

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 639

ORDINANCE NO. 88 155

AN ORDINANCE AMENDING SECTION 25-89 (KAILUA URBAN ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-2) TO MULTIPLE FAMILY RESIDENTIAL (RM-1) AT HONUAAULA AND HIENALOLI 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-04:35 (PORTION).

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

SECTION 1. Section 25-89, 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 Honuauula and Hienaloli 1st, North Kona, Hawaii, shall be Multiple Family Residential (RM-1):

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 "KAILUA" being 1,248.77 feet South and 2,024.22 feet East, and thence running by azimuths measured clockwise from True South:

- 1. 167° 45' 30" 133.81 feet along stonewall, along Lots 99 and 98 of the "Lono-Kona Subdivision," to an old "H" on rock;
2. 257° 30' 160.00 feet along stonewall, along Lots 89 and 88 of the "Lono-Kona Subdivision," to a spike in concrete;
3. 259° 53' 30" 333.15 feet along stonewall, along Lots 88, 76, subdivision road, and Lot 75 of the "Lono-Kona Subdivision," to an old "+" on rock;
4. 347° 27' 430.12 feet along stonewall, along Grant 3100 to S. W. Kuakamaunu at Honuauula, and Government land at Hienaloli 1, to an old "W" on rock;

5. 64° 04' 122.19 feet along stonewall, along L.C. Aw. 7716:5 to R. Keelikolani at Hienaloli 2, to a spike in concrete;
6. 79° 54' 30" 113.87 feet along Parcel 12, along remainder of "Laniakea" along remainder of R.P. 1600 and 1930, L.C. Aw. 387 to A. B. C. F. M., to a pipe in concrete;
7. 175° 54' 30" 79.05 feet along the easterly face of stonewall, along Lot 2, along remainder of "Laniakea," along remainder of R.P. 1600 and 1930, L.C. Aw. 387 to A. B. C. F. M., to a pipe in concrete;
8. 169° 26' 30" 52.72 feet along the easterly face of stonewall, along Lot 2, along remainder of "Laniakea," along remainder of R.P. 1600 and 1930, L.C. Aw. 387 to A. B. C. F. M., to a spike in concrete;
9. 80° 03' 115.22 feet along the northerly face of stonewall, along Lot 2, along remainder of "Laniakea," along remainder of R.P. 1600 and 1930, L.C. Aw. 387 to A. B. C. F. M., to a pipe in concrete;
10. 166° 54' 167.38 feet along the easterly face of stonewall, along Lot 2, along remainder of "Laniakea," along remainder of R.P. 1600 and 1930, L.C. Aw. 387 to A. B. C. F. M., to a pipe in concrete;
11. 88° 25' 160.61 feet along Lot 2, along remainder of "Laniakea," along remainder of R.P. 1600 and 1930, L.C. Aw. 387 to A. B. C. F. M., to the point of beginning and containing an area of 3.725 Acres.

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

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the following conditions: (A) the applicants, successors or assigns shall comply with all of the stated conditions of approval; (B) plans for the proposed multiple family residential development and related improvements, including landscaping, shall be submitted for Plan Approval review within one year from the effective date of the change of zone. The plans for final Plan Approval shall consider the General Plan Density Guideline Standards for Multiple Family Residential developments in the design of the proposed project. Additionally, the proposed multiple family residential development and all related improvements such as landscaping, parking and tennis courts shall be designed and constructed only on the subject property in conformance with all applicable requirements; (C) construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) all off-site roadway improvements shall be in accordance with the requirements of the Department of Public Works as stated in their memorandum of July 25, 1988. The plans for these improvements shall be submitted to the Planning Director and the Chief Engineer simultaneously with the submission of development plans for

final Plan Approval. These improvements shall be constructed in accordance with the standards of the Department of Public Works prior to issuance of the certificate of occupancy;

(F) the owners, successors, or its assigns shall participate in any future Improvement District which partially or wholly propose to improve Kalani and/or Alahou Streets. The deed covenant shall be submitted to the Planning Department for review and approval and recorded prior to the issuance of any certificate of occupancy;

(G) prior to any site work, an archaeological reconnaissance survey shall be submitted to and approved by the Planning Department in consultation with the Department of Land and Natural Resources - Historic Sites Section and any mitigative measures shall be reviewed and approved by the Planning Department;

(H) should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered, work in the area affected shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken;

(I) all applicable County and State rules, regulations and requirements, including those of the State Department of Health and Department of Public Works Wastewater Division, shall be complied with;

(J) 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; 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; 4) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; d) 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.

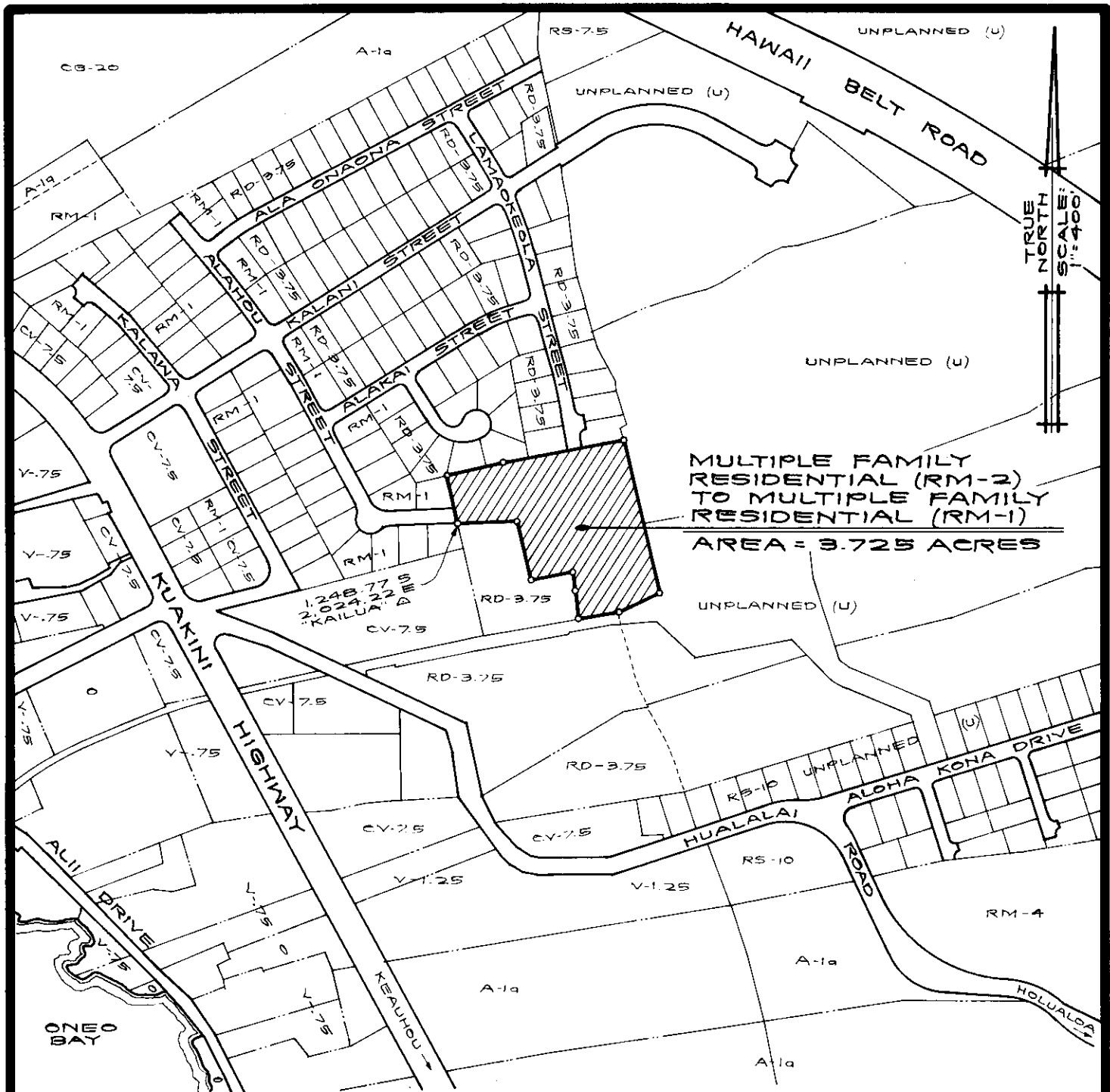
INTRODUCED BY:



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



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-89 (KAILUA URBAN ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-2) TO MULTIPLE FAMILY RESIDENTIAL (RM-1) AT HONUOLA AND HIENALOLI 1ST, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-5-04:35 (PORTION)

FEB. 8, 1988

EXHIBIT "A"