

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 503

ORDINANCE NO. 91 121

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITION B AND I OF ORDINANCE NO. 89-43, WHICH RECLASSIFIED 1.0 ACRE OF LAND FROM AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT PONAHAHAWAI, SOUTH HILO, HAWAII, TMK: 2-3-39:40.

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

SECTION 1. Ordinance No. 89-43 is amended as follows:

"SECTION 2. These changes in district classification are 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] six (6) months from the effective date of this amendment; (C) A drainage system shall be installed meeting with the requirements of the Department of Public Works; (D) Wiliwili Street along the frontage of the subject property shall be improved with curbs, gutters and sidewalk meeting with the approval of

the Department of Public Works prior to final subdivision approval; (E) In order to prevent the continuation of a non-conforming use as a result of this change of zone action, unless otherwise permitted under the requirements of section 25-120 of Chapter 25 (Zoning Code), Hawaii County Code, as amended, the raising and keeping of fowls on the property shall cease within thirty (30) days from the effective date of the change of zone ordinance; (F) All applicable County and State 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 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; 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] shall initiate rezoning of the area to its original or more appropriate designation."

SECTION 2. Material to be deleted is bracketed. New material is underscored.

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 adoption.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

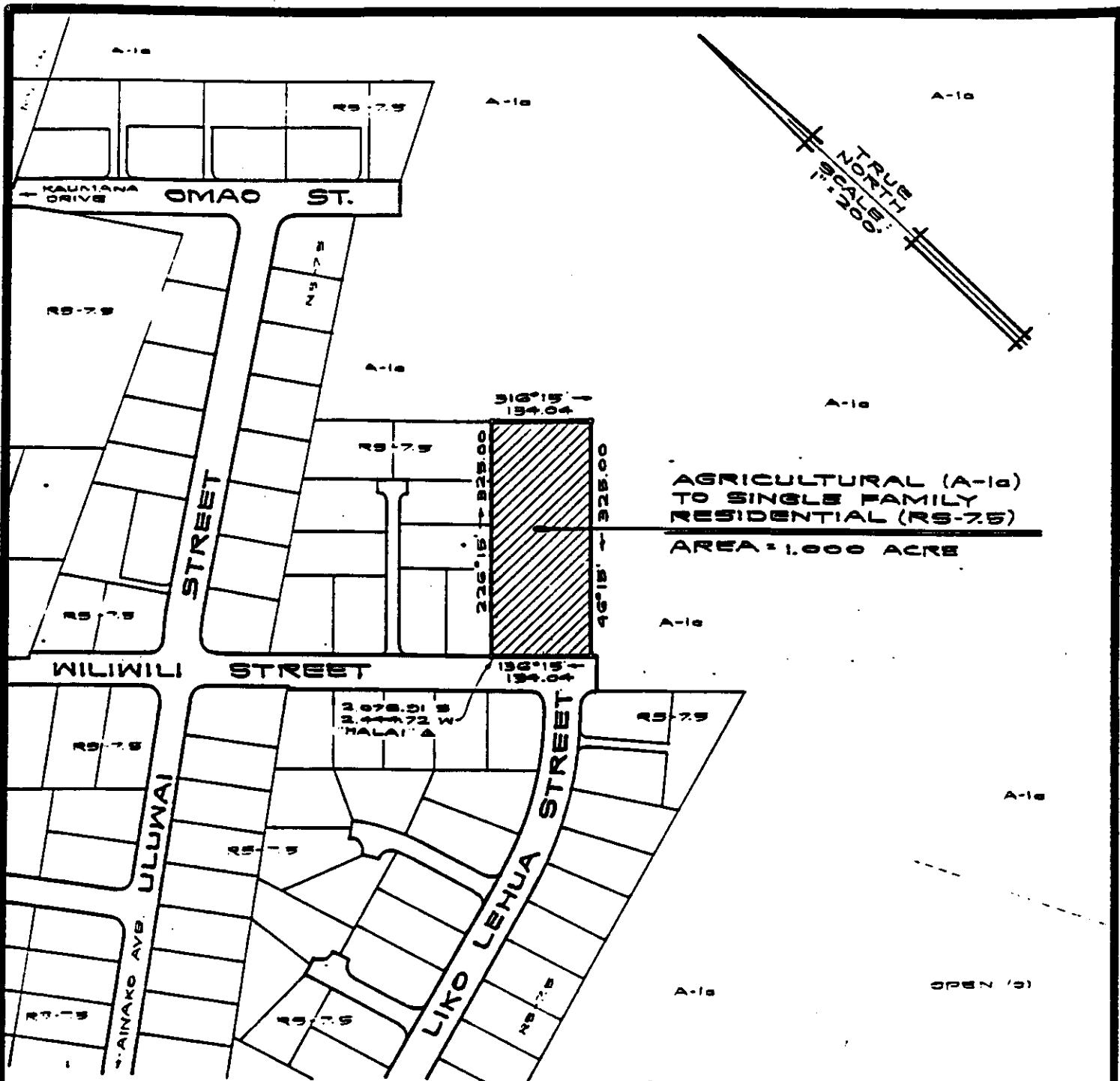
Hilo, Hawaii

Date of Introduction: November 6, 1991
Date of 1st Reading: November 6, 1991
Date of 2nd Reading: November 20, 1991
Effective Date: December 2, 1991

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATE: 10/1/91



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-1a) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AT PONAHAHAWAI, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 2-3-39: 40

JAN. 4, 1989