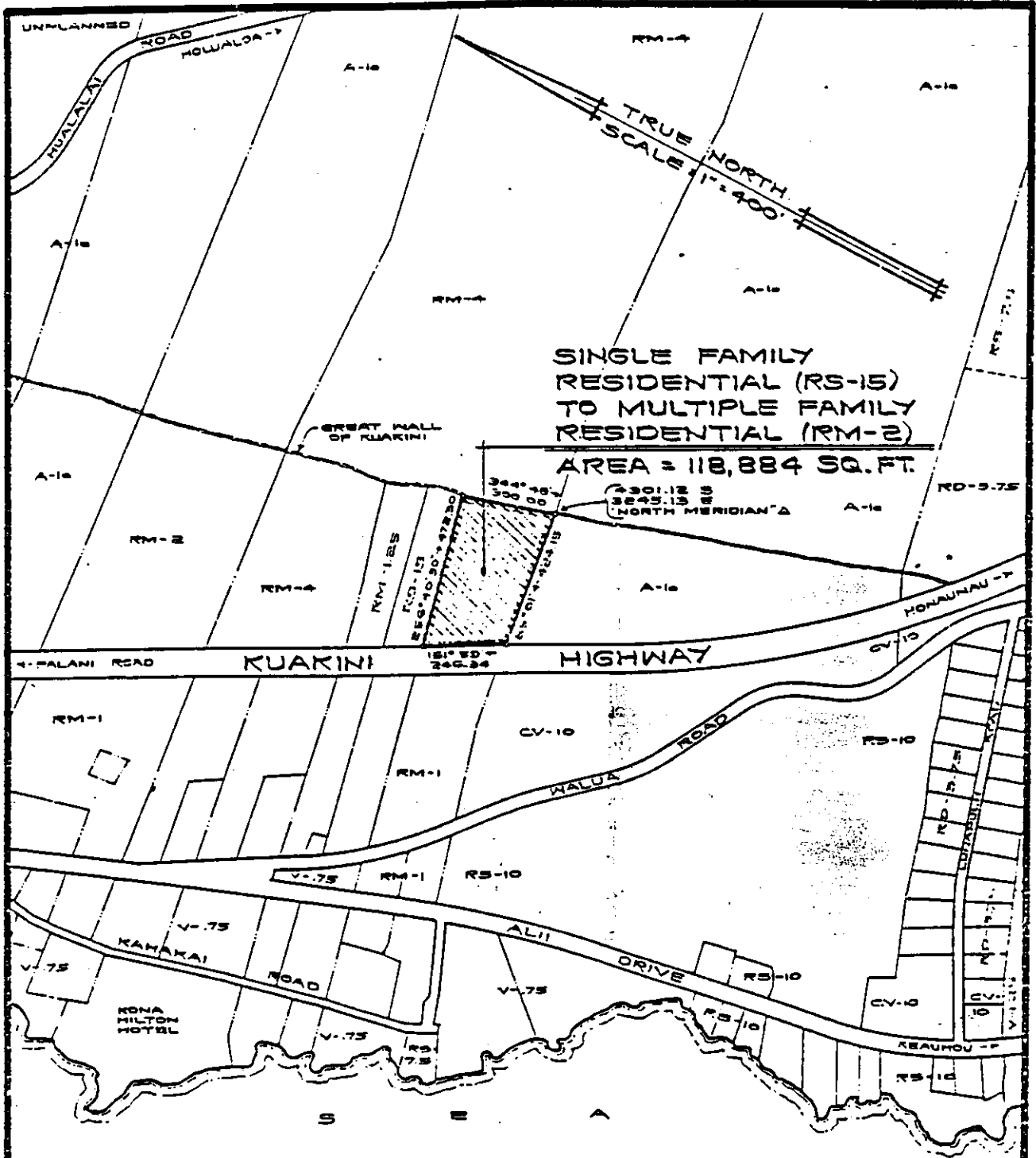

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 5, 1992
Date of 1st Reading: February 5, 1992
Date of 2nd Reading: February 19, 1992
Effective Date: February 26, 1992

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel
DATED: JAN 10 1992



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 23 TO SECTION 7.04 (THE KAILUA URBAN ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO MULTIPLE FAMILY RESIDENTIAL (RM-2) AT PUA'A 3RD, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING : JUNE 25, 1981
 EFFECTIVE DATE : AUG. 31, 1981
 ORDINANCE NUMBER : 714
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII