

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 423

AN ORDINANCE AMENDING SECTION 7.02(gg) THE NORTH KONA DISTRICT ZONE MAP, ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, FORMERLY ORDINANCE 605, 1973, RELATING TO THE CONDITIONS IMPOSED UPON THE MULTIPLE FAMILY RESIDENTIAL ZONE - 1,250 SQUARE FEET (RM-1.25) AT MAIHI 1ST AND 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-9-03:10.

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

SECTION 1. Section 7.02(gg), Article 2, Chapter 8 of the Hawaii County Code, as amended, is hereby further amended to read as follows:

"Sec. 7.02(gg). The District Classification of the following area situated at Maihi 1st and 2nd, North Kona, Hawaii, shall be Multiple Family Residential (RM-1.25):

Beginning at a spike in concrete at the southwest corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "PUU OHAU" being 11,793.77 feet North and 8,122.08 feet East, and thence running by azimuths measured clockwise from true South:

Along the northeasterly side of Mamalahoa Highway for the following twenty-nine (29) courses:

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| 1. | 147° 47' 30" | 13.06 feet to a pipe in concrete; |
| 2. | 134° 06' 30" | 46.57 feet to a pipe in concrete; |
| 3. | 126° 35' | 30.96 feet to a nail in concrete; |
| 4. | 115° 10' | 19.92 feet to a pipe in concrete; |
| 5. | 118° 05' 30" | 25.74 feet to a pipe in concrete; |
| 6. | 137° 13' | 31.32 feet to a pipe in concrete; |
| 7. | 149° 17' | 66.37 feet to a pipe in concrete; |
| 8. | 154° 24' | 24.33 feet to a nail in concrete; |
| 9. | 166° 15' | 72.81 feet to a pipe in concrete; |
| 10. | 136° 27' | 72.45 feet to a pipe in concrete; |
| 11. | 122° 34' | 26.96 feet to a pipe in concrete; |
| 12. | 88° 50' | 71.46 feet to a pipe in concrete; |
| 13. | 90° 44' | 55.67 feet to a pipe in concrete; |

14.	112° 27'	30.04 feet to a pipe in concrete;
15.	131° 03'	42.21 feet to a pipe in concrete;
16.	149° 18' 30"	31.36 feet to a pipe in concrete;
17.	163° 50' 30"	40.69 feet to a pipe in concrete;
18.	167° 06' 30"	39.09 feet to a pipe in concrete;
19.	155° 33'	27.18 feet to a nail in concrete;
20.	136° 30'	18.65 feet to a pipe in concrete;
21.	121° 56'	22.29 feet to a nail in concrete;
22.	110° 51' 30"	30.02 feet to a pipe in concrete;
23.	112° 22'	38.99 feet to a pipe in concrete;
24.	123° 37'	41.87 feet to a pipe in concrete;
25.	139° 19'	49.03 feet to a pipe in concrete;
26.	154° 21' 30"	81.30 feet to a nail in concrete;
27.	143° 38'	30.85 feet to a pipe in concrete;
28.	139° 18' 30"	34.15 feet to a pipe in concrete;
29.	155° 27' 30"	70.21 feet to a pipe in concrete;

Thence, along stonewall, along Grant 1172 to Kamoehalau at Honalo for the following seven (7) courses:

30.	270° 49'	76.00 feet to a spike in concrete;
31.	256° 35'	35.10 feet to a pipe in concrete;
32.	268° 13'	92.00 feet to a pipe in concrete;
33.	278° 47'	77.81 feet to a pipe in concrete;
34.	266° 39'	88.92 feet to a pipe in concrete;
35.	266° 10'	123.80 feet to a pipe in concrete;
36.	261° 33'	123.50 feet to a pipe in concrete;

Thence, along the westerly side of the Old Government Road for the following eleven (11) courses:

37.	355° 55'	124.51 feet to a pipe in concrete;
38.	330° 42'	99.72 feet to a pipe in concrete;
39.	328° 13' 30"	224.21 feet to a pipe in concrete;
40.	331° 46'	31.59 feet to a pipe in concrete;
41.	336° 06' 30"	61.39 feet to a pipe in concrete;
42.	341° 33' 30"	46.28 feet to a pipe in concrete;

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| 43. | 351° 44' | 42.02 feet to a pipe in concrete; |
| 44. | 358° 12' | 66.25 feet to a pipe in concrete; |
| 45. | 4° 00' | 50.06 feet to a pipe in concrete; |
| 46. | 1° 22' 30" | 56.78 feet to a spike in concrete; |
| 47. | 358° 40' | 73.55 feet to a pipe in concrete,
thence; |
| 48. | 84° 59' | 127.80 feet along stonewall, along Grant
974 to Ehu at Kuamoo, to the point
of beginning and containing an
area of 8.31 Acres. |

"All as outlined in red on the map marked 7.02(gg) and made a part hereof."

"This section shall take effect forthwith upon the conditions that (A) the development occur in [five (5)] three (3) increments of [30, 30, 36, 48 and 36] 60, 48, and 68 units respectively. Zoning for subsequent increments shall become effective only after substantial development has occurred on the previous increment. Substantial development is defined as building permits issued and construction of permanent structures commenced on [33] 25 percent of the units within the previous increment. [This would assure the construction of a minimum of 25 percent of 45 units of the total 180 units proposed;] In lieu of the actual construction of the units, the petitioner or its authorized representative may enter into an agreement with the Planning Department which would bond and assure the County that the units will be constructed within a given period. Such agreement shall meet with the approval of the Corporation Counsel and the Planning Director. In doing so, development of the subsequent increment(s) may proceed prior to the actual construction of the units in the previous increment(s); (B) construction conform substantially to that as [submitted] represented and that construction begin [within one (1) year of the date of approval of the change of zone] by June 20, 1979; (C) the rental price of the units be within a range to serve the low and moderate price income group. The income range and affordable rental shall be determined by appropriate agencies prior to occupancy of the units; and (D) the proposed 1/2 acre play

area be developed as part of the [second] first increment. Minimum improvements shall include but not be limited to acceptable grading and grassing of the area. Should any of the conditions not be met or if performance of the conditions is deemed unsatisfactory in terms of the level of progress made and delinquent by the County Council or the Planning Director, action shall be taken to immediately rezone any portion or all of the subject area to its former zoning."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, the brackets, bracketed material and underscoring need not be included.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 7, 1979

Date of Adoption: March 21, 1979

Effective Date: March 28, 1979