

COUNTY OF HAWAI'I

STATE OF HAWAI'I

BILL NO. 115
(Draft 2)

ORDINANCE NO. **03 115**

AN ORDINANCE AMENDING SECTION 25-8-5 (KAILUA URBAN ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-1) TO VILLAGE COMMERCIAL (CV-7.5) AT HONUAAULA, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 7-5-22:40.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-5, Article 8, Chapter 25 (Zoning Code) of the Hawai'i 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, Hawai'i, shall be Village Commercial (CV-7.5):

Beginning at the Southwesterly corner of this parcel of land, being also the Northwesterly corner of Lot 81 of Lono Kona 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 1,053.87 feet South and 1,392.35 feet East and running by azimuths measured clockwise from True South:

- 1. 151° 59' 62.50 feet along the Easterly side of Kalawa Street to a point;

Thence, for the next three (3) courses following along the remainder of Grant 3148, Apana 4 to W. P. Leleiohoku:

- 2. 241° 59' 120.00 feet along Lot 78-A of Lono Kona Subdivision to a point;

- | | | | |
|----|----------|--------|---|
| 3. | 331° 59' | 62.50 | feet along Lot 108 of Lono Kona Subdivision (File Plan 769) to a point; |
| 4. | 61° 59' | 120.00 | feet along Lot 81 of Lono Kona 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. In accordance with Section 25-2-44, Hawai'i County Code, the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
 - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.
- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance. Prior to this payment, water calculations with anticipated maximum daily water usage as recommended by a registered engineer shall be submitted to the Department of Water Supply.
- C. Construction of the proposed development shall be completed within five (5) years from the effective date of this ordinance. This time period shall

include securing Final Plan Approval from the Planning Director in accordance with the Zoning Code. Plans shall identify proposed structure(s), fire protection measures, access roadway, driveway and parking stalls. The applicant shall provide adequate off-street parking and a turnaround before entering the County road right-of-way. Landscaping shall be indicated on the plans for the purpose of mitigating any potential adverse noise or visual impacts to adjoining parcels. Landscaping shall be provided in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).

- D. The applicant shall provide improvements to Kalawa Street fronting the subject property. The applicant shall widen, by 5 feet, and provide full improvements to the entire (as widened) Kalawa Street frontage consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements, and any relocation of utilities meeting with the approval of the Department of Public Works. The widened street shall be dedicated without cost to the County of Hawaii prior to the issuance of a Certificate of Occupancy. Install street lights, signs and markings, meeting with the approval of the Department of Public Works, Traffic Division.
- E. The driveway connection to the subject parcel from Kalawa Street shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code and meet with the approval of the Department of Public Works. Driveways shall conform to County Standards Details. All sight distances shall meet the requirements of the Hawaii Statewide Uniform Design Manual or AASHTO Guidelines.
- F. A drainage study shall be prepared, and the recommended drainage system shall be constructed, meeting with the approval of the Department of

Public Works, prior to the issuance of a Certificate of Occupancy for any portion of the proposed development.

- G. The applicant shall connect to the existing County sewer lateral meeting with the approval of the Department of Environmental Management prior to the issuance of a certificate of occupancy.
- H. A Solid Waste Management Plan shall be submitted the Department of Environmental Management for review and approval. A copy of the approved plan shall be submitted to the Planning Department prior to the issuance of Final Plan Approval.
- I. All earthwork activity shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.
- J. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources – State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- K. The applicant shall comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development.
- L. 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.

- M. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of enactment of the ordinance. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. 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.

- N. 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.
- O. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning 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.

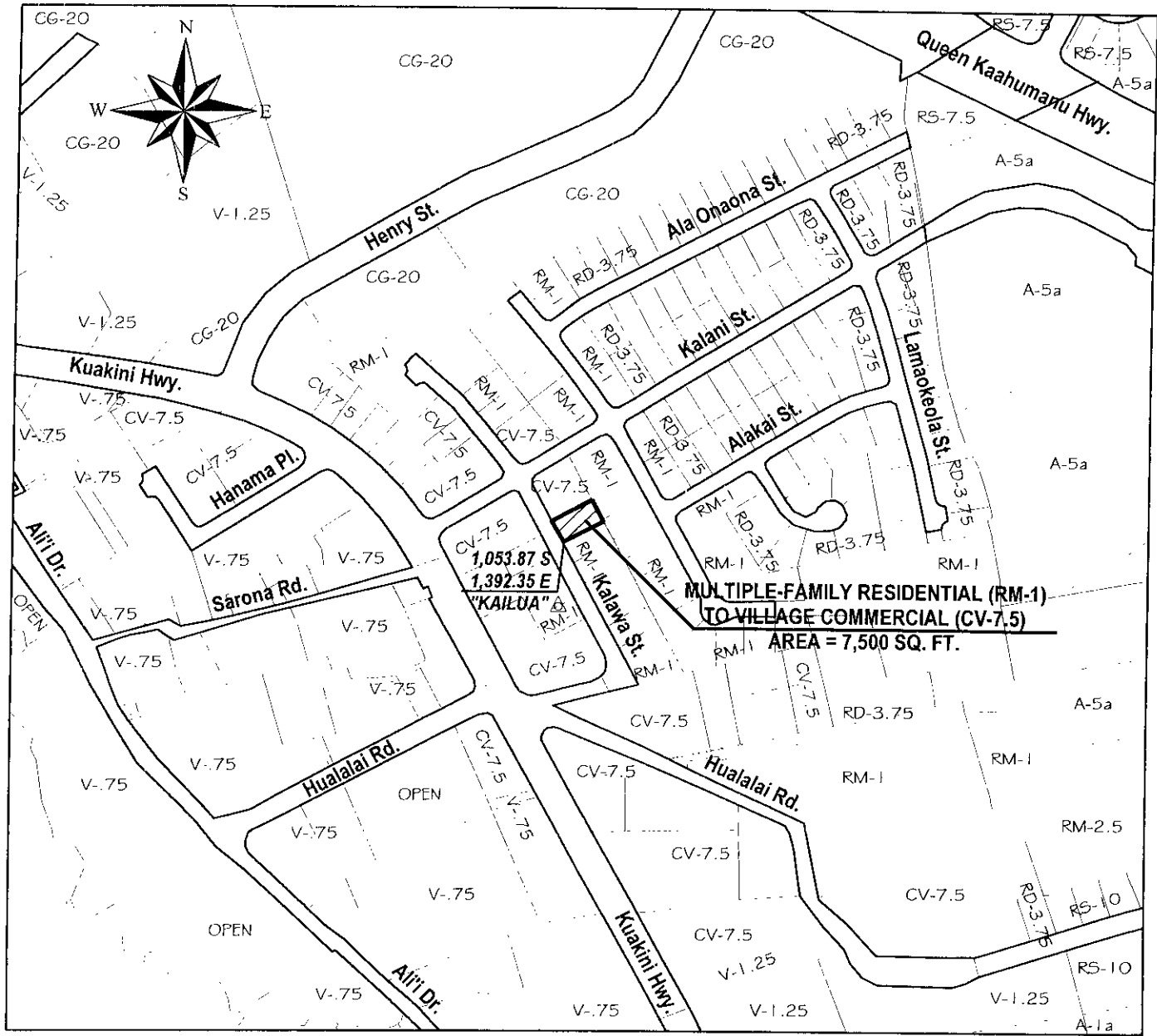
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: July 23, 2003
Date of 1st Reading: July 23, 2003
Date of 2nd Reading: August 6, 2003
Effective Date: August 14, 2003

REFERENCE: Comm. 257.1



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-7.5)
 AT HONUULA, NORTH KONA, HAWAII
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
 County of Hawaii
 Hilo, Hawaii

RECEIVED

(DRAFT 2)

03 AUG 18 PM 2 19

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: July 23, 2003
 First Reading: July 23, 2003
 Published: N/A

REMARKS:

Second Reading: August 6, 2003
 To Mayor: August 7, 2003
 Returned: August 18, 2003
 Effective: August 14, 2003
 Published: September 7, 2003

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Holschuh	X			
Jacobson	X			
Leithead-Todd	X			
Reynolds	X			
Safarik	X			
Tyler	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Holschuh	X			
Jacobson	X			
Reynolds	X			
Safarik	X			
Tyler	X			
	7	0	1	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:

Patricia K. O'Neil
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 8/11/03

[Signature]
 COUNCIL CHAIRMAN

[Signature]
 COUNTY CLERK

Bill No.: 115 (Draft 2)

Reference: C-257.1/PC-45

Ord No.: **03 115**

Approved/Disapproved this 14th day

of August, 2003

[Signature]
 MAYOR, COUNTY OF HAWAII