

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 39

ORDINANCE NO. 89 46

AN ORDINANCE AMENDING SECTION 25-113 (SOUTH HILO DISTRICT 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) AND (A-2a) AT KULAIMANO HOMESTEADS, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-8-06:13.

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

SECTION 1. Section 25-113, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of properties described hereinafter as follows:

The district classification of the following area situated at Kulaimano Homesteads, South Hilo, Hawaii, shall be Agricultural (A-3a):

Parcel 1

Beginning at the Southwest corner of this parcel of land, on the North side of Homestead Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "ALALA" being 2,138.62 feet South and 4,849.02 feet East, thence running by azimuths measured clockwise from True South:

- 1. 154° 48' 246.71 feet along the remainder of Grant 7062 to M. S. Cordeiro;
- 2. 154° 51' 475.30 feet along the Satellite Training Site, along the remainder of Grant 7062 to M. S. Cordeiro;
- 3. 247° 49' 555.00 feet along the land of Pepeekeo;
- 4. 0° 00' 874.10 feet along Grant 7557 to M. S. Souza;

5. 93° 05' 207.17 feet along the North side of Homestead Road to the point of beginning and containing an Area of 6.670 Acres, more or less. (Refer to Parcel 1 as shown on Exhibit "A").

The district classification of the following area situated at Kulaimano Homesteads, South Hilo, Hawaii, shall be Agricultural (A-2a):

Parcel 2

Beginning at the East corner of this parcel of land, on the North side of Homestead Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "ALALA" being 2,138.62 feet South and 4,849.02 feet East, thence running by azimuths measured clockwise from True South:

1. 93° 05' 17.33 feet along the North side of Homestead Road;
2. 80° 05' 450.00 feet along the North side of Homestead Road;
3. 154° 50' 145.00 feet along the Northeast side of Mamalahoa Highway;
4. 248° 00' 449.96 feet along the Satellite Training Site, along the remainder of Grant 7062 to M. S. Cordeiro;
5. 334° 48' 246.71 feet along the remainder of Grant 7062 to M. S. Cordeiro to the point of beginning and containing an Area of 2.000 Acres, more or less. (Refer to Parcel 2 as shown on Exhibit "A").

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, 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 subdivision approval; (C) All other applicable laws, rules, regulations and requirements be complied with; (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 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 (F) 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; 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); 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 may initiate rezoning of the area 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.

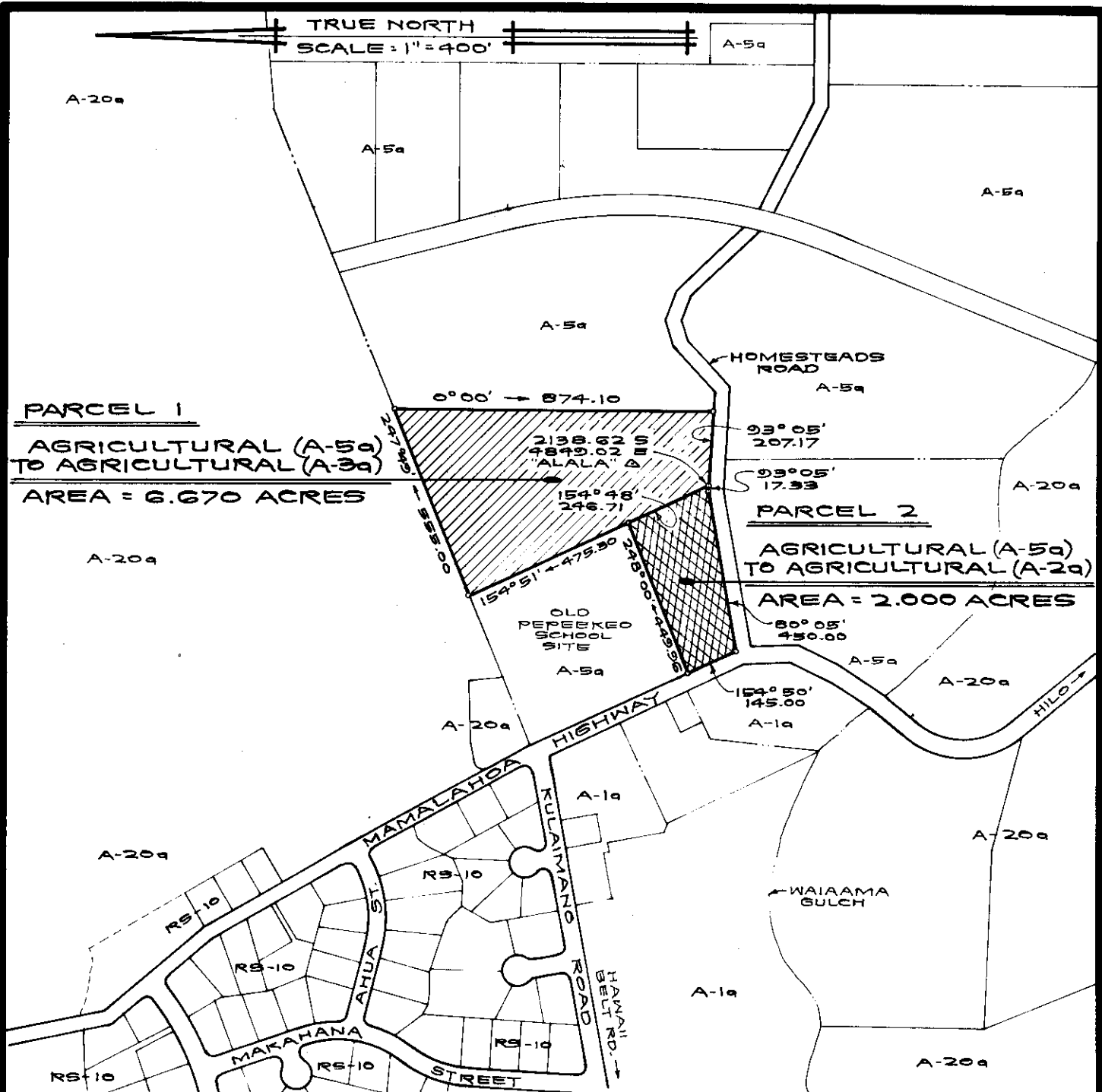
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 1, 1989
Date of 1st Reading: March 1, 1989
Date of 2nd Reading: March 15, 1989
Effective Date: March 21, 1989



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-113 (SOUTH HILO DISTRICT 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) AND (A-2a) AT KULAIMANO HOMESTEADS, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 2-8-06 : 13

JAN. 12, 1989