

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 34

ORDINANCE NO. 89 67

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-20) AT KALAOA 5TH, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-10:27 (PORTION).

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 5th, North Kona, Hawaii, shall be Single Family Residential (RS-20):

Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 11 of Kona Acres Unit 1, Increment "A" (File Plan 1347), the coordinates of which referred to Government Survey Triangulation Station "MOANUIAHEA" being 8,257.06 feet South and 15,579.13 feet West and running by azimuths measured clockwise from True South:

1. 96° 23' 21" 785.49 feet along Lot 27, Roadway Lot A and Lot 26 of Kona Acres Subdivision Unit 2, Increment "B" (File Plan 1551), along Grant 5046 to Kama, Jr.;
2. 186° 33' 38" 209.91 feet along remainder of Grant 2972 to Kaapau and Kama;
3. 276° 33' 38" 37.56 feet along remainder of Grant 2972 to Kaapau and Kama;

thence along remainder of
grant 2972 to Kaapau and
Kama on a curve to the
left with a radius of
20.00 feet, the chord
azimuth and distance being:

4. 230° 41' 49" 28.71 feet, thence;

5. 184° 50' 285.34 feet along remainder of
Grant 2972 to Kaapau and
Kama;

thence along remainder of
Grant 2972 to Kaapau and
Kama on a curve to the
left with a radius of
30.00 feet, the chord
azimuth and distance being:

6. 142° 25' 40.47 feet, thence;

7. 100° 00' 10.85 feet along remainder of
Grant 2972 to Kaapau and
Kama;

8. 190° 00' 60.00 feet along remainder of
Grant 2972 to Kaapau and
Kama;

thence along remainder of
Grant 2972 to Kaapau and
Kama on a curve to the
left with a radius of
30.00 feet, the chord
azimuth and distance being:

9. 232° 25' 44.30 feet, thence;

10. 184° 50' 125.50 feet along remainder of
Grant 2972 to Kaapau and
Kama;

11. 94° 50' 133.00 feet along remainder of
Grant 2972 to Kaapau and
Kama;

12. 184° 50' 150.64 feet along remainder of
Grant 2972 to Kaapau and
Kama;

13. 274° 50' 602.48 feet along Lots 190 and 189, the end of 'AMA'AMA Street, Lots 192, 131, 130, 129, 128 and 127 of Kona Palisade Unit II (File Plan 1087);
14. 280° 00' 102.68 feet along Lots 127 and 126 of Kona Palisade Unit II (File Plan 1087);
15. 10° 00' 350.00 feet along Lot 1 of Kona Acres Unit 1, Increment "A" (File Plan 1347);
16. 280° 00' 231.47 feet along Lots 1 and 2 of Kona Acres Unit 1, Increment "A" (File Plan 1347);
17. 10° 00' 555.56 feet across the end of Hi'olani Street and along Lots 7 and 11 of Kona Acres Unit 1, Increment "A" (File Plan 1347) to the point of beginning and containing an area of 14.999 Acres.

All as shown on the map attached hereon, 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) A drainage


system meeting with the approval of the Department of Public Works shall be installed; (D) Access to the proposed lots shall meet with the approval of the Department of Public Works; (E) 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; (F) All other applicable laws, rules, regulations and requirements be complied with; (G) 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; (H) 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 applicant's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; and (I) 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: April 5, 1989
Date of 1st Reading: May 3, 1989
Date of 2nd Reading: May 17, 1989
Effective Date: May 22, 1989

