

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 289  
(Draft 3)

ORDINANCE NO. 94 110

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, AS AMENDED BY ORDINANCE 92-17 FOR LAND SITUATED AT PUA'A 3RD, NORTH KONA, HAWAII, TAX MAP KEY 7-5-18:28.

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

SECTION 1. Ordinance No. 714 as amended by Ordinance 92-17 is further amended as follows:

"SECTION 1. Section 25-89. Article 3, Chapter 25 (Zoning Code), of the Hawaii County Code, as amended is further amended to add a new subsection, to read as follows:

"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 shown 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 applicant, its successors, or assigns shall be responsible for complying with all of the stated conditions of approval;
- (B) plans to be submitted for Final Plan Approval, which include landscaping plans, shall be required to comply with all conditions of approval as required by this ordinance. Buildings shall conform to all requirements of codes and statutes pertaining to building construction. [To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning code), plans shall be submitted within a minimum of forty-five days prior to the date by which Final Plan Approval must be secured];
- (C) that the method of sewage disposal shall meet with the approval of the appropriate governmental agencies;
- (D) that a Solid Waste Management Plan meeting with the approval of the Department of Public Works shall be submitted prior to the issuance of the building permit for the proposed development;
- (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;
- (F) Roadway improvements to Kuakini Highway fronting the subject property which include curb, gutter and side walk improvements and a left turn storage lane, shall be installed meeting with the approval of the Department of Public Works and the Department of Transportation-Highways Division prior to the issuance of Certificate of Occupancy;

- (G) 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) that all water runoff generated by the proposed improvements shall be disposed on-site by a drainage system meeting with the approval of the Department of Public Works prior to the issuance of the building permit for the proposed development;
- (I) to ensure that the Goals and Policies of the Recreation Element of the General Plan are implemented, the applicant shall formulate a recreational plan to address the impacts of the project for review and approval by the Planning Department, in consultation with the Department of Parks and Recreation prior to the issuance of the building permit of the proposed development. The recreational plan shall be consistent with Chapter 8 Article 1, Park Dedication Code. The implementation of the Recreational Plan shall be completed prior to the issuance of the Certificate of Occupancy for the proposed development.
- (J) that no time sharing units shall be allowed;
- (K) 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance;

- (L) 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
- (M) that all other applicable rules, regulations and requirements be complied with. Should any of the foregoing conditions not be met or substantially complied within a timely fashion, the Planning Director shall initiate rezoning of the area to its original or more appropriate designation."

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.

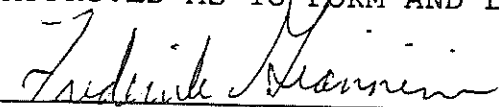
INTRODUCED BY:

  
COUNCIL MEMBER COUNTY OF HAWAII

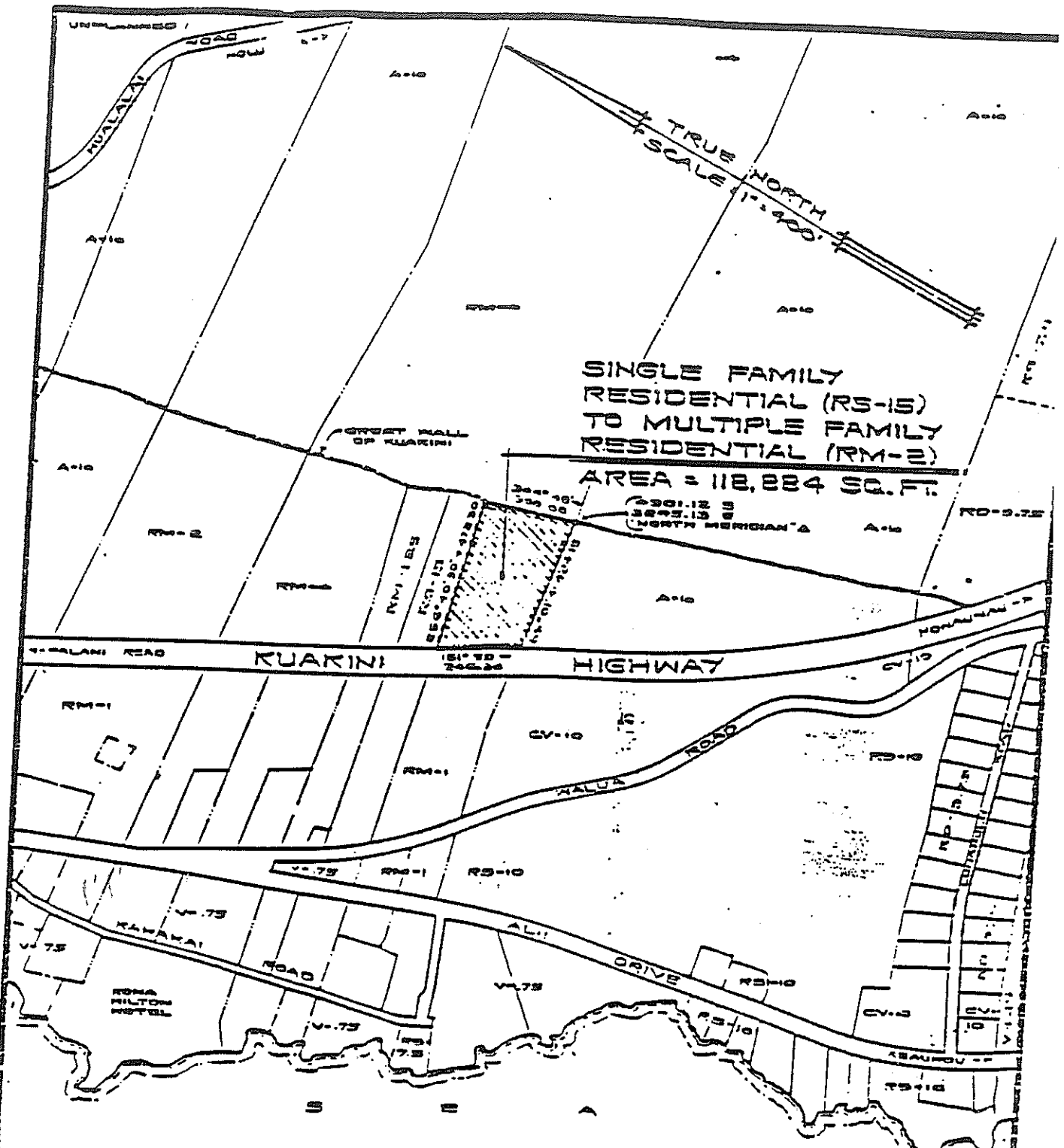
Hilo, Hawaii

Date of Introduction: September 7, 1994  
Date of 1st Reading: September 7, 1994  
Date of 2nd Reading: September 21, 1994  
Effective Date: September 23, 1994

APPROVED AS TO FORM AND LEGALITY:

  
Deputy Corporation Counsel

DATED: 9/22/94



SINGLE FAMILY  
RESIDENTIAL (RS-15)  
TO MULTIPLE FAMILY  
RESIDENTIAL (RM-2)  
AREA = 118,884 SQ. FT.

## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 25 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 BRD, NORTH KONA, HAWAII.

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

OFFICE OF THE COUNTY CLERK  
 County of Hawaii  
 Hilo, Hawaii

RECEIVED

'94 SEP 23 PM 3 32

(DRAFT 3) OFFICE OF THE COUNTY CLERK  
 COUNTY OF HAWAII

Introduced By: Takashi Domingo  
 Date Introduced: September 7, 1994  
 First Reading: September 7, 1994  
 Published: N/A

REMARKS:

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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON	X			
CHILDS	X			
DE LIMA	X			
DOMINGO	X			
HALE	X			
RATH	X			
ROSEHILL	X			
SCHUTTE	X			
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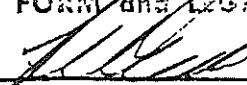
Second Reading: September 21, 1994  
 To Mayor: September 21, 1994  
 Returned: September 23, 1994  
 Effective: September 23, 1994  
 Published: October 2, 1994



RE. KS:

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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON	X			
CHILDS	X			
DE LIMA	X			
DOMINGO	X			
HALE	X			
RATH	X			
ROSEHILL	X			
SCHUTTE	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to  
 FORM and LEGALITY  
  
 CORPORATION COUNSEL  
 COUNTY OF HAWAII  
 Date SEP 22 1994

  
 COUNCIL CHAIRMAN  
  
 COUNTY CLERK

Approved/Disapproved this 23 day  
 of September, 1994

  
 MAYOR, COUNTY OF HAWAII

Bill No.: 289 (Draft 3)  
 Reference: C-1213/PC-132  
 Ord. No.: 94 110