

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 150

ORDINANCE NO. 89 145

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 SINGLE FAMILY RESIDENTIAL (RS-15) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-09:23.

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-10):

Beginning at a pipe at the Northeast corner of this lot and on the West side of Block 503; Waiakea Homesteads House Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 8580.66 feet South and 8957.89 feet East, thence running by azimuths measured clockwise from true South:

1. 355° 40' 98.11 feet along Lot 7, Block 503, Waiakea Homesteads House Lots, to a pipe;
2. 85° 40' 222.00 feet along Lot 28 to a pipe;
3. 175° 40' 98.11 feet along the East side of a 40-foot Road to a pipe;

4. 265° 40' 222.00 feet along Lot 30 to the point of beginning, containing an area of 21,780 square feet, or thereabouts.

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) Final subdivision approval shall be secured within one year from the effective date of the change of zone; (C) A five-foot wide future road widening strip along Maikai Street shall be delineated on the plans submitted for subdivision. No structural improvements shall be allowed within this road widening strip; (D) Access shall meet with the approval of the Department of Public Works; (E) A drainage system shall be installed in accordance with the requirements of the Department of Public Works; (F) All other applicable laws, rules, regulations, and requirements shall be complied with; (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 developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (H) 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, (I) 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 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.

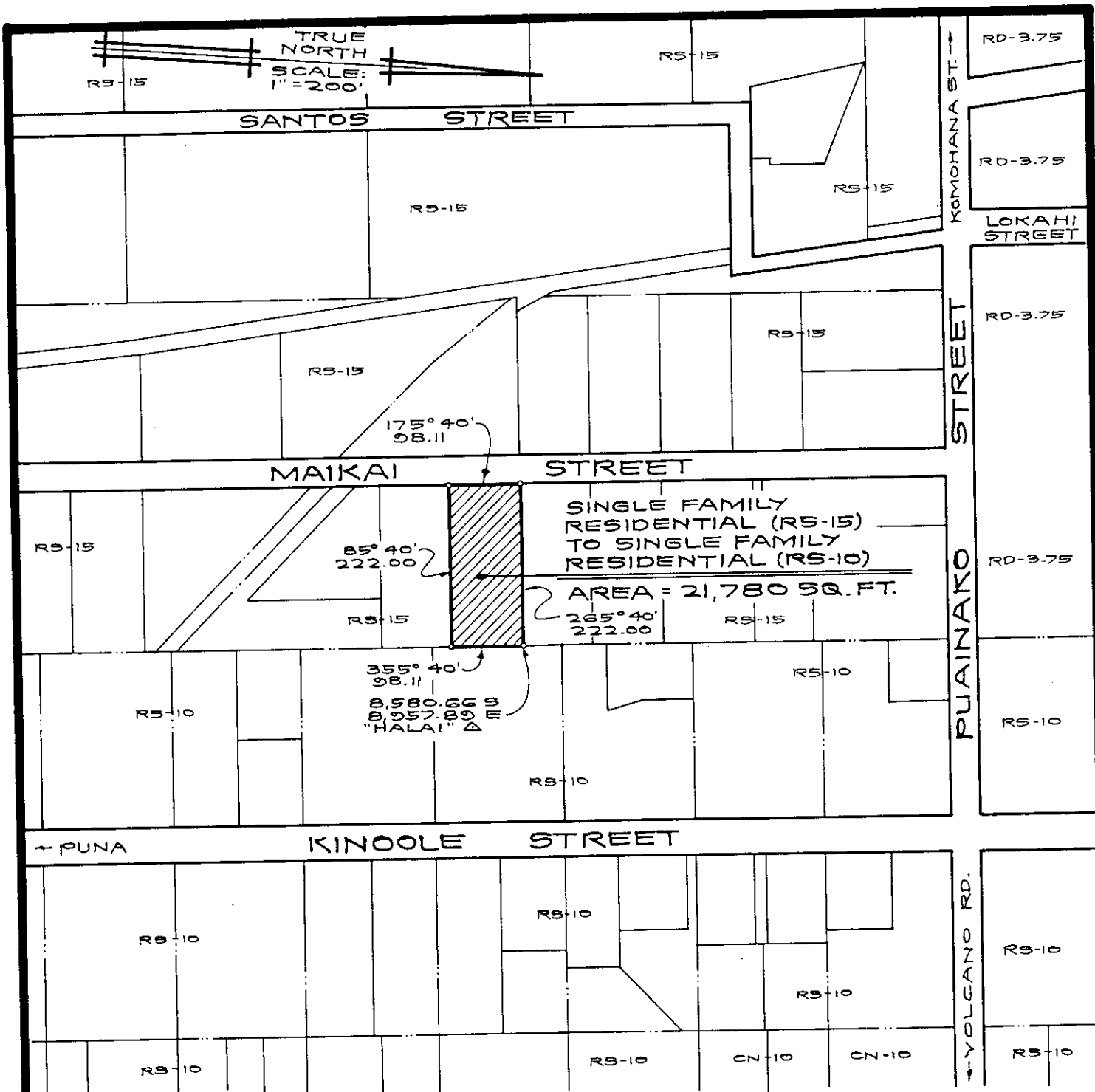
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 18, 1989
Date of 1st Reading: October 18, 1989
Date of 2nd Reading: November 15, 1989
Effective Date: November 24, 1989



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

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 2-4-09: 23

AUG. 1, 1989