

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 204

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP, CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10), MULTIPLE FAMILY RESIDENTIAL (RM-4) AND AGRICULTURAL (A-20a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AND FROM SINGLE FAMILY RESIDENTIAL (RS-10) AND AGRICULTURAL (A-20a) TO MULTIPLE FAMILY RESIDENTIAL (RM-4) AT KUKUAU 2ND, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-5-46:PORTIONS OF 1 AND 3.

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

SECTION 1. Section 7.29 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsections:

"7.29(ss -1). The district classification of the following area situated at Kukuau 2nd, South Hilo, Hawaii, shall be Single Family Residential (RS-7.5):

Beginning at the Southwest corner of this parcel of land on the northerly boundary of Land Court Application 1205, being also on the easterly side of Wilder Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUMANA" being 4939.82 feet South and 3334.67 feet West, thence running by azimuths measured clockwise from true South:

1. 157° 55' 231.96 feet along the easterly side of Wilder Road;
2. Thence along same on a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being 164° 34' 18.3", 106.62 feet;
3. 247° 55' 376.50 feet along Lots 99 and 71 and across a portion of Lukia Street, Hilo Country Club Estates - Unit I (File Plan 1257);
4. 337° 55' 185.90 feet along the remainder of Royal Patent 5706, Land Commission Award 8521-B, Apana 2 to G. D. Hueu;
5. 247° 55' 2032.30 feet along same;
6. 157° 55' 676.97 feet along same;
7. 256° 00' 482.02 feet along same;
8. 337° 55' 448.29 feet along same;
9. 247° 55' 583.97 feet along same;

10. 343° 30' 314.35 feet along same;
11. 67° 55' 3451.78 feet along the northerly boundary of Land Court Application 1205 to the point of beginning and containing an area of 22.890 Acres.

"7.29(-2). The district classification of the following area situated at Kukuau 2nd, South Hilo, Hawaii, shall be Single Family Residential (RS-7.5):

Beginning at the most westerly corner of this parcel of land on the centerline of Lukia Street, Hilo Country Club Estates - Unit I (File Plan 1257), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUMANA" being 5399.09 feet South and 3567.98 feet west, thence running by azimuths measured clockwise from true South:

1. 247° 55' 175.00 feet across a portion of Lukia Street and along Lot 70, Hilo Country Club Estates - Unit I (File Plan 1257);
2. 164° 00' 112.40 feet along Lot 70 and a portion of Lot 69, Hilo Country Club Estates - Unit I (File Plan 1257);
3. 180° 00' 2372.39 feet along a portion of Lot 69, along Lots 68 through 58, inclusive, across Ioana Street, along Lots 31 through 19, inclusive, across Keo Street, along Lots 18 through 12, inclusive, Hilo Country Club Estates - Unit I (File Plan 1257);
4. 267° 27' 15" 744.92 feet along the remainder of Royal Patent 5706, Land Commission Award 8521-B, Apana 2 to G. D. Hueu;
5. 360° 00' 1565.48 feet along same;
6. 256° 00' 848.43 feet along same;
7. 337° 55' 676.97 feet along same;
8. 67° 55' 2032.30 feet along same;
9. 157° 55' 185.90 feet along same to the point of beginning and containing an area of 61.280 Acres.

"7.29(-3). The district classification of the following area situated at Kukuau 2nd, South Hilo, Hawaii, shall be Single Family Residential (RS-7.5):

Beginning at the most southerly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey

Triangulation Station "KAUMANA" being 6618.18 feet South and 5266.56 feet West, thence running by azimuths measured clockwise from true South:

1. 76° 00' 848.43 feet along the remainder of Royal Patent 5706, Land Commission Award 8521-B, Apana 2 to G. D. Hueu;
2. 180° 00' 1565.48 feet along same;
3. 267° 27' 15" 190.21 feet along same;
4. 270° 00' 426.40 feet along same;
5. 360° 00' 761.36 feet along same;
6. Thence along same on a curve to the left with a radius of 500.00 feet, the chord azimuth and distance being 348° 57' 30", 191.52 feet;
7. 337° 55' 452.53 feet along the remainder of Royal Patent 5706, Land Commission Award 8521-B, Apana 2 to G. D. Hueu to the point of beginning and containing an area of 22.513 Acres.

"7.29(-4). The district classification of the following area situated at Kukuau 2nd, South Hilo, Hawaii, shall be Single Family Residential (RS-7.5):

Beginning at the Southwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUMANA" being 6618.18 feet South and 5266.56 feet West, thence running by azimuths measured clockwise from true South:

1. 157° 55' 452.53 feet along the remainder of Royal Patent 5706, Land Commission Award 8521-B, Apana 2 to G. D. Hueu;
2. Thence along same on a curve to the right with a radius of 500.00 feet, the chord azimuth and distance being 168° 57' 30", 191.52 feet;
3. 180° 00' 761.36 feet along the remainder of Royal Patent 8521-B, Apana 2 to G. D. Hueu;
4. 270° 00' 166.53 feet along same;
5. 337° 55' 1351.18 feet along same;
6. 76° 00' 482.02 feet along same to the point of beginning and containing an area of 12.043 Acres.

"7.29(-5). The district classification of the following area situated at Kukuau 2nd, South Hilo, Hawaii shall be Multiple Family Residential (RM-4):

Beginning at the Southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUMANA" being 6538.94 feet South and 6443.93 feet West, thence running by azimuths measured clockwise from true South:

1. 67° 55' 583.97 feet along the remainder of Royal Patent 5706, Land Commission Award 8521-B, Apana 2 to G. D. Hueu;
2. 157° 55' 448.29 feet along same;
3. 256° 00' 625.41 feet along same;
4. 343° 30' 362.07 feet along same to the point of beginning and containing an area of 5.602 Acres.

"7.29(-6). The district classification of the following area situated at Kukuau 2nd, South Hilo, Hawaii shall be Multiple Family Residential (RM-4):

Beginning at the Southwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUMANA" being 6538.94 feet South and 6443.93 feet West, thence running by azimuths running clockwise from true South:

1. 163° 30' 1510.10 feet along the remainder of Royal Patent 5706, Land Commission Award 8521-B, Apana 2 to G. D. Hueu;
2. 270° 00' 170.76 feet along same;
3. 345° 12' 112.78 feet along same;
4. 332° 23' 139.95 feet along same;
5. 359° 42' 114.98 feet along same;
6. 341° 31' 51.90 feet along same;
7. 330° 01' 209.65 feet along same;
8. 309° 00' 142.16 feet along same;
9. 314° 06' 107.30 feet along same;
10. 327° 09' 111.42 feet along same;
11. 335° 16' 132.37 feet along same;

12. 331° 51' 30" 359.06 feet along same;
13. 67° 55' 464.14 feet along same to the point of beginning and containing an area of 9.552 Acres.

"7.29(-7). The district classification of the following area situated at Kukuau 2nd, South Hilo, Hawaii, shall be Single Family Residential (RS-7.5):

Beginning at the Northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUMANA" being 6538.94 feet South and 6443.93 feet West, thence running by azimuths measured clockwise from true South:

1. 247° 55' 464.14 feet along the remainder of Royal Patent 5706, Land Commission Award 8521-B, Apana 2 to G. D. Hueu;
2. 331° 51' 30" 78.91 feet along same;
3. 316° 56' 30" 178.70 feet along same;
4. 57° 54' 388.23 feet along the northerly boundary of Land Court Application 1205;
5. 67° 55' 184.71 feet along same;
6. 163° 30' 314.35 feet along the remainder of Royal Patent 5706, Land Commission Award 8521-B, Apana 2 to G. D. Hueu to the point of the beginning and containing an area of 3.421 Acres.

"All as outlined in red on the map attached hereto, marketed 'A' and by reference made a part hereof."

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) Phase I (RS-7.5) as identified on the development plan (Exhibit A) on file with the Planning Department, be zoned in four (4) increments. The first three (3) increments shall each consist of twenty (20) contiguous acres, and the fourth increment, the remaining area. The effective date of zoning for subsequent increments shall be after development has occurred in the previous increment or combination of increments and subject to Condition H herein. Development is defined as building permits issued for single-family dwelling units and construction partially completed in the sense of having roofs on a minimum of twenty-five (25) percent of the units for the previous increment or combination of increments; (B) Phase II (RS-7.5), as identified on the development plan (Exhibit A)

on file with the Planning Department, be zoned in two (2) increments. The first increment shall consist of eighteen (18) contiguous acres, and the second, the remaining area. The effective date of zoning for the second increment shall be after development has occurred in the first increment and subject to Condition H herein. Development is defined as building permits issued for single-family dwellings and construction partially completed in the sense of having roofs on a minimum of twenty-five (25) percent of the total units for the entire area of 28.3 acres; (C) Phase III (RM-4), as identified on the development plan on file with the Planning Department, be zoned in two (2) increments. The first increment shall consist of twenty (20) contiguous acres, and the second, the remaining area. The effective date of zoning for the second increment shall be after the development has occurred in the first increment and subject to Condition H herein. Development shall be defined as being permits issued and construction completed for fifteen (15) percent of the total number of units proposed for the entire area of 34.6 acres; (D) a minimum area of eight (8) acres be set aside within the area for active park uses. The park shall be kept in private ownership and maintenance until such time that the applicant intends to dedicate it to and with the acceptance of the County. The exact location and configuration shall be determined at the time of subdivision approval of Increment 1 of Phase 1. Minimum improvements shall be provided for at least four (4) acres of the park area upon construction of 300 residential units, including the existing 100 units, and/or prior to the dedication to the County. The remaining area shall be improved prior to completion of the proposed development and/or prior to dedication to the County. Minimum improvements shall include but not be limited to grading and grassing which meet with the approval of the Directors of the Planning Department and the Parks and Recreation Department. Until such time that the park is dedicated to the County, there shall be adequate assurance, as determined by the Corporation Counsel, for the maintenance of the private park by recorded covenant running with the land which shall include the following: (1) obligate the subdividers, purchasers, occupants, or association in the subdivision to maintain the private park in perpetuity; and (2) empower

the County, through the Parks and Recreation Director, to enforce the covenants to maintain the private park, authorizing the performance of maintenance work by the County in the event of failure by the subdividers, purchasers, occupants, or association in the subdivision to perform such work and permit the subjecting of the land and properties in the subdivision to a lien until the cost of the work performed by the County has been reimbursed;

(E) the method of sewage disposal shall meet with the approval of the State Department of Health; (F) a hydrologic/drainage study be made by the applicant and be submitted with the subdivision application of Increment 1 of Phase I; (G) the attached agreement, dated April 6, 1976, between the Hilo Country Club Estates Community Association (HCCECA) and Foremost-Hawaiiana Associates is attached hereto and made a part hereof by reference at the request and mutual consent of the parties. The agreement relates to indemnification clauses, restrictive covenants relative to rear yard structural setbacks, and building limitations pending the completion of the Akolea Road extension. It should be noted that this agreement was arrived at by and with the mutual consent of the HCCECA and Foremost-Hawaiiana Associates and is not a part of the County of Hawaii requirement. As such, the enforcement responsibilities shall remain with the parties involved in this agreement; (H) upon the effective date of zoning which would enable residential developments totaling six hundred and eleven (611) units on the makai side of Wilder Road, including the existing 100-lot Hilo Country Club Estates Subdivision, no further zoning increments shall become effective until the petitioner can demonstrate to the satisfaction of the Planning Director and the County Council that the petitioner's proposed development shall not exceed nine hundred and ninety-three (993) residential units for that area granted preliminary subdivision approval on August 15, 1968 by the Planning Director and on file with the Planning Department as "Subdivision Application 68-54, Hilo Country Club Estates - Gentry Hawaiiana Associates"; and (I) all other applicable rules and regulations be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original zoning designation may be initiated.

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:

Frank J. Pitt

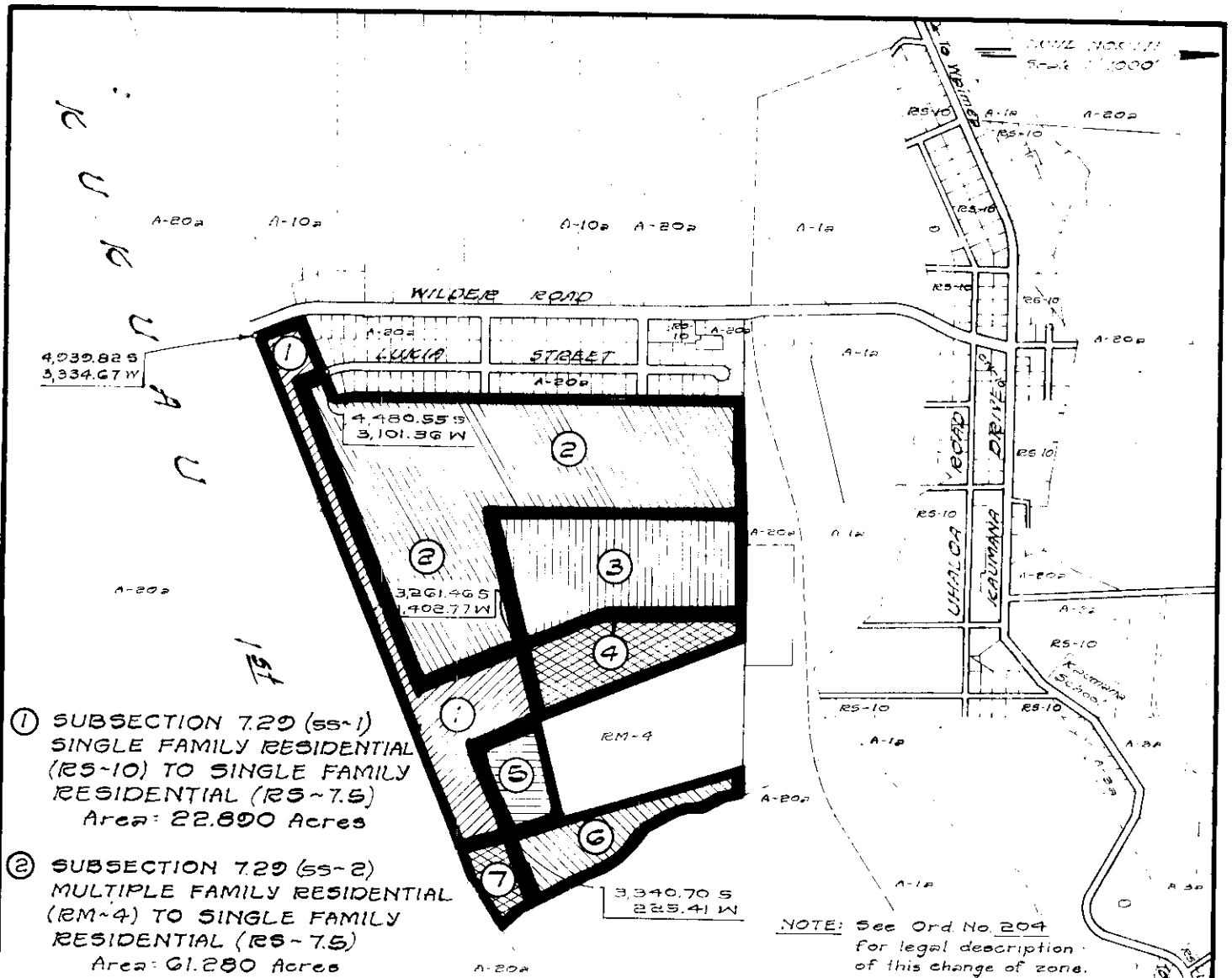
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 12, 1976

Date of Adoption: May 7, 1976

Date Effective: May 14, 1976



- ① SUBSECTION 7.29 (55-1)
SINGLE FAMILY RESIDENTIAL (RS-10) TO SINGLE FAMILY RESIDENTIAL (RS-7.5)
Area: 22.890 Acres
- ② SUBSECTION 7.29 (55-2)
MULTIPLE FAMILY RESIDENTIAL (RM-4) TO SINGLE FAMILY RESIDENTIAL (RS-7.5)
Area: 61.280 Acres
- ③ SUBSECTION 7.29 (55-3)
AGRICULTURAL (A-20a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5)
Area: 22.513 Acres
- ④ SUBSECTION 7.29 (55-4)
MULTIPLE FAMILY RESIDENTIAL (RM-4) TO SINGLE FAMILY RESIDENTIAL (RS-7.5)
Area: 12.043 Acres
- ⑤ SUBSECTION 7.29 (55-5)
SINGLE FAMILY RESIDENTIAL (RS-10) TO MULTIPLE FAMILY RESIDENTIAL (RM-4)
Area: 5.602 Acres
- ⑥ SUBSECTION 7.29 (55-6)
AGRICULTURAL (A-20a) TO MULTIPLE FAMILY RESIDENTIAL (RM-4)
Area: 9.552 Acres
- ⑦ SUBSECTION 7.29 (55-7)
AGRICULTURAL (A-20a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5)
Area: 3.421 Acres

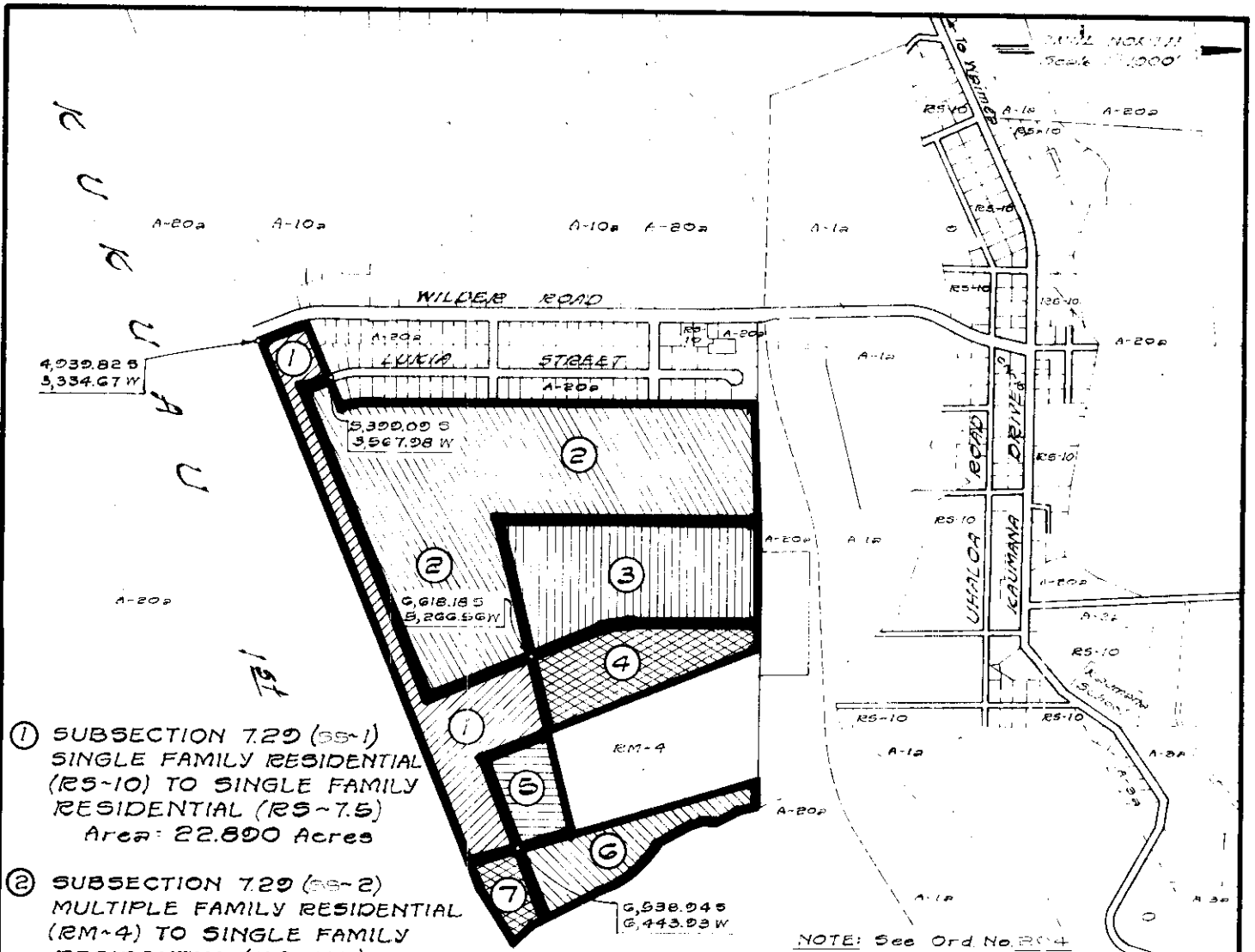
NOTE: See Ord No. 204 for legal description of this change of zone.

NOTE: AZIMUTHS & COORDINATES REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "KAUMANA"

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 45 OF CHAPTER 8 (ZONING CODE) ARTICLE 2, SECTION 7.29, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10), MULTIPLE FAMILY RESIDENTIAL (RM-4), & AGRICULTURAL (A-20a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5), & FROM SINGLE FAMILY RESIDENTIAL (RS-10) & AGRICULTURAL (A-20a) TO MULTIPLE FAMILY RESIDENTIAL (RM-4) AT KUKUAU 2nd, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING: NOV. 20, 1975
 DATE OF APPROVAL: MAY 14, 1976
 ORDINANCE NO. 204
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII



- ① SUBSECTION 7.29 (SS-1)
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Area: 3.421 Acres

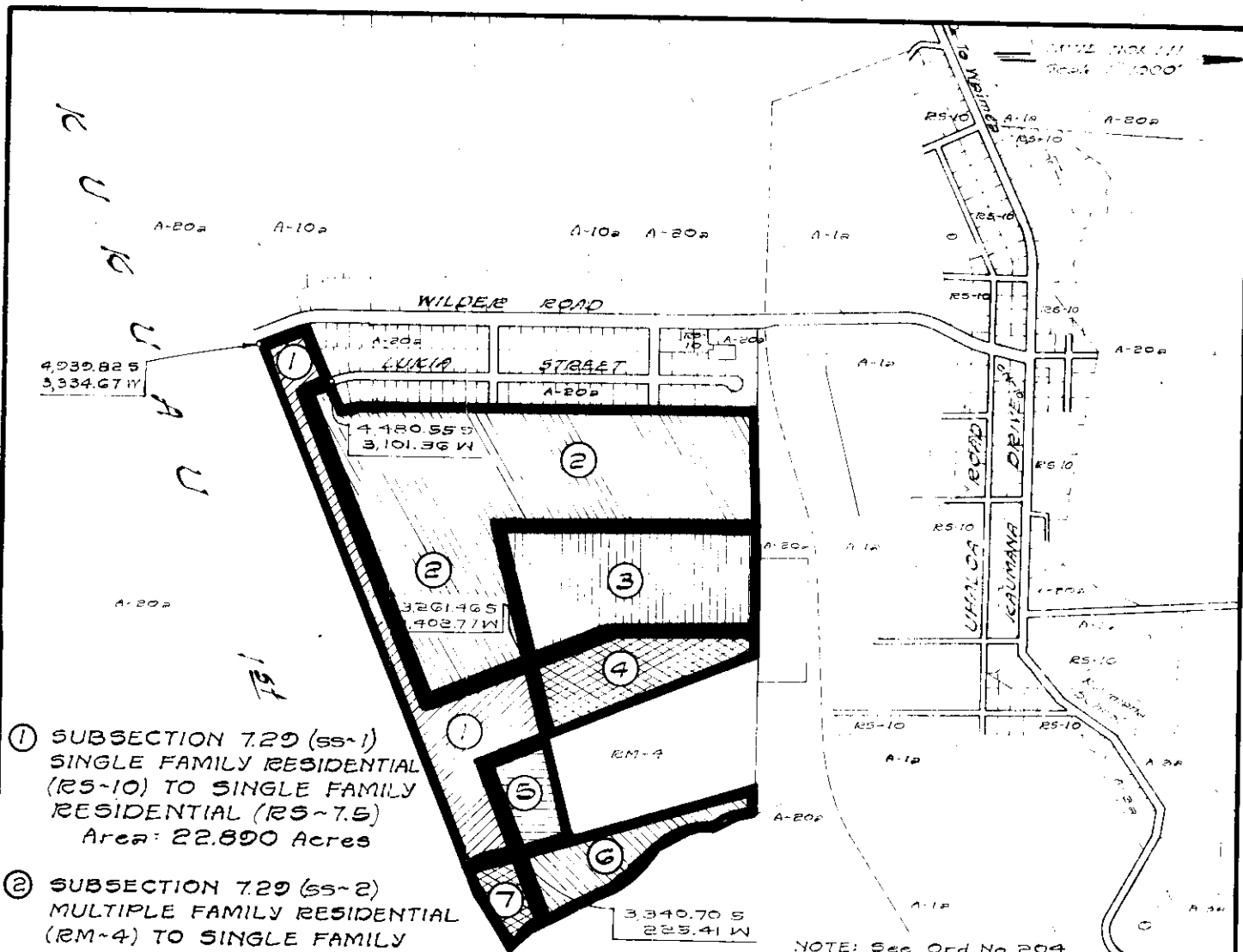
NOTE: See Ord. No. 204 for legal description of this change of zone.

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DATE OF PUBLIC HEARING: NOV. 20, 1975
 DATE OF APPROVAL: MAY 14, 1976
 ORDINANCE NO. 204
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII



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Area: 3.421 Acres

NOTE: See Ord No. 204 for legal description of this change of zone.

NOTE: AZIMUTHS & COORDINATES REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "KAUMANA"

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 45 OF CHAPTER 8 (ZONING CODE) ARTICLE 2, SECTION 7.29, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10), MULTIPLE FAMILY RESIDENTIAL (RM-4), & AGRICULTURAL (A-20a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5), & FROM SINGLE FAMILY RESIDENTIAL (RS-10) & AGRICULTURAL (A-20a) TO MULTIPLE FAMILY RESIDENTIAL (RM-4) AT KUKUAU 2nd, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING: NOV. 20, 1975
 DATE OF APPROVAL: MAY 14, 1976
 ORDINANCE NO. 204
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII