

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 389
(Draft 2)

ORDINANCE NO. 91 24

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITION B OF ORDINANCE NO. 88 154, WHICH RECLASSIFIED 1.81 ACRES OF LAND FROM AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT KALOKO, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-20:5.

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

SECTION 1. Ordinance No. 88 154 is amended as follows:

"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 Kaloko, North Kona, Hawaii, shall be Single Family Residential (RS-15):

Beginning at the Northwesterly corner of this parcel of land, being also the Southwesterly corner of Lot 9 and being a point on the Easterly side of the North Kona Belt Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA", being 14,033.68 feet South and 8,083.06 feet West and running by azimuths measured clockwise from True South:

1. 245° 48' 363.60 feet along Lots 9 and 12 and along Land Commission Award 7715, Apana 11 to Lota Kamehameha to a point;

Thence, for the next four (4) courses following along the Westerly side of the Mamalahoa Highway, the direct azimuths and distances being:

2. 353° 28' 35.00 feet to a point;
3. 2° 41' 55.00 feet to a point;
4. 5° 25' 68.00 feet to a point;
5. 351° 30' 50" 92.33 feet to a point;
6. 69° 33' 333.70 feet along Lots 3, 2, and 1 and along Land Commission Award 7715, Apana 11 to Lota Kamehameha to a point;
7. 167° 33' 111.70 feet along Land Commission Award 7715, Apana 11 to Lota Kamehameha to a point;
8. 93° 28' 10.00 feet along the Easterly side of the North Kona Belt Road to a point;
9. 183° 28' 106.80 feet along the Easterly side of the North Kona Belt Road to the point of beginning and containing an area of 1.81 Acres, more or less.

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 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] six months from the effective date of this amendment; (C) besides the existing

single family dwelling, another single family dwelling shall be constructed on one of the proposed lots within three years from the date of receipt of final subdivision approval; (D) a drainage system meeting with the approval of the Department of Public Works shall be installed; (E) no access shall be allowed from the Hawaii Belt Road. Access to the proposed lots shall meet with the approval of the Department of Public Works; (F) a 10-foot wide future road widening strip along the frontage of Old Mamalahoa Highway shall be set aside and delineated on the subdivision plans. Further, the pavement of the Old Mamalahoa Highway from Makalapua Road to the property shall be widened to a minimum of fourteen feet with 3-foot wide oil-stabilized shoulders or to the extent allowed by the physical constraints of the right-of-way. Such improvements shall be provided in conjunction with subdivision approval and shall meet with the approval of the Department of Public Works; (G) all other applicable laws, rules, regulations and requirements by complied with; (H) 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; (I) 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 (J) 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 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 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: March 6, 1991
Date of 1st Reading: March 6, 1991
Date of 2nd Reading: March 21, 1991
Effective Date: March 21, 1991

