

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 357

ORDINANCE NO. 90 162

AN ORDINANCE AMENDING SECTION 25-87 (THE NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITIONS D AND P OF ORDINANCE NO. 83 28, WHICH RECLASSIFIED LAND FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AND SINGLE FAMILY RESIDENTIAL (RS-15) AT PAHOEHOE 4TH, LAALOA 1ST AND 2ND AND KAPALAALAEA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-7-08:PORTION OF 11.

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

SECTION 1. Ordinance No. 83 28 is amended as follows:

"These changes in district classifications are conditioned upon the following: (A) the petitioner, successors, or assigns shall comply with all of the stated conditions of approval; (B) the Single Family Residential-15,000 square foot (RS-15) zoned area shall be developed in three increments. The first and second increments shall each consist of a maximum of 37 contiguous acres, and the third, the remaining area. The effective date of zoning for the subsequent increments shall be after development has occurred in the previous increment or combination of increments, as determined by the Planning Director. "Development" means that building permits have been issued for single family residential dwelling units and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent

of the number of units proposed for the previous increment or combination of increments within the RS-15 zoned lands. In lieu of actual construction, the petitioner may enter into an agreement with the Hawaii County Housing Agency to assure the County that the dwellings will be constructed within a given period. Such agreement shall be secured by a surety bond, certified check, or other security acceptable to the Hawaii County Housing Agency and the Corporation Counsel. Upon final execution of such agreement and filing of the security with the Hawaii County Housing Agency, development of the subsequent increment(s) may proceed prior to the actual construction of the dwellings in the previous increment(s); (C) the Single Family Residential-7,500 square foot (RS-7.5) zoned area shall be developed in three increments. The first and second increment shall each consist of a maximum of 12 contiguous acres, and the third, the remaining area. The effective date of zoning for the subsequent increment shall be after "development," as defined in condition "B," has occurred in the previous increment or combination of increments within the RS-7.5 zoned lands; (D) subdivision plans for the first increment of either the RS-15 or RS-7.5 zoned lands shall be submitted within one year from the effective date of [the change of zone] this amendment. Final subdivision approval shall be secured within one year thereafter; (E) a 60-foot wide mauka-makai connecting road between Kuakini Highway and Alii

Drive meeting with the approval of the Department of Public Works shall be constructed and completed prior to receipt of final subdivision approval of any of the proposed increments; (F) the Alii Highway right-of-way and the associated easements within the property shall be dedicated to the County within six months of the date of final right-of-way determination by the Department of Public Works; (G) the section of the Alii Highway within the property shall be constructed in accordance with the requirements of the Department of Public Works. The improvements shall be constructed prior to issuance of final subdivision approval of the second zoning increment of either the RS-7.5 or the RS-15 zoned area, whichever occurs later, or upon the determination by the County for the construction of the roadway, whichever occurs first; (H) all accesses, including intersection improvements, from the Alii Highway shall meet with the approval of the Department of Public Works; (I) all roadways within the proposed development of the RS-7.5 zoned lands shall be constructed with curbs, gutters and sidewalks and underground utilities meeting with the approval of the Department of Public Works. Underground utilities shall also be required for the proposed development within the RS-15 zoned lands; (J) improvements to the intersection of Kuakini Highway shall be constructed meeting with the approval of the State Department of Transportation, Highways Division. The intersection improvement shall be constructed concurrently with

the construction of the mauka-makai roadway; (K) a drainage system as required by the Department of Public Works shall be installed; (L) the method of sewage disposal including the provision of dry sewer lines shall meet with the requirements of the appropriate governmental agencies; (M) the three archaeological sites recommended by the consulting archaeologist, including the Kuakini Wall, shall be set aside for preservation, and a cultural resources management plan shall be submitted for these sites. The management plan shall include provisions for buffer areas, structural setbacks and a maintenance program for the four sites and shall be submitted to the Historic Sites Section of the Department of Land and Natural Resources and the Planning Department for review and comment. Approval of the plan shall be secured from the Planning Director prior to final subdivision approval of the first increment of either the RS-7.5 or RS-15 zoned lands; (N) should any unanticipated sites, including subsurface remains such as burials or care shelters, be discovered during grading of the property, work within the affected area shall cease. The Planning Department shall be notified, and work shall not resume within the affected area until the Planning Director has approved the disposition of the site(s); (O) the requirements of the Department of Water Supply be complied with; and (P) all other applicable laws, rules, regulations, and requirements shall be complied with; [.Should any of the


foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated.] (Q) 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 developers' election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (R) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of this amendment. 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 (S) should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation."

SECTION 2. Material to be deleted is bracketed. New material is underscored.

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: December 5, 1990
Date of 1st Reading: December 5, 1990
Date of 2nd Reading: December 19, 1990
Effective Date: December 27, 1990