

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 487
(Draft 2)

ORDINANCE NO. 88 117

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT KALAOA 4TH, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-05:87.

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

SECTION 1. Section 25-87, 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 Kalaoa 4th, North Kona, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the southeast corner of this parcel of land, being also the northeast corner of Lot 147, Kona Palisade, Unit I (File Plan 1061), the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 7,113.32 feet South and 10,820.04 feet West, thence running by azimuths measured clockwise from True South:

1. 100° 37' 30" 129.58 feet along a portion of Lot 147, Kona Palisade, Unit I (File Plan 1061);
2. 98° 56' 262.00 feet along a portion of Lot 147, Lot 140, Lot 139 and a portion of Lot 138, Kona Palisade, Unit I (File Plan 1061);

3. 87° 55' 30" 574.00 feet along a portion of Lot 138, Lot 131, Lot 130 and a portion of Lot 124, Kona Palisade, Unit I (File Plan 1061):
4. 95° 55' 219.71 feet along a portion of Lot 124, Lot 123 and Lot 119, Kona Palisade, Unit I (File Plan 1061);
5. 194° 30' 265.16 feet along the remainder of Grant 1607 to Nawahie (Lot 7, 50-Foot Road);
6. 276° 38' 46" 1,142.51 feet along the remainder of Grant 1607 to Nawahie (portion of Parcel B);
7. 6° 50' 192.29 feet along the remainder of Grant 1607 to Nawahie (Lot 6, 50-Foot Road) to the point of beginning and containing an area of 5.655 Acres.

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) subdivision plans shall be submitted for tentative approval within one year from the effective date of the change of zone. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval; (C) construction of single family dwellings shall commence on twenty-five percent of the proposed lots within three years from the date of

receipt of Final Subdivision Approval; (D) a drainage system meeting with the approval of the Department of Public Works shall be installed; (E) access(es) to the proposed lots shall meet with the approval of the Department of Public Works. Further, the Oneone Street and Keokeo Street extensions within the property shall be constructed to dedicable standards in accordance with the requirements of the Department of Public Works; (F) submit an archaeological report to the Department of Land and Natural Resources, Historic Sites Section and the Planning Department documenting archaeological sites satisfactory to an intensive survey level prior to any grubbing and/or land alteration; (G) submit a data recovery program for the burial site for review and approval by the Department of Land and Natural Resources, Historic Sites Section and the Planning Department. Reinterment of the burial shall comply with applicable regulations, and shall be completed prior to any grubbing or land alteration; (H) should any unanticipated archaeological/historical sites or features of importance be uncovered during land preparation activities, work in the affected area shall cease immediately and the Planning Director shall be notified. Work in the affected area shall not resume until such time that clearance is obtained from the Planning Director; (I) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the zone

change. The report shall address the status of the development and the compliance with the conditions of approval. 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; and, (J) all other applicable rules, regulations and requirements be complied with; and, (K) 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. Should the council adopt A Uniform Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may be satisfied by performance in accordance with the requirements of the Uniform Impact Fees Ordinance.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

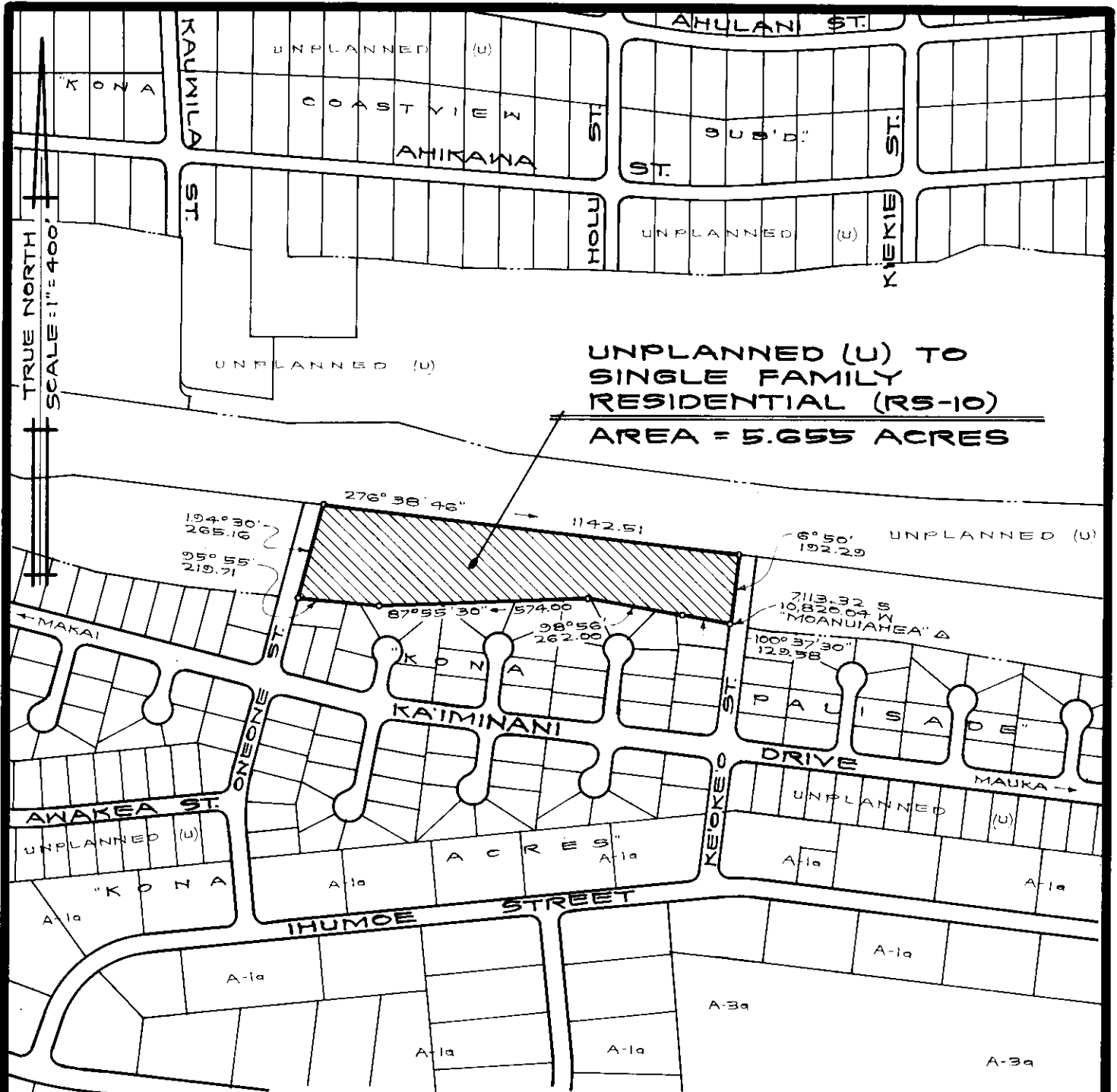
SECTION 5. This ordinance shall take effect upon its approval.

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: August 3, 1988
Effective Date: August 17, 1988



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT KALAOA 4TH, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-3-05: 87

NOV. 30, 1987

EXHIBIT "A"