

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 870

AN ORDINANCE AMENDING SECTION 7.02 (THE NORTH KONA ZONE MAP), AND SECTION 7.04 (THE KAILUA URBAN ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO MULTIPLE FAMILY RESIDENTIAL (RM-4) AND (RM-7) AND FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO MULTIPLE FAMILY RESIDENTIAL (RM-4) AT WAIAHA 2ND AND KAHULUI 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:61 & 7-5-19:PORTION OF 5.

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

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

"7.02 (kkk-1). The district classification of the following area situated at Kahului 1st, North Kona, Hawaii, shall be Multiple Family Residential (RM-7):

Beginning at the east corner of this parcel of land and on the southwesterly side of Kuakini Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 1,529.49 feet North and 2,039.41 feet East, thence running by azimuths measured clockwise from True South:

1. 71° 22' 29.43 feet along a stonewall along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to M. Kamaikui;
2. 77° 30' 31.70 feet along same;
3. 90° 34' 60.00 feet along same;
4. 83° 03' 40.00 feet along same;
5. 76° 13' 63.30 feet along same;
6. 76° 30' 107.80 feet along same;
7. 84° 17' 62.20 feet along same;
8. 70° 17' 41.60 feet along same;
9. 73° 07' 24.00 feet along same;

10. 88° 13' 70.10 feet along same;
11. 90° 21' 82.70 feet along same;
12. 91° 40' 117.23 feet along same;
13. Thence along the remainder of Grant 1868 to Kaupena  
(Proposed Alii Drive  
Realignment) on a curve to  
the right with a radius of  
1,950.00 feet, the chord  
azimuth and distance being:  
210° 35' 55.5" 276.87 feet;
14. 214° 40' 11" 128.61 feet along the remainder of  
Grant 1868 to Kaupena  
(Proposed Alii Drive  
Realignment);
15. Thence along same on a curve to the right with a  
radius of 75.00 feet, the  
chord azimuth and distance  
being: 259° 40' 05.5"  
106.06 feet;
16. 304° 40' 486.78 feet along Kuakini Highway  
to the point of beginning  
and containing an area of  
3.380 Acres.

7.02 (kkk-2). The district classification of the following area situated at Kahului 1st, North Kona, Hawaii, shall be Multiple Family Residential (RM-4):

Beginning at the northeast corner of this parcel of land and on the southwesterly side of Kuakini Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO," being 2,265.39 feet North and 975.32 feet East, thence running by azimuths measured clockwise from True South:

1. 304° 40' 556.99 feet along Kuakini Highway;
2. Thence along the remainder of Grant 1868 to Kaupena  
(Proposed Alii Drive  
Realignment) on a curve to  
the right with a radius of  
75.00 feet, the chord  
azimuth and distance being:  
349° 40' 05.5" 106.07 feet;
3. 34° 40' 11" 128.60 feet along the remainder of  
Grant 1868 to Kaupena  
(Proposed Alii Drive  
Realignment);

4. Thence along same on a curve to the left with a radius of 2,050.00 feet, the chord azimuth and distance being:  
29° 52' 33.5" 342.63 feet;

Thence along a stonewall along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to M. Kamaikui for the next thirteen (13) courses, the direct azimuths and distances being:

- |     |              |   |
|-----|--------------|---|
| 5.  | 95° 58'      | 266.05 feet;  |
| 6.  | 89° 59'      | 144.10 feet;  |
| 7.  | 44° 08'      | 13.60 feet;   |
| 8.  | 94° 32'      | 122.80 feet;  |
| 9.  | 91° 46'      | 122.40 feet;  |
| 10. | 84° 39'      | 65.70 feet;   |
| 11. | 79° 19'      | 97.00 feet;   |
| 12. | 89° 15'      | 27.80 feet;   |
| 13. | 97° 54'      | 19.60 feet;   |
| 14. | 87° 14'      | 95.40 feet;   |
| 15. | 84° 10'      | 95.20 feet;   |
| 16. | 72° 27'      | 24.80 feet;   |
| 17. | 128° 30'     | 58.06 feet;   |
| 18. | 73° 20'      | 73.12 feet along Royal Patent 8060, Land Commission Award 10,373 to Neniha;   |
| 19. | 164° 55'     | 54.59 feet along Royal Patent 3740, Land Commission Award 7336 to Kuapuu;   |
| 20. | 151° 40'     | 122.27 feet along Royal Patent 5225, Land Commission Award 7086 to Kalawa;  |
| 21. | 161° 19' 15" | 331.73 feet along Land Commission Award 10,374, Apana 2 to Nalawaia and along the remainder of Grant 1868 to Kaupena; |

- |     |      |     |   |
|-----|------|-----|---|
| 22. | 168° | 13' | 213.85 feet along same;   |
| 23. | 248° | 52' | 181.76 feet along Grant 5327 to Samuel Lifftee (portion of Lot 10, Lots 12 and 14, and a portion of Lot 16 of Konalani Subdivision);  |
| 24. | 260° | 11' | 252.90 feet along Grant 5327 to Samuel Lifftee (portion of Lot 16, Lots 18 and 20, and a portion of Lot 22, of Konalani Subdivision); |
| 25. | 254° | 38' | 216.80 feet along Grant 5327 to Samuel Lifftee (portion of Lot 22, Lots 24 and 26, and a portion of Lot 28 of Konalani Subdivision);  |
| 26. | 246° | 11' | 144.70 feet along Grant 5327 to Samuel Lifftee (portion of Lot 28, Lot 30, and a portion of Lot 32 of Konalani Subdivision);          |
| 27. | 273° | 51' | 94.10 feet along Grant 5327 to Samuel Lifftee (portion of Lot 32 of Konalani Subdivision);  |
| 28. | 316° | 51' | 83.22 feet along Grant 5327 to Samuel Lifftee;  |
| 29. | 305° | 31' | 84.53 feet along same;  |
| 30. | 255° | 01' | 87.40 feet along same;  |
| 31. | 267° | 11' | 124.81 feet along same to the point of beginning and containing an area of 26.229 Acres."   |

SECTION 2. Section 7.04, Article 2, Chapter 8 (Zoning Code), of the Hawaii County Code, as amended, is further amended to add a new subsection, to read as follows:

"7.04 ( aa ). The district classification of the following area situated at Waiaha 2nd, North Kona, Hawaii, shall be Multiple Family Residential (RM-4):

Beginning at the east corner of this parcel of land and on the southwesterly side of Kuakini Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 2,265.39 feet North and 975.32 feet East, thence running by azimuths measured clockwise from True South:

1. 87° 11' 124.81 feet along Grant 1868 to Kaupena;
2. 75° 01' 87.40 feet along same;
3. 125° 31' 84.53 feet along same;
4. 136° 51' 83.22 feet along same;
5. 245° 00' 27.84 feet along the remainder of Grant 5327 to Samuel Lifftee (portion of Lot 32 of Konalani Subdivision);
6. 303° 40' 30" 51.27 feet along Walua Road;
7. 272° 47' 129.98 feet along Walua Road;
8. Thence along the intersection of Walua Road and Kuakini Highway on a curve to the right with a radius of 200.00 feet, the chord azimuth and distance being: 288° 43' 30" 109.86 feet;
9. 304° 40' 40.17 feet along Kuakini Highway to the point of beginning and containing an area of 0.411 Acre.

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

These subsections are conditioned upon the following:  
 (A) that the petitioner, its successors or assigns shall be responsible for complying with all conditions of the change of zone; (B) that prior to the issuance of any further permits or approvals except those for grubbing the petitioner shall submit an overall site development plan for the approval of the Chief Engineer and the Planning Director. The site development plan shall include the following: general alignment and right-of-way widths of all streets, the location and density of various land uses, maintenance of scenic vistas, the proposed treatment of archaeological sites, and the location and type of major landscaping elements. Subsequent development shall be

consistent with the approved site development plan unless otherwise approved by the Planning Director. In lieu of this the petitioner may proceed through the Planned Unit Development (PUD) process; (C) that the zoning for the RM-4 area shall be on an incremental basis. Development shall be in two (2) or more increments with each increment to be not less than 10 acres nor to exceed 20 acres. The effective date of zoning for the second and any succeeding increments shall be after development has occurred in the prior increment. "Development" means that building permits have been issued for residential dwelling units and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent (25%) of the number of units proposed for the entire prior increment. The petitioner may enter into an agreement with the Hawaii County Housing Agency for a bond to assure the County that the dwellings will be constructed within a given period. Such agreement shall meet with the approval of the Corporation Counsel and the Hawaii County Housing Agency. Upon final execution of such agreement, development of the succeeding increments may proceed prior to the actual construction of the dwellings in the prior increment;

(D) that plans for subdivision, if applicable, shall be submitted within one (1) year from the effective date of each respective zoning increment. Final subdivision plans shall be submitted within one (1) year from the date of tentative subdivision approval; (E) that plans for Plan Approval, if applicable, shall be submitted within one (1) year from the effective date of the change of zone;

(F) construction shall commence within one (1) year from the

date of receipt of each respective final plan approval and be completed within two (2) years thereafter; (G) that the petitioner shall dedicate the Alii Highway right-of-way and the associated easements within the subject property to the County within six (6) months of the date of final right-of-way determination by the Chief Engineer; (H) that the petitioner, alone, or in cooperation with other property owners, shall construct and complete the portion of the Alii Highway from the Kuakini Highway to the Southern end of the subject property, including Kuakini Highway intersection improvements and left turn pockets for the property access road meeting with the approval of the Chief Engineer, prior to the issuance of any occupancy permits on the subject property; (I) that the petitioner shall construct and complete a connecting road between Alii Highway and Alii Drive, meeting with the approval of the Chief Engineer, prior to the issuance of any occupancy permits for those portions of the subject property makai of the Alii Highway; (J) that no direct access off the Kuakini Highway shall be permitted; (K) that the petitioner, alone, or in conjunction with other affected property owners and the County, shall construct and complete drainage improvements within the Waiaha flood plain including the replacement of the Kahului Bridge on Alii Drive prior to the issuance of any occupancy permits on the subject property. All improvements shall meet with the approval of the Chief Engineer; and (L) that all other applicable rules, regulations and requirements of the Department of Water Supply including those of the Department of Health shall be complied with. Should any of the foregoing conditions not be met the rezoning of the property to its original or more appropriate zoning designation may be initiated."

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

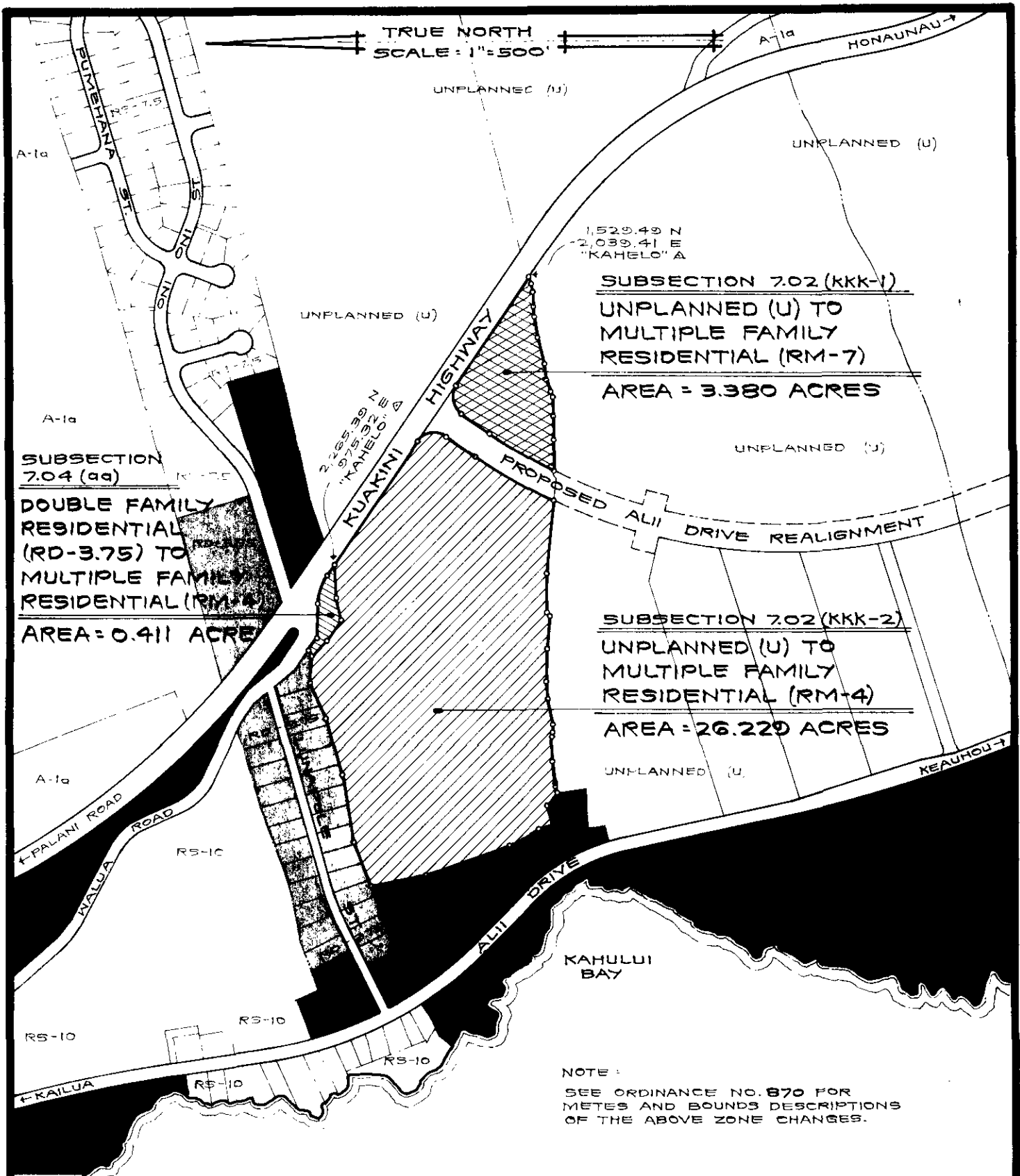
Hilo, Hawaii

Date of Introduction: February 16, 1983

Date of Adoption: April 6, 1983

Effective Date: April 18, 1983





NOTE:  
SEE ORDINANCE NO. 870 FOR  
METES AND BOUNDS DESCRIPTIONS  
OF THE ABOVE ZONE CHANGES.

## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 63 TO SECTION 7.02 (THE NORTH KONA ZONE MAP) AND AMENDMENT NO. 27 TO SECTION 7.04 (THE KAILUA URBAN ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO MULTIPLE FAMILY RESIDENTIAL (RM-4) AND (RM-7) AND FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO MULTIPLE FAMILY RESIDENTIAL (RM-4) AT WAIAHA 2ND AND KAHULUI 1ST, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING : NOV. 23 & DEC. 15, 1982  
EFFECTIVE DATE : APRIL 18, 1983  
ORDINANCE NUMBER : 870

PREPARED BY :  
PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 7-5-18 : 61 & 7-5-19 : PORTIONS OF 5 & 40

DEC. 15, 1982

EXHIBIT "A"

Hilo, Hawaii  
Date: February 16, 1983

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo	X		
Fujii	X		
Hale	X		
Kawahara			X
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	8	0	1

Publication Date: \_\_\_\_\_

Hilo, Hawaii  
Date: April 6, 1983

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg			X
De Luz	X		
Domingo	X		
Fujii	X		
Hale	X		
Kawahara			X
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	7	0	2

Publication Date: MAY 1 1983

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.

**APPROVED as to  
FORM and LEGALITY**  
*[Signature]*  
CORPORATE SECRETARY  
COUNTY OF HAWAII  
Date APR 13 1983

*[Signature]*  
Council Chairman

*[Signature]*  
County Clerk

Approved/~~Disapproved~~ this 18<sup>th</sup> day of April, 1983.

*[Signature]*  
Mayor, County of Hawaii

**AMENDED**  
Bill No. 922 (DRAFT 2)  
Reference: PC-182/C-1081  
M.B. No. \_\_\_\_\_  
Ord. No. 870