

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 645

ORDINANCE NO. 88 163

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-10a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-65:POR. 2.

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 Single Family Residential (RS-15):

Beginning at the northeast corner of this parcel of land, being also the northwest corner of Lot 4, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 14,490.80 feet South and 4,301.66 feet West, thence running by azimuths measured clockwise from True South:

- 1. 355° 40' 642.31 feet along the remainder of Grant 9460 to Henrietta D. Holt (Lot 4);
- 2. 85° 40' 931.89 feet along the remainder of Grant 9460 to Henrietta D. Holt (remainder of Lot 5);
- 3. 175° 40' 642.31 feet along Government Land (Lot 820, Waiakea Homesteads, Second Series);

4. 265° 40' 931.89 feet along Government Land to  
the point of beginning and  
containing an area of  
13.741 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 applicant, successors  
or assigns shall be responsible for complying with all of the  
stated conditions of approval; (B) subdivision plans shall be  
submitted for tentative approval 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) a drainage  
system meeting with the approval of the Department of Public  
Works shall be installed; (D) access to the proposed lots shall  
meet with the approval of the Department of Public Works;  
(E) all other applicable laws, rules, regulations and  
requirements be complied with; (F) 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 (G) 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 applicant's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; and, (H) 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; 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.

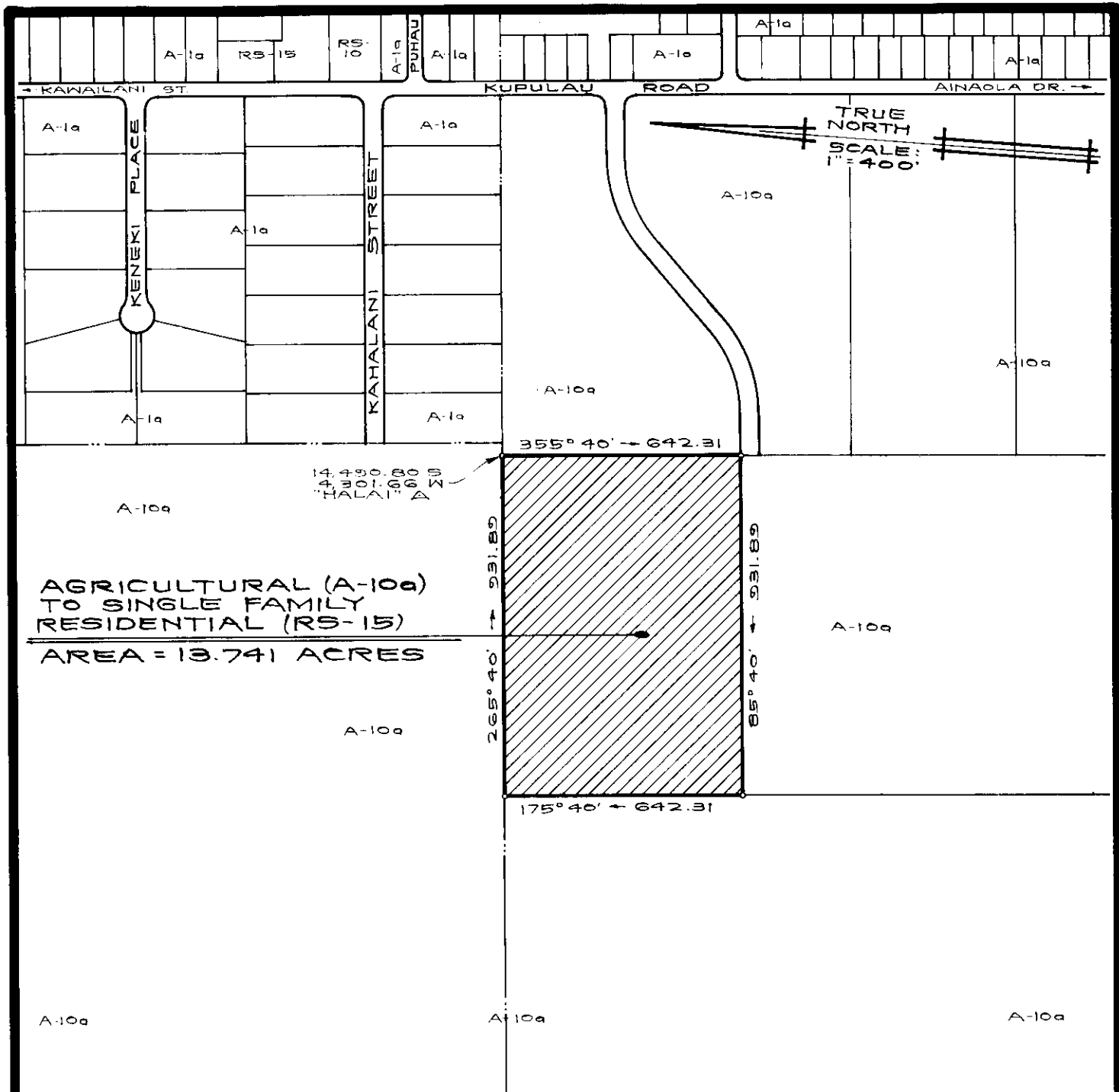
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	October 19, 1988
Date of 1st Reading:	October 19, 1988
Date of 2nd Reading:	November 2, 1988
Effective Date:	November 7, 1988



## 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-10a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 2-4-65 : POR. 2

SEPT. 13, 1988

EXHIBIT "A"