

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 393

ORDINANCE NO. 91 26

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-15) AT KEAUCOU 1ST, NORTH KONA, HAWAII COVERED BY TAX MAP KEY 7-8-17:ROAD REMNANT.

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 Keauhou 1st, North Kona, Hawaii, shall be Single Family Residential (RS-15):

Beginning at the east corner of this parcel of land and at the north corner of Deed: State of Hawaii to Gilbert K. Hakoda and Yaeko Hakoda dated June 30, 1976 and recorded in Liber 11538, Page 591, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" (North Meridian) being 26,373.06 feet South and 17,197.84 feet East, thence running by azimuths measured clockwise from True South:

1. 34° 19' 64.74 feet along Deed: State of Hawaii to Gilbert K. Hakoda and Yaeko Hakoda dated June 30, 1976 and recorded in Liber 11538, Page 591;

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| 2. | 166° 10' 27" | 33.48 feet along L.C. Aw. 9754 to Kapela 2; |
| 3. | 166° 32' 57" | 82.10 feet along L.C. Aw. 9754 to Kapela 2; |
| 4. | 152° 55' 57" | 20.32 feet along L.C. Aw. 9754 to Kapela 2; |
| 5. | 230° 00' | 32.65 feet along Parcel 1 of Road Remnant; |
| 6. | 159° 10' | 33.00 feet along Parcel 1 of Road Remnant; |
| 7. | 258° 42' | 10.00 feet along R.P. 4475, L.C. Aw. 7713, Ap. 7 to V. Kamamalu; |
| 8. | 339° 10' | 139.92 feet along L.C. Aw. 9754 to Kapele 2 to the point of beginning and containing an Area of 5667 Square Feet. |

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 the stated conditions of approval; (B) consolidation/resubdivision 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 approval; (C) comply with all other applicable laws, rules, regulations, and requirements; (D) 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; (E) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the change of zone. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required; and, (F) an extension of time for the performance of conditions within the permit 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 applicant, 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; and 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). 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 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

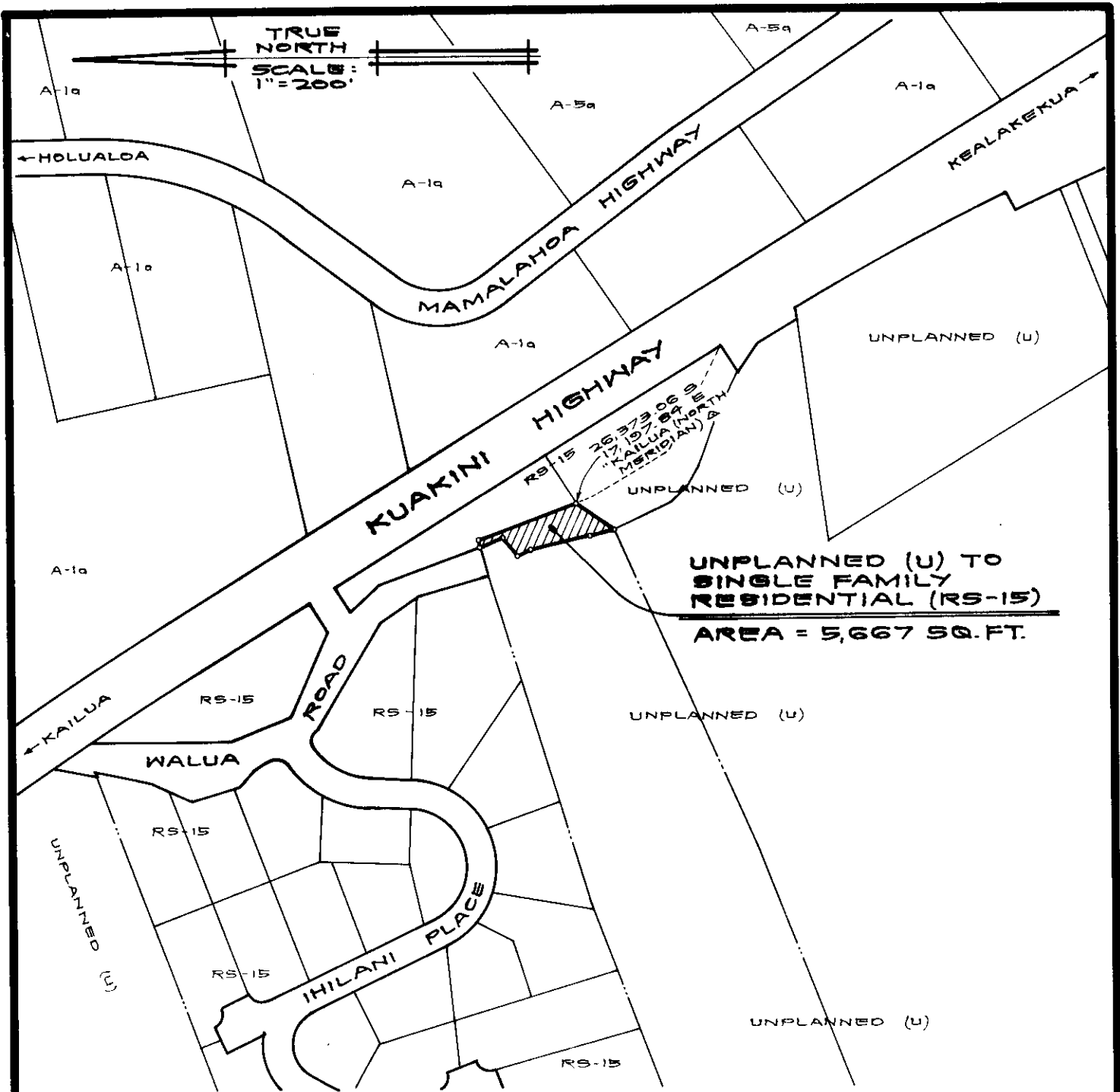
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 6, 1991
Date of 1st Reading: March 6, 1991
Date of 2nd Reading: March 21, 1991
Effective Date: March 21, 1991



AMENDMENT TO THE ZONING CODE

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-15) AT KEAUKOU 1ST, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-8-17: ROAD REMNANT

DEC. 7, 1990

EXHIBIT "A"