

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 85

ORDINANCE NO. 89 81

AN ORDINANCE AMENDING SECTION 25-95C (HAWI-KAPAAU DISTRICTS ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT HUALUA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-5-11:35.

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

SECTION 1. Section 25-95C, 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 Hualua, North Kohala, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the Southwesterly corner of this parcel of land, being also the Southeasterly corner of Lot 5, and the Northeasterly corner of Lot 6 and the Northwesterly corner of Lot 4, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O NALE", being 13,233.60 feet North and 1,329.66 feet East and running by azimuths measured clockwise from True South:

1. 173° 30' 163.45 feet along lot 5 to a point;
2. 263° 30' 266.50 feet along Lots 2-B and 2-A to a point;
3. 353° 30' 163.45 feet along the Westerly side of Hualua Road to a point;
4. 83° 30' 266.50 feet along Lot 4 to the point of beginning and containing an area of 1.000 Acre.

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 to the Planning Department 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 five-foot road widening strip within the subject property along the Hualua Road frontage shall be delineated on the plans submitted for subdivision. No structural improvements shall be allowed within this road widening strip. Further, applicable setbacks shall be taken from the five-foot future road widening strip line; (D) A drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) All applicable County and State laws, rules, regulations and requirements shall be complied with; (F) 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; (G) The lots created by this application shall be restricted to one


single-family residence. No ohana dwellings shall be applied for or granted; (H) An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of 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, (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 the ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

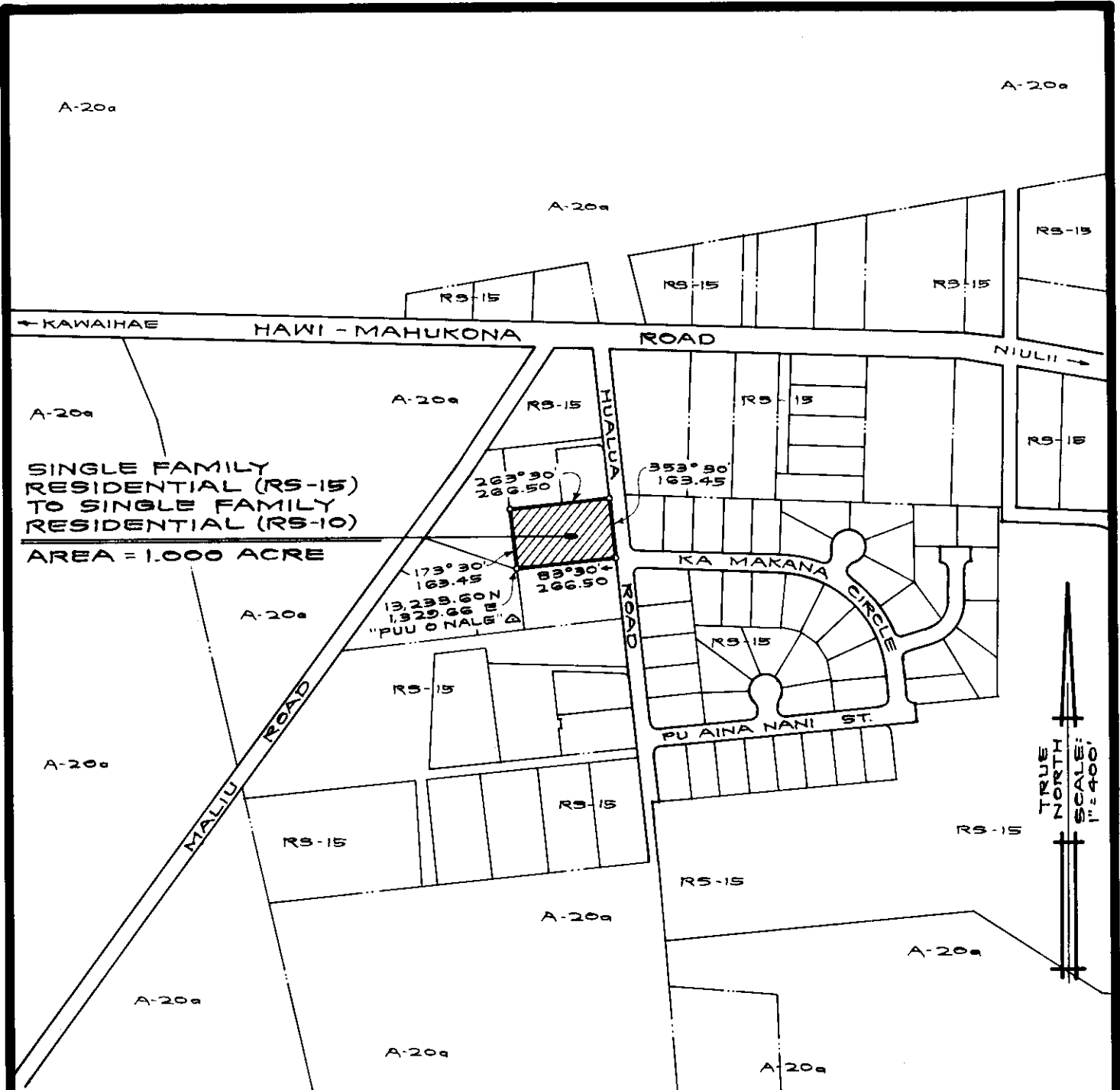
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: May 17, 1989
Date of 1st Reading: May 17, 1989
Date of 2nd Reading: June 7, 1989
Effective Date: June 13, 1989



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95C (HAWI-KAPAAU ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT HUALUA, NORTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 5-5-11:35

JAN. 31, 1989