

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 402
(Draft 3)

ORDINANCE NO. 91 42

AN ORDINANCE AMENDING SECTION 25-88 (SOUTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO AGRICULTURAL (A-3a) AT KEOPUKA, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-1-17:1 (PORTION).

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

SECTION 1. Section 25-88, 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 Keopuka, South Kona, Hawaii, shall be Agricultural (A-3a):

Beginning at the Northwesterly corner of this parcel of land, being also the Northeasterly corner of Lot 14-A and being a point on the Southerly side of the existing road parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAKOLEHALE" being 2,263.55 feet North and 5,079.59 feet West and running by azimuths measured clockwise from True South:

- 1. 257° 30' 139.80 feet along the Southerly side of the existing 40 ft. wide Road Right-of-Way to a point;

2. 167° 30' 20.00 feet along Easterly end of a portion of the existing 40 ft. wide Road Right-of-Way to a point;
3. 257° 30' 75.28 feet along the remainder of Lot 16-A and along the remainder of Grant 1171 to Preston Cummings to a point;
4. 347° 30' 572.46 feet along the remainder of Lot 16-A and along the remainder of Grant 1171 to Preston Cummings to a point;
5. 53° 23' 235.64 feet along Lot H-8 and along Land Commission Award 8452, Apana 10 to A. Keohokalole to a point;
6. 167° 30' 648.74 feet along Lots 14-B and 14-A and along Royal Patent Grant 1171 to Preston Cummings to the point of beginning and containing an area of 3.000 Acres.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicant, its successors, or assigns shall be responsible for complying with all 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) Any subdivision of the property shall

be conditioned on the submission of restrictive covenants to the Planning Department for review and approval prior to the submittal to the State of Hawaii, Bureau of Conveyances, for recordation with the final subdivision plat maps. The 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 meeting the standard required by Chapter 23 of the Hawaii County Code is provided to proposed lots; provided, however, that this condition shall not preclude the applicants from mortgaging the properties for financing purposes; (D) access to the proposed lots shall meet with the approval of the Department of Public Works; (E) all other applicable laws, rules, regulations and requirements shall be complied with; (F) should the council adopt a Unified Impact Fees ordinance setting forth criteria for the impositions of exactions of 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 within 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.

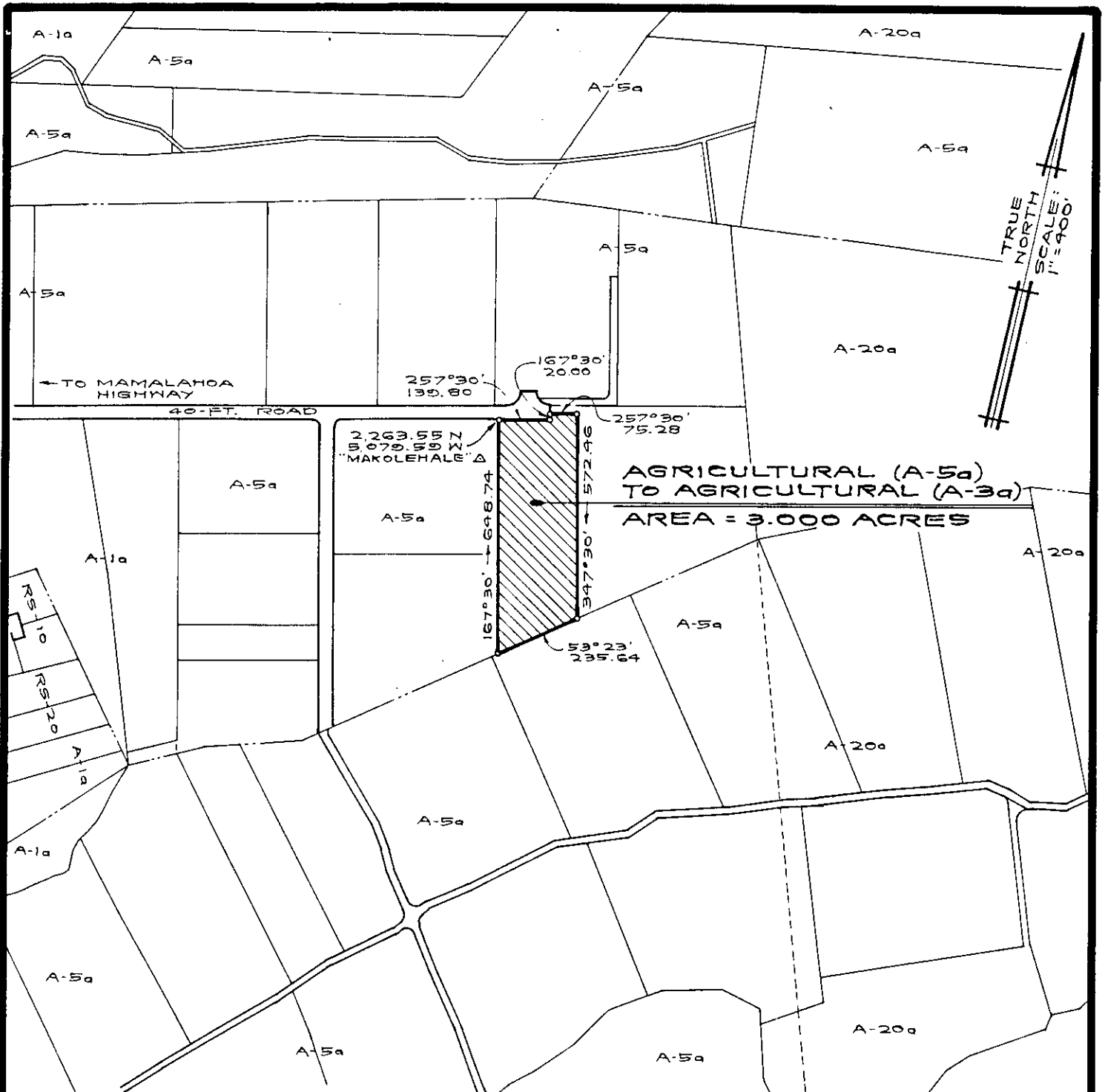
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 3, 1991
Date of 1st Reading: April 3, 1991
Date of 2nd Reading: May 15, 1991
Effective Date: May 22, 1991



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-88 (SOUTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO AGRICULTURAL (A-3a) AT KEOPUKA, SOUTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : B-1-17 : PORTION OF 1

OCT. 29, 1990

EXHIBIT "A"

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, **Hawaii**

(DRAFT 2)

ROLL CALL VOTE

Introduced By: Takashi Domingo
 Date Introduced: April 3, 1991
 First Reading: April 3, 1991
 Published: _____

	AYES	NOES	ABS	EX
ARAKAKI	X			
DE LIMA	X			
DOMINGO			X	
HALE	X			
KOKUBUN	X			
LAI	X			
MAKUAKANE	X			
RUDDLE	X			
SCHUTTE	X			
	8	0	1	0

REMARKS:

(DRAFT 3)

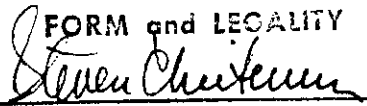
ROLL CALL VOTE

Second Reading: May 15, 1991
 To Mayor: May 16, 1991
 Returned: May 23, 1991
 Effective: May 22, 1991
 Published: May 28, 1991

	AYES	NOES	ABS	EX
ARAKAKI	X			
DE LIMA	X			
DOMINGO	X			
HALE	X			
KOKUBUN	X			
LAI	X			
MAKUAKANE	X			
RUDDLE	X			
SCHUTTE			X	
	8	0	1	0

REMARKS:


I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to
FORM and LOCALITY

 CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date MAY 20 1991


 COUNCIL CHAIRMAN


 COUNTY CLERK

Approved/Disapproved this 22nd day
 of May, 1991


 MAYOR, COUNTY OF HAWAII

Bill No.: 402 (Draft 3)
 Reference: 91 42
 Ord. No.: _____