

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 563

ORDINANCE NO. 92 25

AN ORDINANCE AMENDING SECTION 25-90 (KAILUA-HONALO URBAN ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITIONS B THROUGH K OF ORDINANCE NO. 89-112, WHICH RECLASSIFIED 46,882± SQUARE FEET OF LAND FROM A SINGLE-FAMILY RESIDENTIAL-10,000 SQUARE FEET (RS-10) TO A VILLAGE COMMERCIAL-7,500 SQUARE FEET (CV-7.5) ZONED DISTRICT AT HONUAINO 3RD, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-9-07:30(PORTION).

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

SECTION 1. Ordinance No. 89-112 is amended as follows:

*SECTION 2. These changes in district classification are conditioned upon the following: (A) That 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 tentative subdivision approval;] ([C]E) Final plan approval for the [conversion of the existing buildings for office and storage uses] development of the CV-zoned portion of the subject property shall be [submitted] secured within one year from the effective date of

[the change of zone] this amendment. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum 45 days prior to the date by which plan approval must be secured; ([D]C) [The proposed office and storage uses shall be established] Development of the proposed commercial facilities shall be completed (Certificate of Occupancy) within one year from the date of receipt of Final Plan Approval. ([E]D) Access(es) to the property shall be in accordance with the requirements of the Department of Public Works; ([F]E) 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]F) A drainage system shall be installed in accordance with the requirements of the Department of Public Works; ([H]G) All other applicable laws, rules, regulations, and requirements be complied with including those of the Department of Water Supply; ([I]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; ([J]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

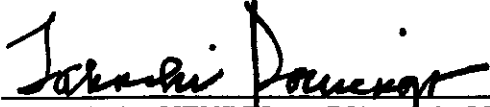
report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; and, ([K]J) An initial 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. Material to be deleted is bracketed. New material is underscored.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 5. This ordinance shall be effective upon its approval.

INTRODUCED BY:




COUNCIL MEMBER, COUNTY OF HAWAII

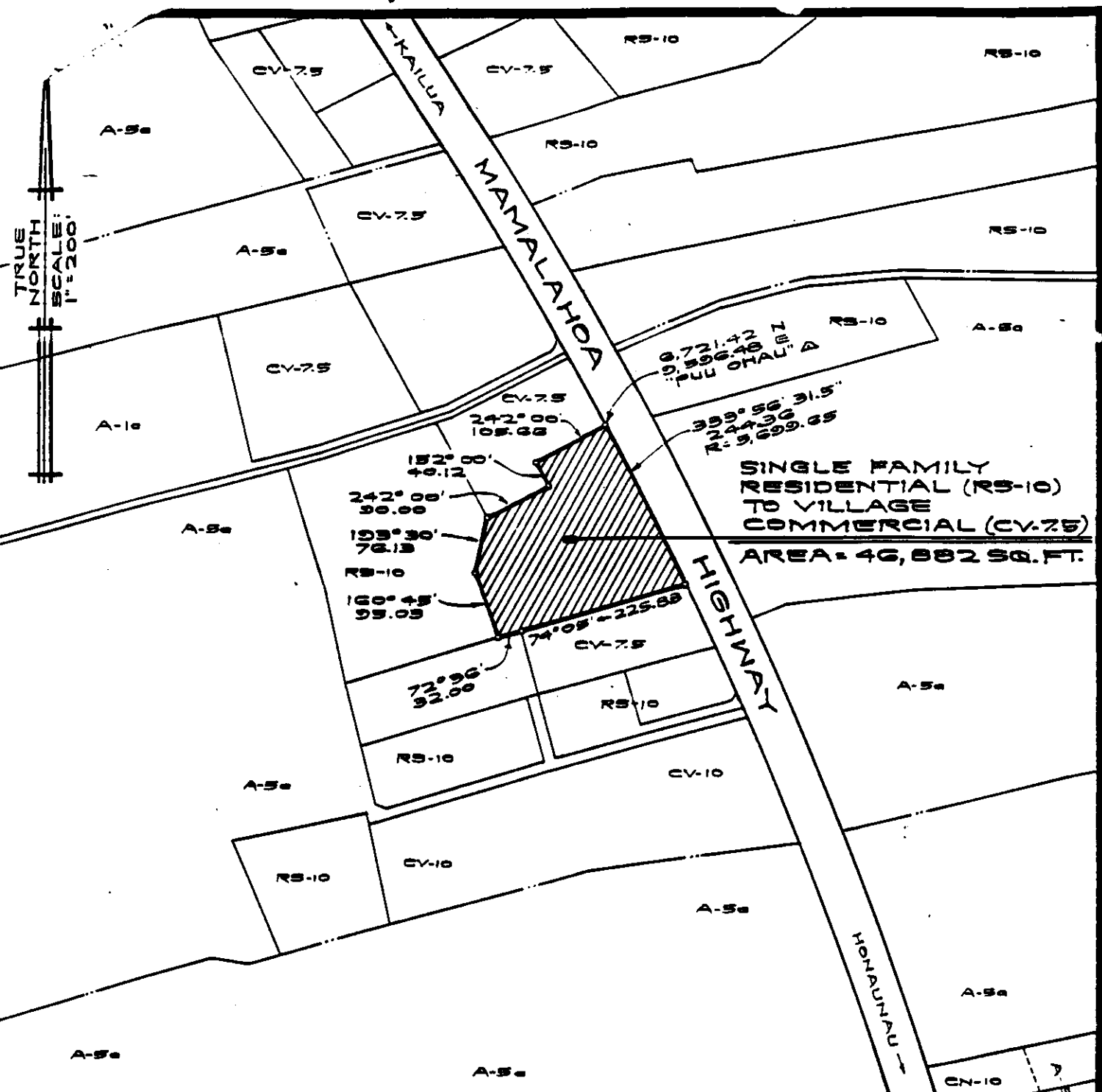
Hilo, Hawaii

Date of Introduction: February 19, 1992
Date of 1st Reading: February 19, 1992
Date of 2nd Reading: March 5, 1992
Effective Date: March 11, 1992

APPROVED AS TO FORM AND LEGALITY:



DEPUTY CORPORATION COUNSEL
JAN 17 1992
DATE: _____



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