

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 108
(Draft 2)

ORDINANCE NO. 89 103

AN ORDINANCE AMENDING SECTION 25-86 (NORTH AND SOUTH KONA DISTRICTS ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO AGRICULTURAL (A-1a) AT PUUANAHULU, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-1-05:57.

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

SECTION 1. Section 25-86, 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 Puuanahulu, North Kona, Hawaii, shall be Agricultural (A-1a):

Beginning at a pipe set on the north side of the Mamalahoa Highway, which marks the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAIPOHAKU" being 1234.16 feet North and 1,158.49 feet East, and running by azimuths measured clockwise from True South as follows:

1. 59° 09' 237.00 feet along the North side of Mamalahoa Highway;
2. Thence along a curve to the left, with a radius of 2,025.00 feet, the chord azimuth and distance being:
 - 58° 00' 81.28 feet;
3. 56° 51' 81.10 feet along the North side of Mamalahoa Highway to a pipe;
4. 149° 09' 331.58 feet to a pipe;
5. 239° 09' 399.30 feet to a pipe;

6. 329° 09'

326.70 feet to the point of
beginning and containing
an Area of 3.001 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 comply with all of the stated conditions of
approval; (B) Subdivision plans shall be submitted 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) Restrictive deed covenants for all of the lots shall be
submitted to the Planning Department for review and approval
prior to submittal to the State of Hawaii Bureau of Conveyances
for recordation with the final subdivision plat maps. These
covenants shall include, but not necessarily be limited to, a
restriction on the further conveyance of the subject lots
beyond the immediate family members unless a water system as
required under Chapter 23, Hawaii County Code, is provided to
the proposed lots; (D) Access(es) to the proposed lots from the
Mamalahoa Highway shall meet with the approval of the State
Department of Transportation, Highways Division; (E) All other
applicable laws, rules, regulations and requirements 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) 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, (H) 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.

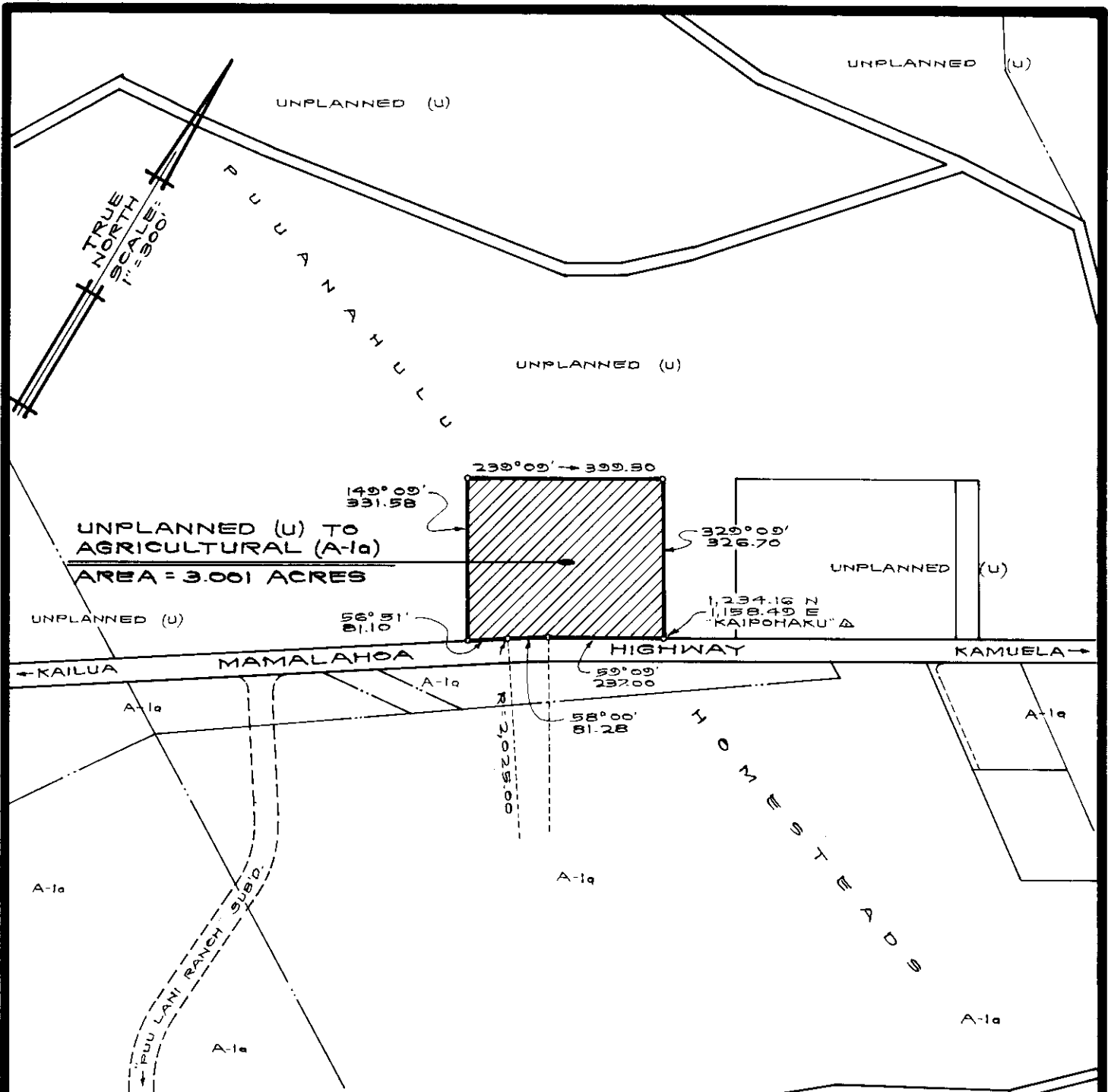
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 21, 1989
Date of 1st Reading: June 21, 1989
Date of 2nd Reading: July 5, 1989
Effective Date: July 12, 1989



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-86 (NORTH AND SOUTH KONA DISTRICTS ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO AGRICULTURAL (A-1a) AT PUUANAHULU, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-1-05: 57

NOV. 28, 1988