

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 636

ORDINANCE NO. 88 152

AN ORDINANCE AMENDING SECTION 25-95F (KAWAIHAE-PUAKO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-20) AT LALAMILO, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-6-02:3, 4, 5 & 6.

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

SECTION 1. Section 25-95F, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of properties described hereinafter as follows:

The district classification of the following area situated at Lalamilo, South Kohala, Hawaii, shall be Single Family Residential (RS-20):

Beginning at a + on solid rock at the northwest corner of this lot and on the east side of proposed 40-foot road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUAKO" being 2199.70 feet North and 807.80 feet East, as shown on Government Survey Registered Map 2826, and running by azimuths measured clockwise from true South:

- 1. 287° 00' 200.00 feet along government land;
2. 28° 58' 300.00 feet along same;
3. 107° 00' 200.00 feet along Lot 9, Wailea Beach Lots;
4. 208° 58' 300.00 feet along the east side of proposed 40-foot road to the point of beginning and containing an area of 1.3774 acres (refer to parcel 1 as shown on Exhibit "A")

The district classification of the following area situated at Lalamilo, South Kohala, Hawaii, shall be Single Family Residential (RS-20):

Beginning at the South corner of this lot, on the North-west side of a 40-foot road reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUAKO" being 2094.80 feet North and 704.00 feet East, as shown on Government Survey Registered Map. No. 2826, and running by true azimuths:

1. 110° 31' 82.90 feet along Government Reserve;
2. 190° 18' 200.00 feet along same to a spike;
3. 290° 31' 147.60 feet to a stake;
4. 28° 58' 199.00 feet along 40-foot road reserve to the point of beginning and containing an area of 0.52 acres (refer to parcel 2 as shown on Exhibit "A")

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

SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicants, successors or assigns shall be responsible for complying with all the stated conditions of approval; (B) single family dwellings shall be constructed on two of the lots, exclusive of the existing dwelling, within three years of the effective date of the zone change; (C) all other applicable laws, rules, regulations and requirements, including those of the Department of Public Works relative to roadway and drainage flood control improvements, be complied with; (D) should the council adopt a

Unified Impact Fees ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (E) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective 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 (F) 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; and 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 the 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: October 5, 1988
Date of 1st Reading: October 5, 1988
Date of 2nd Reading: October 19, 1988
Effective Date: October 27, 1988

