

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 483

ORDINANCE NO. 88 32

AN ORDINANCE AMENDING SECTION 25-99 (PAAUILO-KUKAIAU ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT KAINEHE, HAMAKUA, HAWAII, COVERED BY TAX MAP KEY 4-2-03:3 (PORTION).

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

SECTION 1. Section 25-99, 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 Kainehe, Hamakua, Hawaii, shall be Single Family Residential (RS-7.5):

Beginning at the southwest corner of this parcel of land, the southeast corner of Lot 4 and on the northeast side of Government Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHOLALELE" being 4127.33 feet North and 2989.12 feet East and running by azimuths measured clockwise from True South:

- 1. 191° 53' 158.88 feet along the remainder of Grant 1563 to Francis Davis;
- 2. 288° 29' 17.10 feet along the remainder of Grant 1563 to Francis Davis;
- 3. 11° 53' 160.01 feet along the remainder of Grant 1563 to Francis Davis;
- 4. 112° 12' 17.27 feet along Government Road to the point of beginning and containing an area of 2,708 Square Feet.

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, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) consolidation/resubdivision plans shall be submitted within one year from the effective date of the change of zone; (C) all other applicable rules, regulations and requirements be complied with; and, (D) 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); and 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. Further, 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: February 17, 1988  
Date of 1st Reading: February 17, 1988  
Date of 2nd Reading: March 2, 1988  
Effective Date: March 7, 1988

