

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 336
(Draft 2)

ORDINANCE NO. 95 12

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITIONS OF ORDINANCE NO. 684, AS AMENDED BY ORDINANCE NO. 90-83, WHICH RECLASSIFIED 25.783 ACRES OF LAND FROM AGRICULTURAL (A-1a) TO GENERAL COMMERCIAL (CG-20) AT LANIHAU 2ND AND MOEAUOA 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-04:7.

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

SECTION 1. Ordinance No. 684, as amended by Ordinance No. 90-83, is further amended as follows:

"This subsection is conditioned upon the following:

- A. The petitioner, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. That the conditions as outlined in Change of Zone Ordinance No. 566 (TMK: 7-5-04:10 and 28) be complied with and shall also be applicable to this request.
- C. That plans for Phase I shall be submitted and Final Plan Approval secured within one (1) year from the effective date of approval of the change of zone.
- D. That construction of Phase I commence within one (1) year from the date of receipt of Final Plan Approval and be completed within three (3) years thereafter.
- E. That construction of Phase II shall commence on or before September 30, 1991, and be completed [within three (3) years thereafter] on or before September 30, 1999.

- F. That accesses to the proposed development shall meet with the approval of the Department of Public Works, and the State Department of Transportation, Highways Division where applicable.
- G. That improvements shall be made to Kuakini Highway as determined by the County Department of Public Works.
- H. That Henry Street shall be improved with curbs, gutters and sidewalks in accordance with the requirements of the Department of Public Works.
- I. That the method of sewage disposal shall meet with approval of the appropriate County and State agencies.
- J. That a detailed drainage study and proposed improvements shall be submitted at the time of plan approval to the Department of Public Works and Planning Department.
- K. That the requirements of the Department of Water Supply shall be complied with.
- L. That prior to any work being done on the archaeological sites on the property, clearance must first be obtained from the Planning Department. Further, should any sites be uncovered during land preparation activity, work shall immediately cease and the Planning Department shall be notified. Work shall not resume unless clearance is obtained from the Planning Department.
- M. 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] shall be credited towards the requirements of the Unified Impact Fees Ordinance.

- N. 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.
- O. That all other applicable rules, regulations, and requirements shall be complied with.
- P. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation shall be initiated."

SECTION 2. Material to be deleted is bracketed. New material is underscored.

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.

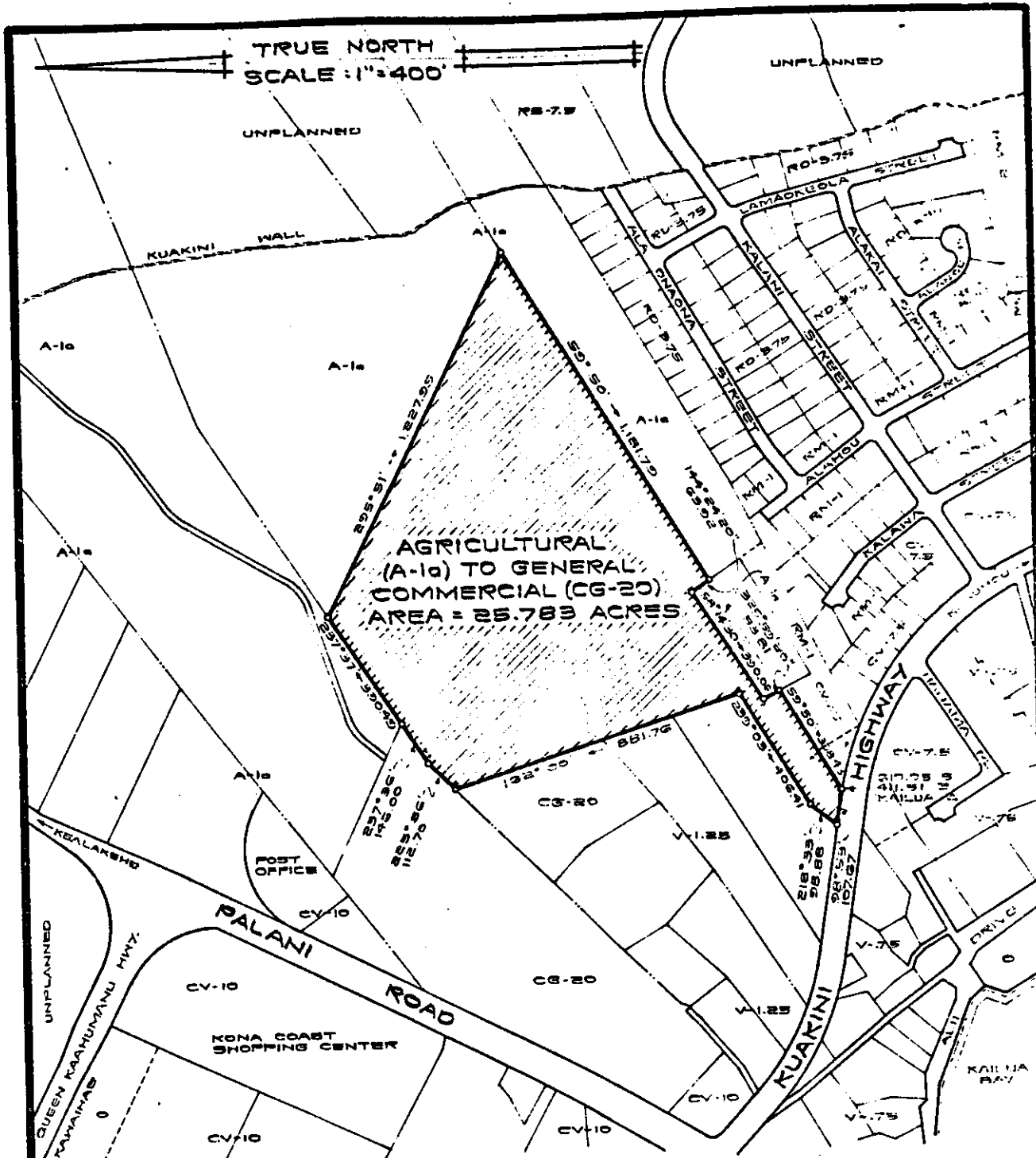
SECTION 4. This ordinance shall be effective upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 30, 1994
Date of 1st Reading: November 30, 1994
Date of 2nd Reading: December 21, 1994
Effective Date: December 30, 1994



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 54 TO SECTION 7.02 (THE NORTH KONA ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO GENERAL COMMERCIAL (CG-20) AT LANIHOU END AND MOEAUOA 2ND, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING : FEB. 11, 1981
 EFFECTIVE DATE : APRIL 10, 1981
 ORDINANCE NUMBER : 684.
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMP. 7-5-0417

JAN. 26, 1981

EXHIBIT "A"

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

DEC 30 11 21

(DRAFT 2) OFFICE OF THE COUNTY CLERK

Introduced By: Takashi Domingo
 Date Introduced: November 30, 1994
 First Reading: November 30, 1994
 Published: N/A

REMARKS:

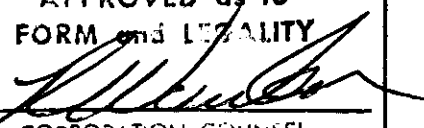
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON			X	
CHILDS	X			
DE LIMA	X			
DOMINGO	X			
HALE	X			
RATH	X			
ROSEHILL	X			
SCHUTTE	X			
	8	0	1	0

Second Reading: December 21, 1994
 To Mayor: December 22, 1994
 Returned: December 30, 1994
 Effective: December 30, 1994
 Published: January 8, 1995

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON	X			
CHILDS	X			
DE LIMA	X			
DOMINGO	X			
OSORIO	X			
RATH			X	
RAY	X			
SMITH	X			
	8	0	1	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 Dec 29 1994


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this 30 day
 of December, 1994


 MAYOR, COUNTY OF HAWAII

Bill No.: 336 (Draft 2)
 Reference: C-1402/PC-144
 Ord. No.: 95 12