

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: October 4, 2000
First Reading: October 4, 2000
Published: N/A

REMARKS: _____

Second Reading: October 18, 2000
To Mayor: October 24, 2000
Returned: October 30, 2000
Effective: October 30, 2000
Published: November 6, 2000

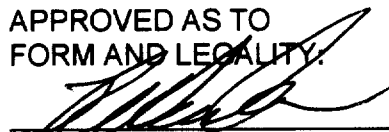
REMARKS: _____



RECEIVED
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio			X	
Smith	X			
Tyler	X			
Yagong	X			
	7	0	2	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio			X	
Smith	X			
Tyler	X			
Yagong	X			
	7	0	2	0

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

APPROVED AS TO
FORM AND LEGALITY:

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII
Date 10/30/00


COUNCIL CHAIRMAN

COUNTY CLERK

Approved/Disapproved this 30 day
of October, 2000.


MAYOR, COUNTY OF HAWAII

Bill No.: 311
Reference: C-907/PC-115
Ord. No.: 00 122

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 311

ORDINANCE NO. 00 122

AN ORDINANCE AMENDING SECTION 25-8-5 (KAILUA URBAN ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-1) TO VILLAGE COMMERCIAL (CV-10) AT PUAA 3RD, DISTRICT OF NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18 15

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII

SECTION 1 Section 25-8-5, Article 8, 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 Puaa 3rd, District of North Kona, Hawaii, shall be Village Commercial (CV-10)

Beginning at a 3/4" pipe at the southeast corner of this parcel of land, the coordinates of said point referred to Government Survey Triangulation Station "KAHELO" being 3717 89 feet north and 1032 45 feet West, and running by azimuths measured clockwise from true South

- | | | | |
|---|--------------|--------|---|
| 1 | 78° 14' 30" | 20 56 | feet along Grant 4344, Apana 1 |
| | | | Thence along a curve to the left having a radius of 5754 70 feet, the direct chord azimuth and distance being |
| 2 | 162° 19' 28" | 132 00 | feet to a 3/4" pipe, |
| 3 | 258° 28' | 39 70 | feet along Grant 4037, Apana 1 |
| 4 | 352° 17' 30" | 70 47 | feet along L C Aw 7081 to Kaiwiku, |

5 348° 46' 60 86 feet along L C Aw 7081 to Kaiwikui
to the point of beginning

Containing an Area of 3,789 Square Feet, or thereabouts

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 applicant shall comply with all requirements of Chapter 205A, Hawaii
Revised Statutes and Planning Commission Rule No 9 regarding the Special
Management Area prior to commencing any land alteration or development
activities within the subject property

- C The applicant shall consolidate the subject property (TMK 7-5-18 15) with the
adjoining property to the east (TMK 7-5-18 14) with Final Consolidation
Approval to be secured within one (1) year from the effective date of this
ordinance

- D The applicant shall comply with the requirements specified within Change of
Zone Ordinance No 96-34

- E Should any unidentified sites or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
- F Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance
- G 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 applicant, 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 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

H Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject 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

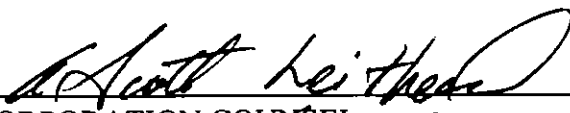


COUNCIL MEMBER, COUNTY OF HAWAII

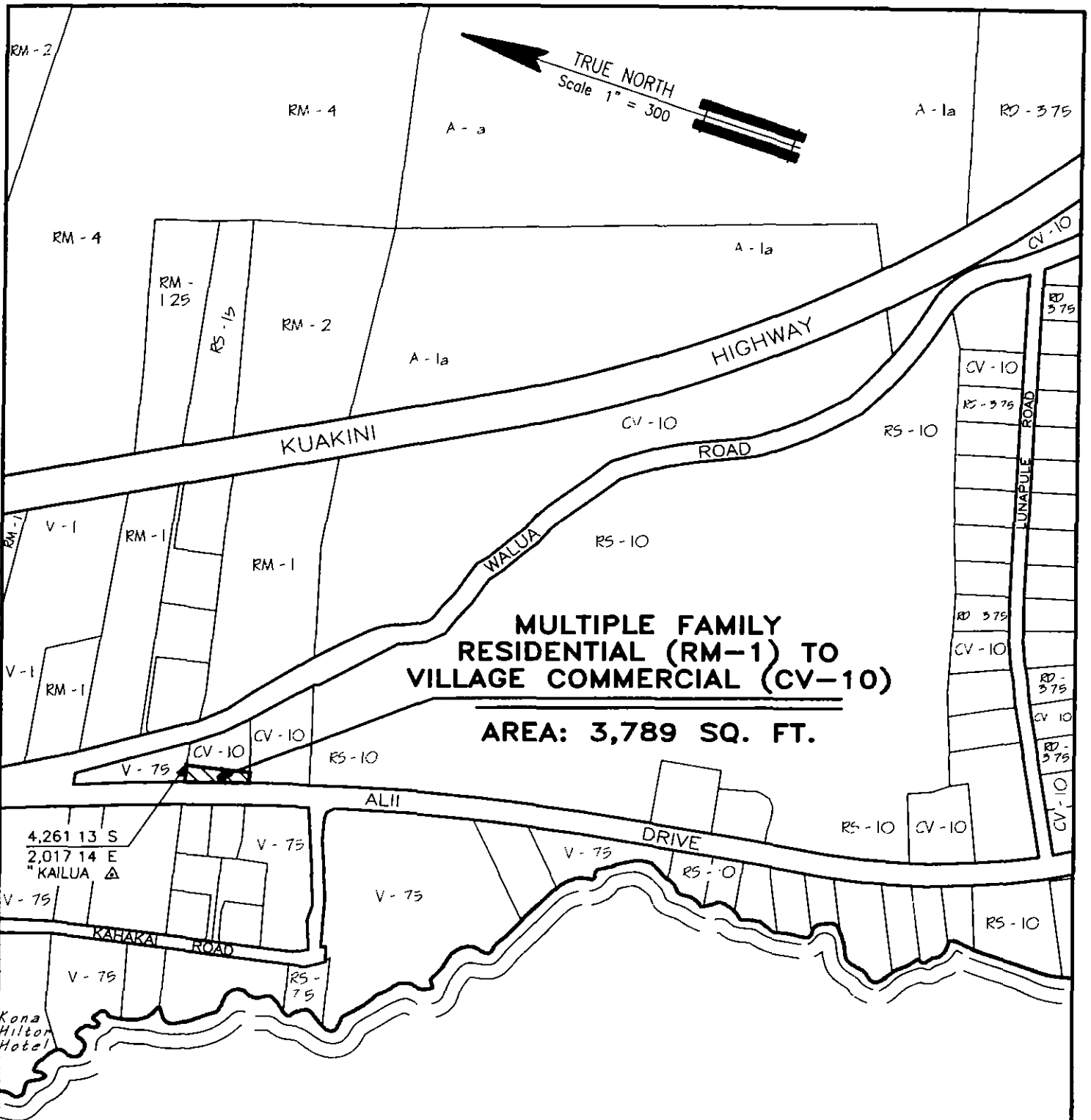
Hilo, Hawaii

Date of Introduction October 4, 2000
Date of 1st Reading October 4, 2000
Date of 2nd Reading October 18, 2000
Effective Date October 30, 2000
REFERENCE: Comm. 907

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL
DATED 10/26/00



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-5 (KAILUA URBAN ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-1) TO VILLAGE COMMERCIAL (CV-10) AT PUA 3RD, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII