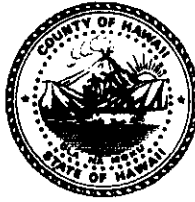


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. **06 85** BILL NO. 266

AN ORDINANCE AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM NEIGHBORHOOD COMMERCIAL (CN-10) TO SINGLE-FAMILY RESIDENTIAL (RS-10) AT KALAOA 5th, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 7-3-61:1-10, 17, 18, 20-22, POR. 11, 12, 19, 24-26, 50, 53, 54.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-3, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Kalaoa 5th, North Kona, Hawai'i, shall be Single Family Residential (RS-10):

Beginning at the Southwesterly corner of this parcel of land, along the Northerly side of Homestead Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA", being 7,657.68 feet South and 20,806.56 feet West, and running by azimuths measured from true South:

1. 202° 10' 00" 650.94 feet along the remainder of Lot R-3 of Pu'uhoanua Subdivision -- Phase II, Increment 1-A (File Plan 2327), being also along the remainder of Grant 2972 to Kaapau and Kama;
2. 292° 10' 00" 510.00 feet along the remainder of Lot 12 of Pu'uhoanua Subdivision -- Phase II, Increment 1-A (File Plan 2327), being also along the remainder of Grant 2972 to Kaapau and Kama;

3. 22° 10' 00" 483.79 feet along the remainder of Lot 12 of Pu'uhonua Subdivision – Phase II, Increment 1-A (File Plan 2327), same being also along the remainder of Grant 2972 to Kaapau and Kama;
4. 94° 01' 14" 536.69 feet along the Northerly side of Homestead Road to the point of beginning and containing an area of 6.643 Acres.

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

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2005 Edition), the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
 - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.
1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
 2. Restrictive covenants in the deeds of all lots within the subject area shall prohibit the construction of a second dwelling unit on each lot. A copy of the proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval within one year from the effective date of this ordinance. A copy of the approved covenants shall be recited in an instrument executed by the applicant and the County and recorded with the

Bureau of Conveyances for any portion of the subject property(ies). A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

3. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources - State Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
4. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

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.

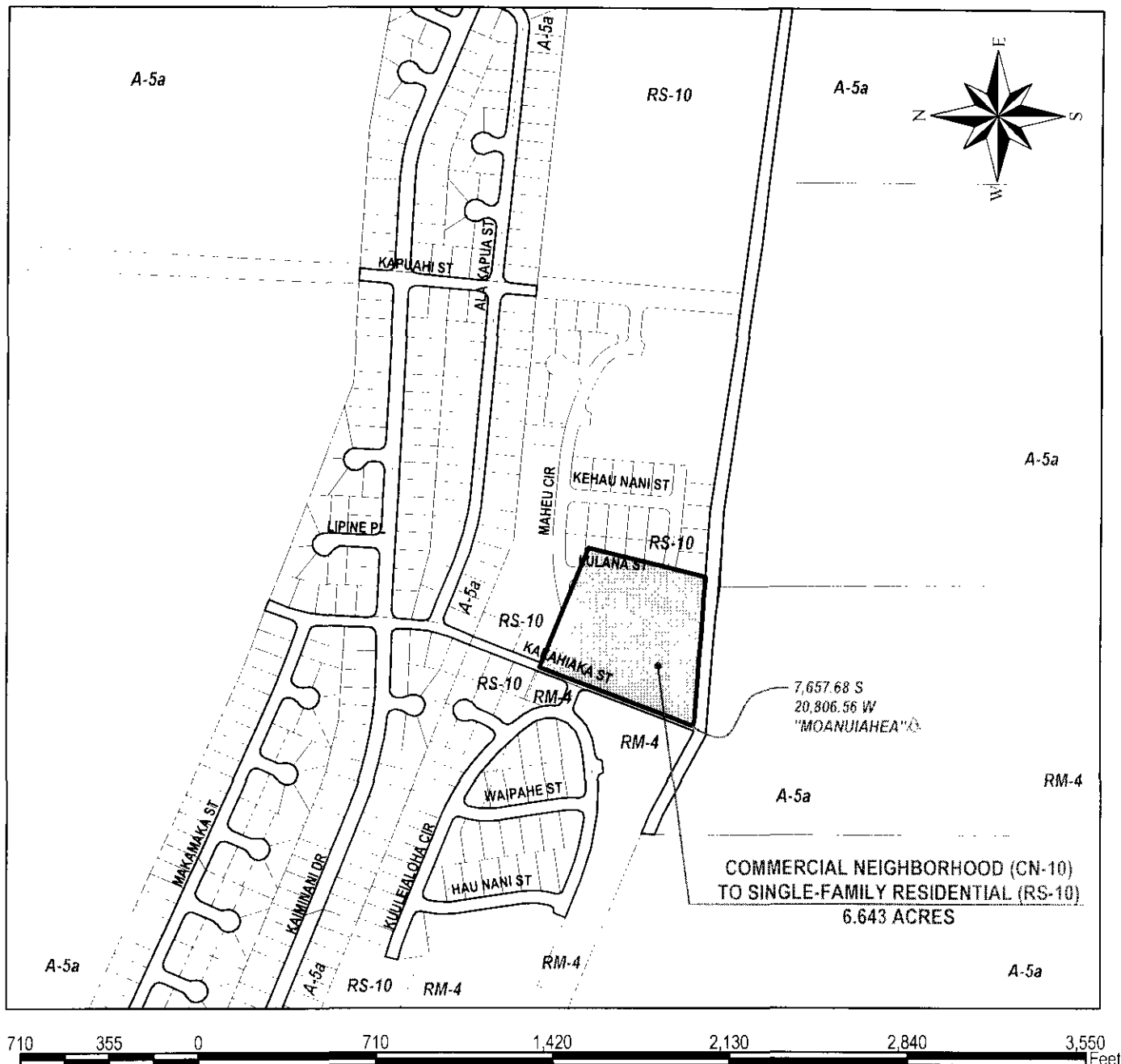
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i

Date of Introduction: May 17, 2006
Date of 1st Reading: May 17, 2006
Date of 2nd Reading: June 5, 2006
Effective Date: June 16, 2006

REFERENCE: Comm. 817



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP)
 ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE
 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION
 FROM NEIGHBORHOOD COMMERCIAL (CN-10)
 TO SINGLE-FAMILY RESIDENTIAL (RS-10)
 AT KALAOA 5th, NORTH KONA, HAWAII

PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

Introduced By: K. Angel Pilago
Date Introduced: May 17, 2006
First Reading: May 17, 2006
Published: N/A

REMARKS: _____

Second Reading: June 5, 2006
To Mayor: June 7, 2006
Returned: June 16, 2006
Effective: June 16, 2006
Published: June 23, 2006

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki			X	
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago	X			
Safarik	X			
	8	0	1	0



ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago	X			
Safarik	X			
	9	0	0	0

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

APPROVED AS TO
FORM AND LEGALITY:

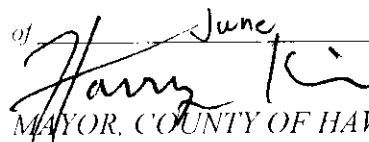
By Keith Head, Esq.
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 6/8/06


COUNCIL CHAIRMAN

COUNTY CLERK

Bill No.: 266
Reference: C-817/PC-68
Ord No.: 06 85

Approved/Disapproved this 16th day

of June, 20 06

MAYOR, COUNTY OF HAWAII