

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 598

ORDINANCE NO. 92 52

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (0) TO AGRICULTURAL (A-1a) AT KUKUAU 1ST, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-08:PORTION OF 26.

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

SECTION 1. Section 25-114, 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 Kukuau 1st, South Hilo, Hawaii, shall be Agricultural (A-1a):

Beginning at the East corner of this parcel of land, being the South corner of Lot 138-A, Land Court Application 1205, and on the North side of Government Land of Waiakea, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 4,061.56 feet South and 468.71 feet East, thence running by azimuths measured clockwise from True South:

- 1. 73° 59' 52" 436.66 feet along Government Land of Waiakea;
2. 139° 09' 263.18 feet along Lot 150, Land Court Application 1205;
3. 218° 28' 30" 306.64 feet along Lot 149 and remainder of Lot 148;
4. 308° 28' 30" 512.34 feet along Lot 138-A, Land Court Application 1205 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. This change 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 to the Planning Department within one year from the effective date of the change of zone. Final subdivision approval shall be secured within two years from the date of receipt of tentative subdivision approval; (C) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (D) access shall meet with the requirements of the Department of Public Works; (E) comply with all other laws, rules, regulations and requirements of State and County agencies; (F) 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; (G) 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, (H) an extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:

- a) 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;
- b) granting of the time extension would not be contrary to the general plan or zoning code;
- c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; and
- d) 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).

Further, should any of the conditions not be met or substantially complied with 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

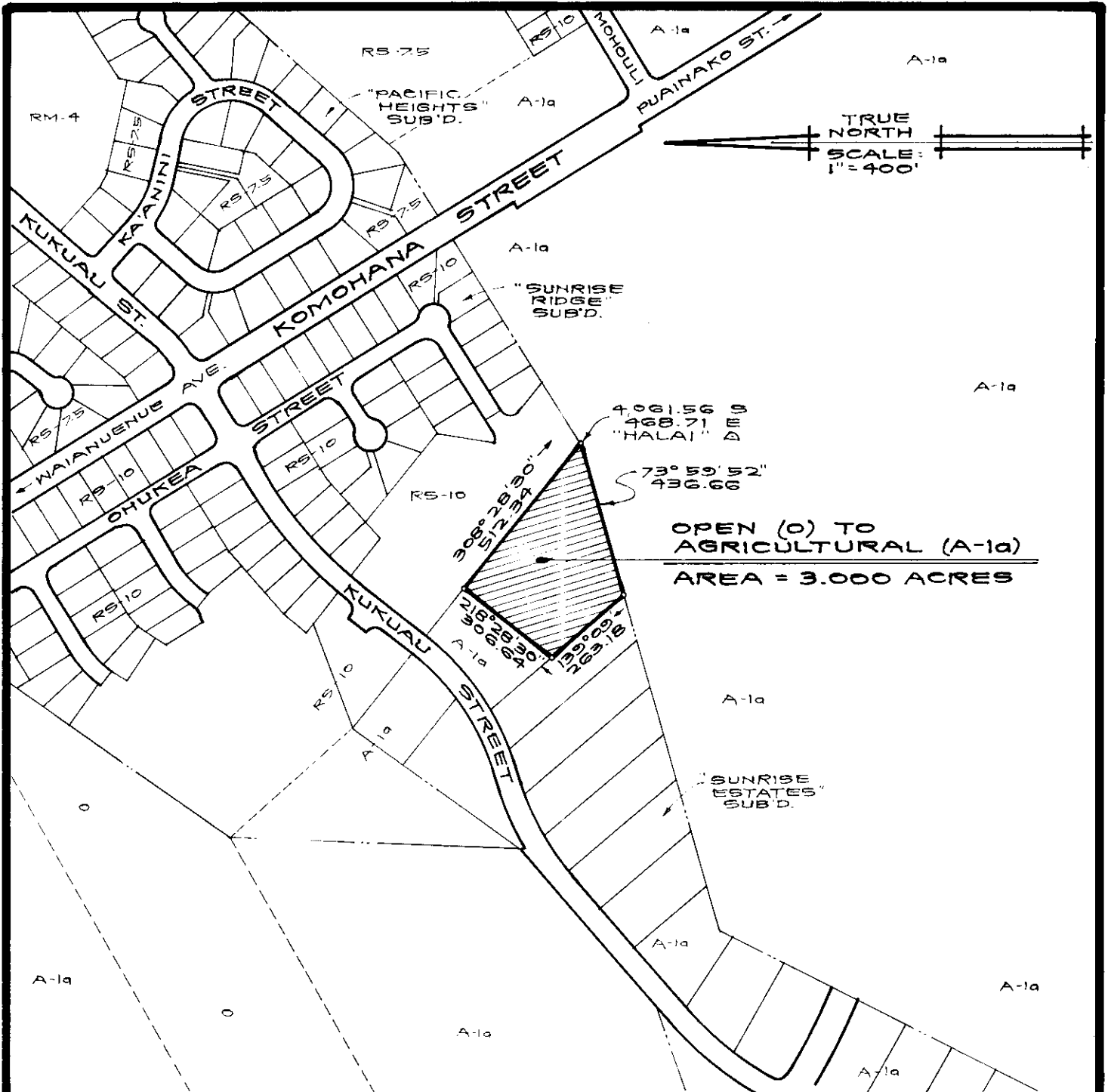
Hilo, Hawaii

Date of Introduction: May 6, 1992
Date of 1st Reading: May 6, 1992
Date of 2nd Reading: May 20, 1992
Effective Date: May 27, 1992

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATE: MAR 16 1992



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO AGRICULTURAL (A-1a) AT KUKUAUI 1ST, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 2-4-08 : PORTION OF 26

NOV. 27, 1991

EXHIBIT "A"

(SUNRISE ESTATES JOINT VENTURE)