

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 383

ORDINANCE NO. 91 17

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 2-4-21:58.

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 the northeast corner of this Parcel of land, the coordinates of said point referred to Government Survey Triangulation Station "HALAI" being 16,017.33 feet south and 8,226.93 feet east, thence running by azimuths measured clockwise from true South:

- 1. 355° 40' 77.77 feet along Parcel A;
2. 85° 40' 302.66 feet along Parcel 22;
3. 175° 40' 77.77 feet along the east side of Nalani Street;

4. 265° 40' 302.66 feet along Parcel 18, to the point of beginning and containing an area of 23,538 square feet.

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, successors, or assigns shall be responsible for complying with all of the stated conditions of approval; (B) subdivision plans shall be submitted within one year from the effective date of the zone change. Final Subdivision Approval shall be secured within one year from the date of receipt of tentative subdivision approval; (C) access to the proposed lots from Nalani Street shall meet with the approval of the Department of Public Works; (D) should an Improvement District be implemented for improvements to Nalani Street, the applicants, successors or assigns shall automatically be a participant in the Improvement District; (E) all other applicable laws, rules, regulations, and requirements shall be complied with; (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 applicants' 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 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, (H) an 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 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.

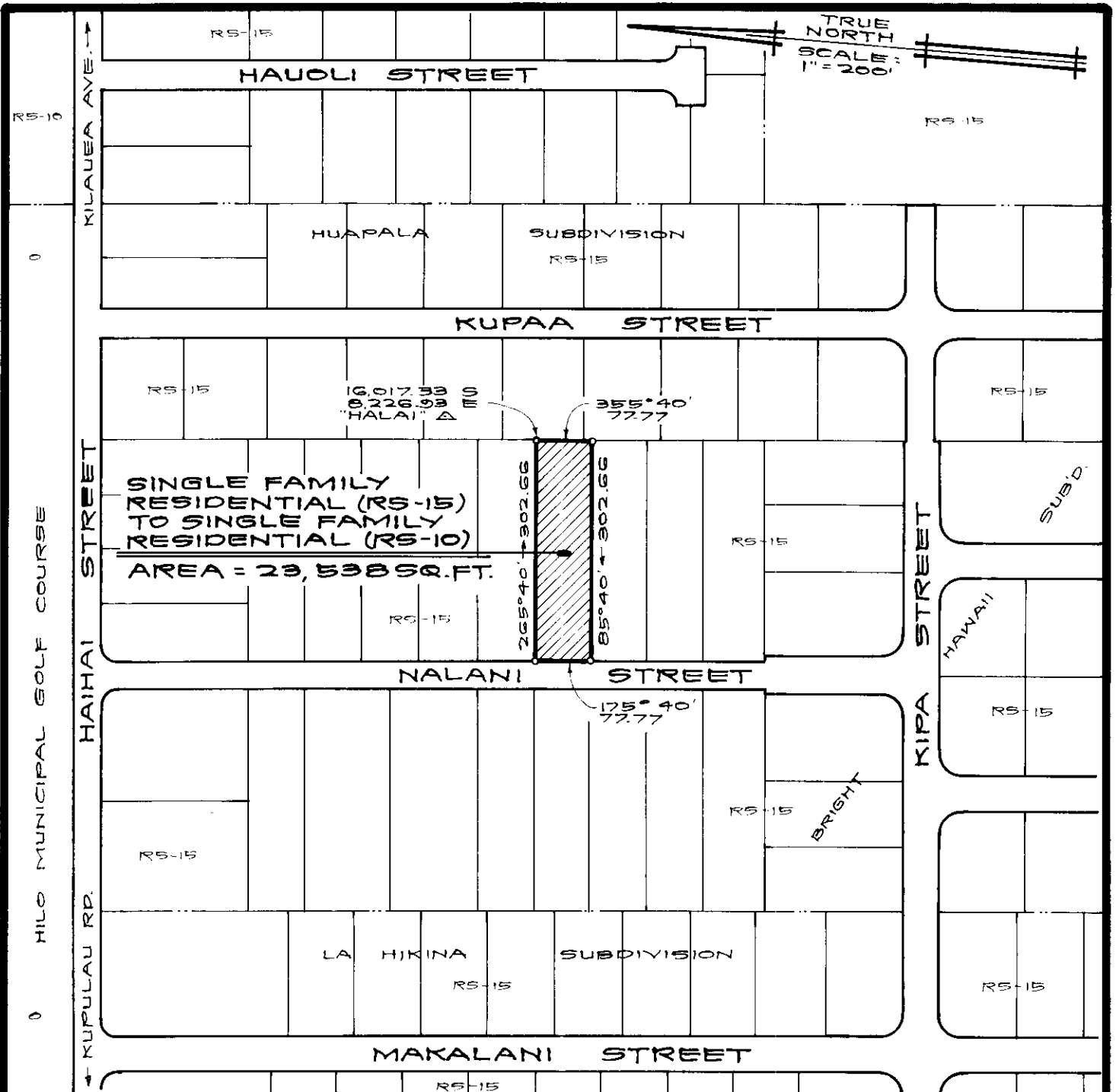
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 6, 1991
Date of 1st Reading: February 6, 1991
Date of 2nd Reading: February 20, 1991
Effective Date: February 22, 1991



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