

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 55

ORDINANCE NO. 95 61

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 AGRICULTURAL (A-3a) TO RESIDENTIAL-AGRICULTURAL (RA-2a) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-38:7.

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 property described hereinafter as follows:

The district classification of the following area situated at Waiakea, South Hilo, Hawaii, shall be Residential-Agricultural (RA-2a):

Beginning at the northeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 16,187.16 feet South and 1,563.56 feet West and running by azimuths measured clockwise from True South:

1. 355° 40' 1,177.65 feet along Lots 9 to 15 of Waiakea Meadows, Increment 1, along County Road and also along Lots 16 to 33 of Waiakea Meadows, Increment 2;

2. 85° 40' 160.00 feet along Lot 1003-B-1, being a portion of Lot 1003, Waiakea Homesteads, 2nd Series, (Portion of Grant 10543 to Shinkichi Higa);
3. 175° 40' 1,177.65 feet along Lot D-1, a portion of Lot D, being also a portion of Lot 916, Waiakea Homesteads, 2nd Series, Grant 11622 to Gilbert Takeo Yamaguchi;
4. 265° 40' 160.00 feet along Haihai Street to the point of beginning and containing an area of 4.326 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 is conditioned upon the following:

- A. The applicants, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Final Subdivision Approval shall be secured from the Planning Director within five years from the effective date of this ordinance.
- C. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately

notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.


- D. As agreed to by the applicants, restrictive covenant(s) in the deeds of all the proposed residential-agricultural lots 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 prior to the issuance of Final Subdivision Approval. A copy of the approved covenant(s) shall be recited in an instrument executed by the applicants and the County, recorded with the Bureau of Conveyances, and a copy of the recorded covenant filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- E. 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- 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, its 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.
  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).
  5. Should the applicants require an additional extension of time, the Planning Director shall submit the applicants' request to the County Council for appropriate action.
- G. 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 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:

  
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COUNCIL MEMBER, COUNTY OF HAWAII

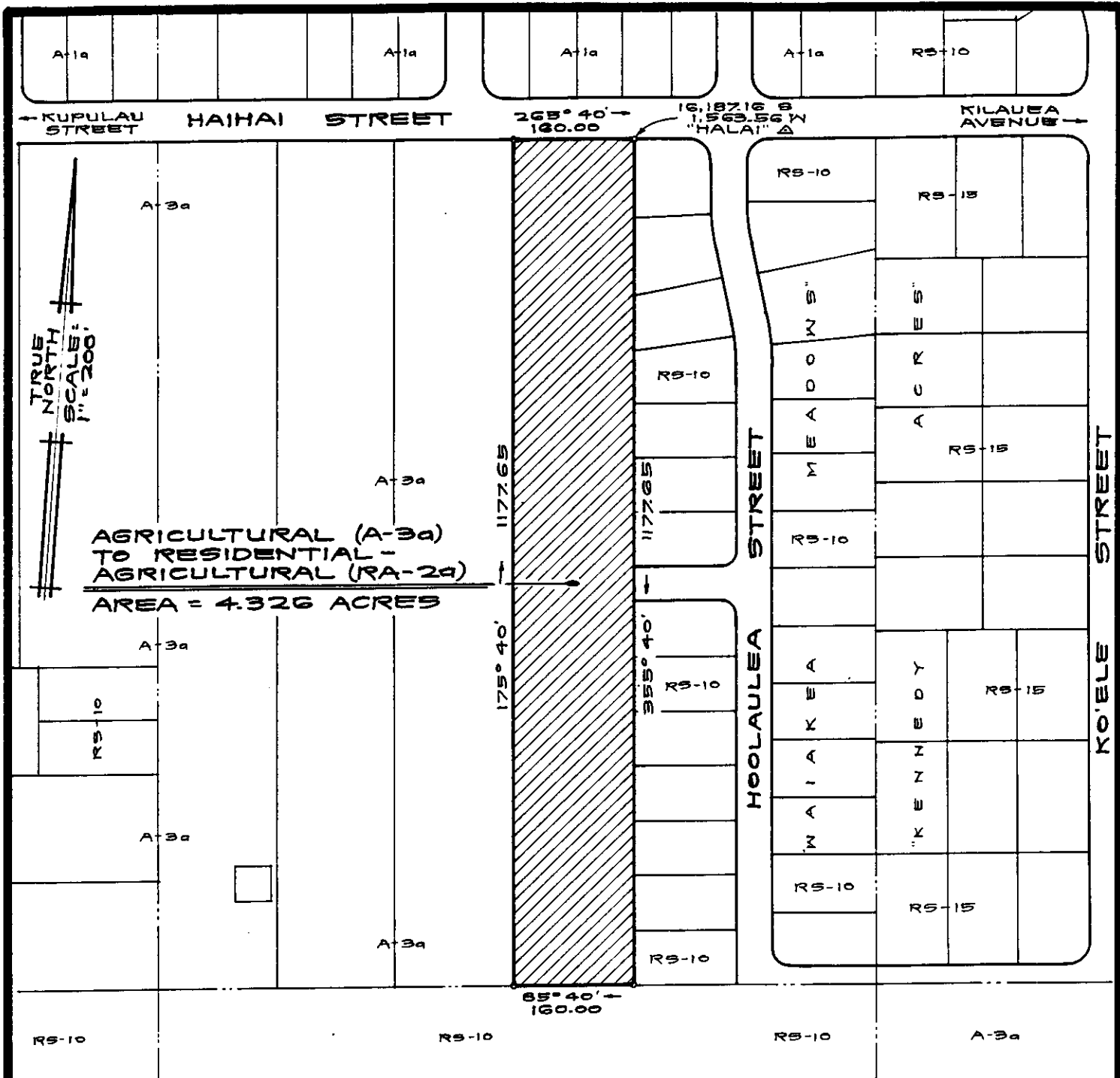
Hilo, Hawaii

Date of Introduction: April 5, 1995  
Date of 1st Reading: April 5, 1995  
Date of 2nd Reading: April 19, 1995  
Effective Date: April 26, 1995

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
DEPUTY CORPORATION COUNSEL

DATED: 4/25/95



# 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 AGRICULTURAL (A-3a) TO RESIDENTIAL-AGRICULTURAL (RA-2a) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 2-4-38 : 7

JAN. 20, 1995

EXHIBIT "A"

(MICHAEL S. GINOZA, CAROL S. GINOZA  
AND JAMES S. SAKAI)

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

95 APR 27 11 10 30

Introduced By: Keola Childs  
 Date Introduced: April 5, 1995  
 First Reading: April 5, 1995  
 Published: N/A

REMARKS:

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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	0	0

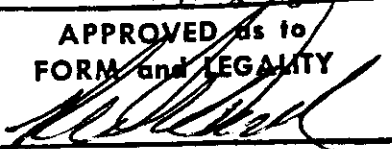
Second Reading: April 19, 1995  
 To Mayor: April 20, 1995  
 Returned: April 27, 1995  
 Effective: April 26, 1995  
 Published: May 3, 1995

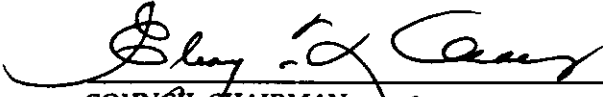
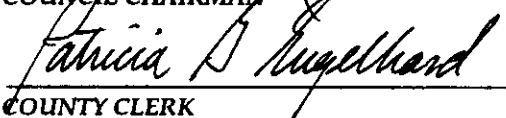
REMARKS:

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ROLL CALL VOTE				
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Smith	X			
	9	0	0	0

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

APPROVED as to  
 FORM and LEGALITY  
  
 CORPORATION COUNSEL  
 COUNTY OF HAWAII  
 Date APR 25 1995

  
 COUNCIL CHAIRMAN  
  
 COUNTY CLERK

Approved <sup>on</sup> / Disapproved this 26 day  
 of April, 19 95.

  
 MAYOR, COUNTY OF HAWAII

Bill No.: 55  
 Reference: C-238/PC-39  
 Ord. No.: 95 61