

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 665

ORDINANCE NO. 92 119

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 NEIGHBORHOOD COMMERCIAL (CN-7.5) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT KEALAKEKUA, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-2-15:PORTION OF 22.

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 Kealakekua, South Kona, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the Northwesterly corner of this parcel of land, being also an angle point on the Westerly boundary of Lot 32-B and being an angle point on the Easterly boundary of Lot 1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 8,287.88 feet South and 14,533.09 feet East and running by azimuths measured clockwise from True South:

Thence, for the next five (5) courses following along the remainder of Royal Patent 3607 and 7533, Land Commission Award 8452, Apana 9 to A. Keohokalole:

- 1. 301° 43' 30" 7.27 feet along Lot 1 to a point;
2. 306° 43' 30" 85.43 feet along the remainder of Lot 32-B to a point;
3. 50° 23' 7.01 feet along Lot 33-B-1 to a point;

Thence, following along Lot 33-B-1 on a curve to the left with a radius of 525.00 feet, the chord azimuth and distance being:

4. 102° 29' 55" 108.37 feet to a point;
5. 225° 29' 30" 51.25 feet along Lot 1 to the point of beginning and containing an area of 2,469 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, its successors or assigns shall be responsible for complying with all stated conditions of approval; (B) plans for the consolidation/resubdivision of the affected area into Lot 33-B-1 shall be submitted to the Planning Department within one year from the effective date of this ordinance. Final consolidation/resubdivision approval shall be secured within one year from the date of receipt of Tentative Subdivision Approval; (C) 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 with and the

Planning Director acknowledges that further reports are not required; and, (D) an extension of time for the performance of conditions within this 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 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 the 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 procedures to rezone the property to its original or more appropriate designation.

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

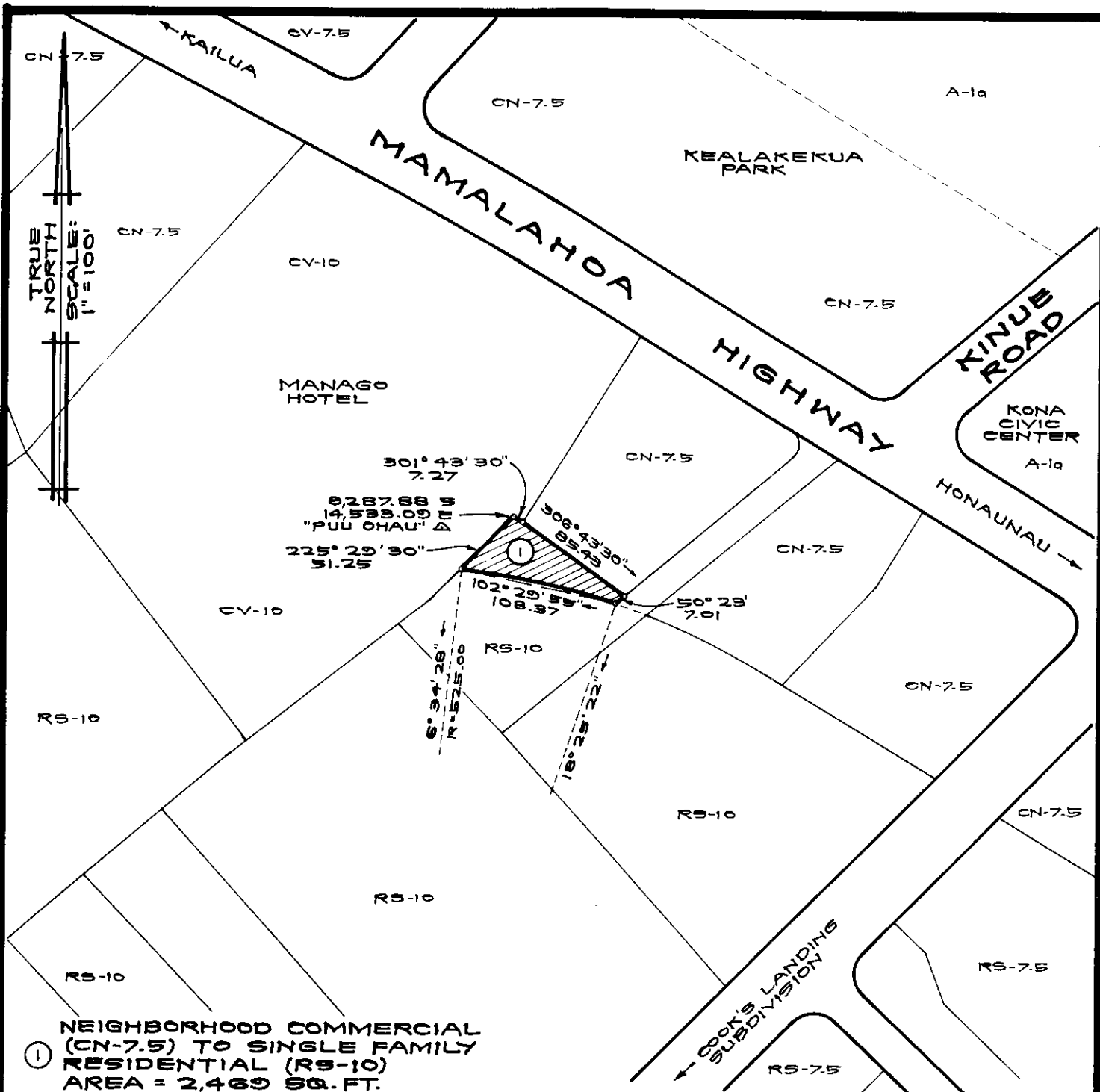
Hilo, Hawaii

Date of Introduction: October 7, 1992
Date of 1st Reading: October 7, 1992
Date of 2nd Reading: October 21, 1992
Effective Date: October 29, 1992

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATED: AUG 27 1992



① NEIGHBORHOOD COMMERCIAL (CN-7.5) TO SINGLE FAMILY RESIDENTIAL (RS-10) AREA = 2,469 SQ. FT.

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 NEIGHBORHOOD COMMERCIAL (CN-7.5) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT KEALAKEKUA, SOUTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII