

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 225
(Draft 2)

ORDINANCE NO. 96 50

AN ORDINANCE AMENDING SECTION 25-90 (KAILUA-HONALO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-2) TO VILLAGE COMMERCIAL (CV-10) AT KEAUKOU 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-8-10:PORTION OF 58.

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

SECTION 1. Section 25-90, 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 Keauhou 2nd, North Kona, Hawaii, shall be Village Commercial (CV-10):

Beginning at the Northeasterly corner of this parcel of land, being a point bearing 62° 17' 32" 479.80 feet from the Northeasterly corner of Lot 2 of Holua at Keauhou, Phase 1 (File Plan 1784), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAUKOU COAST" being 1,423.00 feet North and 1,581.20 feet East and running by azimuths measured clockwise from True South:

Thence, for the next thirteen (13) courses following along the remainder of Royal Patent 7844, Land Commission Award 7715, Apana 12 to L. Kamehameha:

Thence, following along the remainder of Lot 1 of Holua at Keauhou, Phase 1 (File Plan 1784) on a curve to the left with a radius of 225.00 feet, the chord azimuth and distance being:

- 1. 358° 54' 12.56 feet to a point;

2. 357° 18' 304.81 feet along the remainders of Lots 1 and 2 of Holua at Keauhou, Phase 1 (File Plan 1784) to a point;

Thence, for the next eight (8) courses following along the remainder of Lot 2 of Holua at Keauhou, Phase 1 (File Plan 1784):

3. 355° 44' 10" 116.70 feet to a point;
4. 85° 44' 10" 9.00 feet to a point;
5. 0° 10' 136.00 feet to a point;
6. 90° 10' 320.00 feet to a point;
7. 0° 10' 65.00 feet to a point;
8. 90° 10' 184.00 feet to a point;
9. 180° 10' 268.00 feet to a point;
10. 270° 10' 165.82 feet to a point;
11. 180° 10' 228.03 feet along the remainders of Lots 2 and 1 of Holua at Keauhou, Phase 1 (File Plan 1784) to a point;
12. 235° 00' 242.60 feet along the remainder of Lot 1 of Holua at Keauhou, Phase 1 (File Plan 1784) to a point;
13. 270° 30' 124.30 feet along the remainder of Lot 1 of Holua at Keauhou, Phase 1 (File Plan 1784) to the point of beginning and containing an area of 5.113 Acres.

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

SECTION 2. This change in district classification is conditioned upon the following:

- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The required current property tax payment shall be submitted to the Department of Finance, Real Property Tax Division within ninety (90) days from the effective date of this ordinance.
- C. Plan approval shall be obtained pursuant to Article 20 of the Hawaii County Zoning Code prior to any commercial use of the subject property, and such plan approval shall restrict the hours of night-time uses, maintenance and operations as the director shall determine appropriate to ensure compatibility with the existing residential neighborhood.
- D. The applicant shall comply with all requirements of the State Department of Health.
- E. 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.

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).
 5. Should the applicant request an additional extension of time, the Planning Director shall submit the applicant's request to the County Council through the Planning Commission for appropriate action.
- F. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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

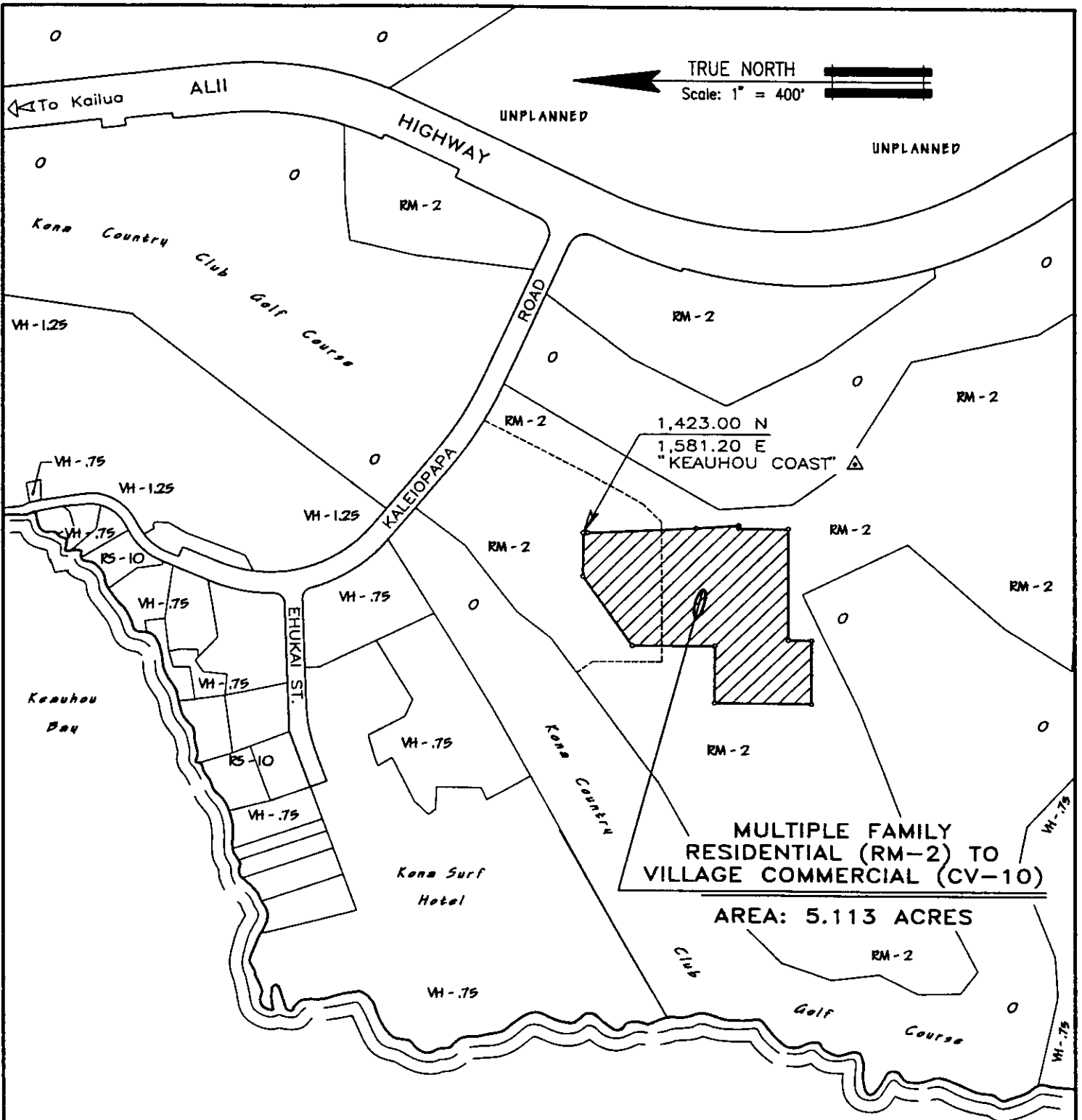
Date of Introduction: April 3, 1996
 Date of 1st Reading: April 3, 1996
 Date of 2nd Reading: April 17, 1996
 Effective Date: May 2, 1996

APPROVED AS TO FORM AND LEGALITY



 DEPUTY CORPORATION COUNSEL

DATED: 4/22/96



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 MULTIPLE FAMILY RESIDENTIAL (RM-2) TO VILLAGE COMMERCIAL (CV-10) AT KEAUHOU 2nd, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RECEIVED

96 MAY 2 PM 2 41

(DRAFT-2)

Introduced By: Takashi Domingo
 Date Introduced: April 3, 1996
 First Reading: April 3, 1996
 Published: N/A

REMARKS:

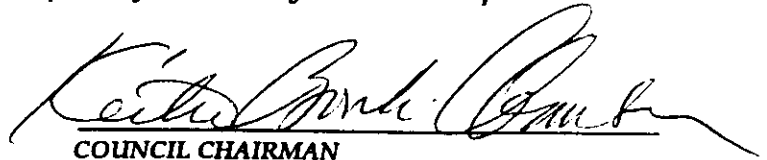
COUNTY ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	0	0

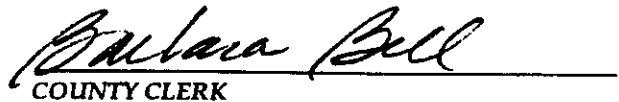
Second Reading: April 17, 1996
 To Mayor: April 18, 1996
 Returned: May 2, 1996
 Effective: May 2, 1996
 Published: May 10, 1996

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.


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this May 2 day
 of May, 1996.


 MAYOR, COUNTY OF HAWAII

Bill No.: 225 (Draft 2)
 Reference: C-1022/PC-109
 Ord. No.: 96 50