

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 547  
(Draft 4)

ORDINANCE NO. 92 63

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 HONUAAULA, NORTH KONA, HAWAII COVERED BY TAX MAP KEY 7-5-22:36.

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

Beginning at a pipe in concrete at the Southwesterly corner of this parcel of land, being also the Northwesterly corner of Lot 85-A of the 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 1,279.04 feet South and 1,512.18 feet East and running by azimuths measured clockwise from True South:

- 1. 151° 59' 67.53 feet along the Easterly side of Kalawa Street to a pipe (found);

Thence, for the next five (5) courses following along the remainder of Grant 3148, Apana 4 to W. P. Leleiohoku:

- |    |              |   |
|----|--------------|---|
| 2. | 241° 59'     | 120.00 feet along Lot 83 of Lono Kona Subdivision, Makai Increment to a pipe in concrete (found);                     |
| 3. | 331° 59'     | 69.70 feet along Lots 104 and 105 of Lono Kona Subdivision to a pipe in concrete;                                     |
| 4. | 61° 37'      | 11.81 feet along Lot 85-A of this subdivision to a pipe;  |
| 5. | 145° 44' 20" | 14.00 feet along Lot 85-A of this subdivision to a pipe;  |
| 6. | 55° 44' 20"  | 107.30 feet along Lot 85-A of this subdivision to the point of beginning and containing an area of 7,500 Square Feet. |

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

SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval; (B) final Plan Approval for 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; (C) construction of the proposed development 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 frontage of Kalawa Street meeting with the approval of the Department of Public Works prior to the receipt of a Certificate of Occupancy for any portion of the development; (E) a 5-foot future road widening strip along the frontage of Kalawa Street shall be set aside and delineated on plans submitted for plan approval review. All structural setbacks shall be taken from this 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, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (G) Prior to Final Plan Approval for the project, should the County determine that additional improvements in the project area are required (i.e. roadways, parks, police, fire, etc.), the applicant and its successors or assigns shall pay or contribute its pro rata share of such additional improvements. Satisfaction of this condition may be by entering into a development agreement with the County when such a development agreement is authorized. Any pro rata share of improvements paid or contributed to the project area shall

be credited to any future impact fees; (H) all other applicable laws, rules, regulations, and requirements shall be complied with; (I) 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) 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, (K) 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 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; 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:

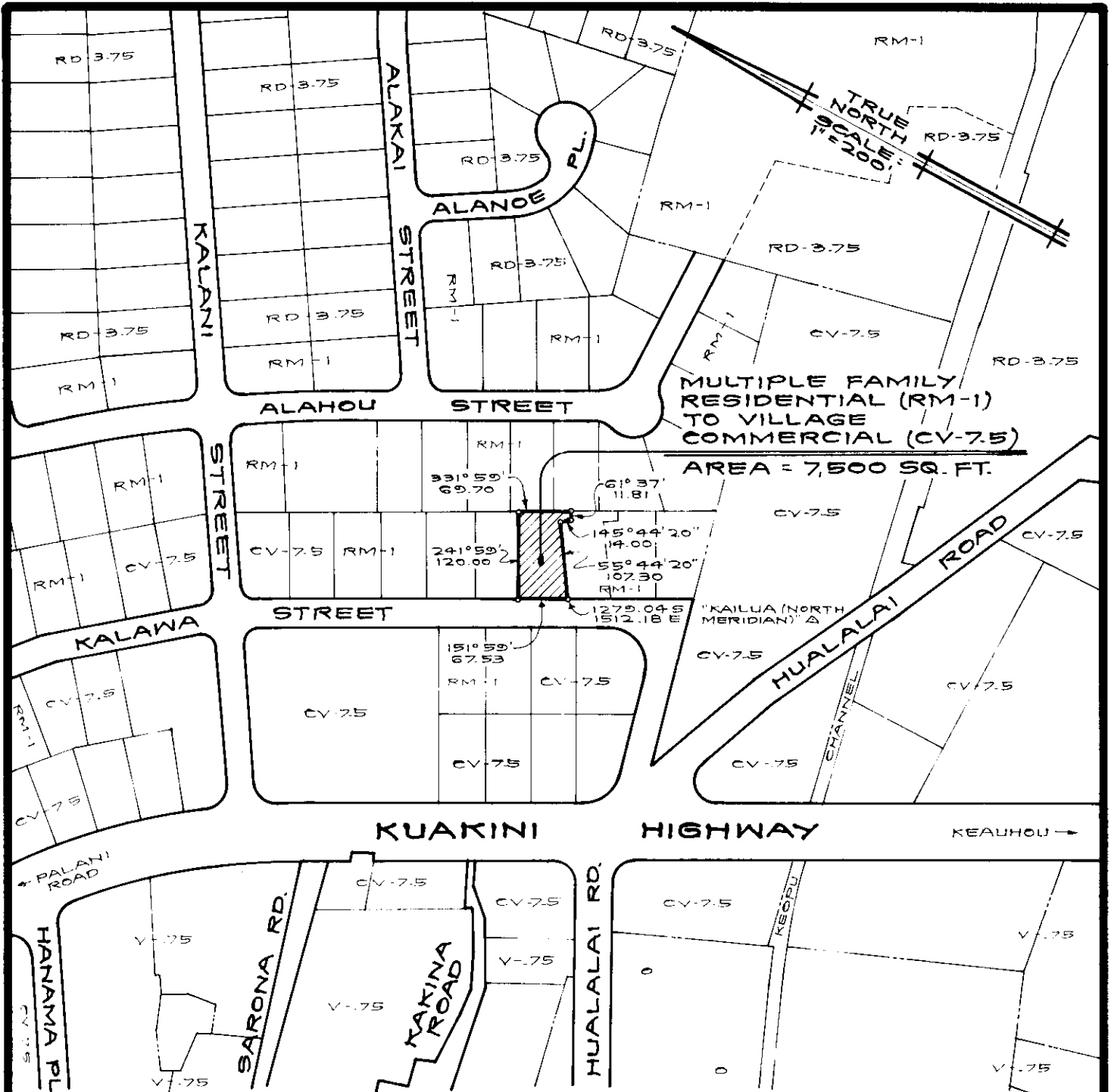
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 5, 1992  
Date of 1st Reading: February 5, 1992  
Date of 2nd Reading: June 3, 1992  
Effective Date: June 16, 1992

APPROVED AS TO FORM AND LEGALITY:

  
Deputy Corporation Counsel



## AMENDMENT TO THE ZONING CODE

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PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 7-5-22 : 36

NOV. 7, 1991