

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 627

ORDINANCE NO. 92 86

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 C OF ORDINANCE NO. 89-124, WHICH RECLASSIFIED 20.44 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-16:46.

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

SECTION 1. Ordinance No. 89-124 is amended as follows:

"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 southwest corner of this lot and the southeast corner of Lot 809, on the north side of Haihai Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 15661.4 feet South and 4600.4 feet East, as shown on Government Survey Registered Map No. 2600, and running by true azimuths:

1. 175° 40' 1840.0 feet along Lot 809 to an iron pipe;
2. 265° 40" 484.0 feet along Lot 715-B to an iron pipe;
3. 355° 40' 1840.0 feet along Lot 808-A to an iron pipe;

4. 85° 40' 484.0 feet along the north side of Haihai Street to the point of beginning; and containing an area of 20-44/100 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) the required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within 90 days from the date of approval of the change of zone. The zoning of the property shall not be in effect until the water commitment payment is accepted by the Department of Water Supply; (C) subdivision plans shall be submitted within one year from the effective date of the change of zone as noted in Condition B. Final subdivision approval shall be secured within one year from the effective date of [receipt of tentative subdivision approval] this amendment; (D) a drainage system in accordance with the requirements of the Department of Public Works shall be installed; (E) only one roadway access shall be provided from Haihai Street meeting with the approval of the Department of Public Works. With the exception of the existing driveway access to the subject property, no further access(es) shall be allowed to the

proposed lots from Haihai Street; (F) Heahea Street shall be extended through the subdivision and connected on to Haihai Street, so as to provide access from both Haihai and Kawailani Streets; (G) the interior subdivision roads shall be provided with curbs, gutters, and sidewalk improvements meeting with the approval of the Department of Public Works; (H) a 10-foot wide road widening strip along the Haihai Street frontage shall be set aside and delineated on the subdivision plans. All structural setbacks shall be taken from this future road widening line; (I) all other applicable laws, rules, regulations and requirements be complied with; (J) 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; (K) 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, (L) 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 2. Material to be deleted is bracketed. New material is underscored.

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.

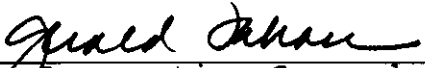
INTRODUCED BY:

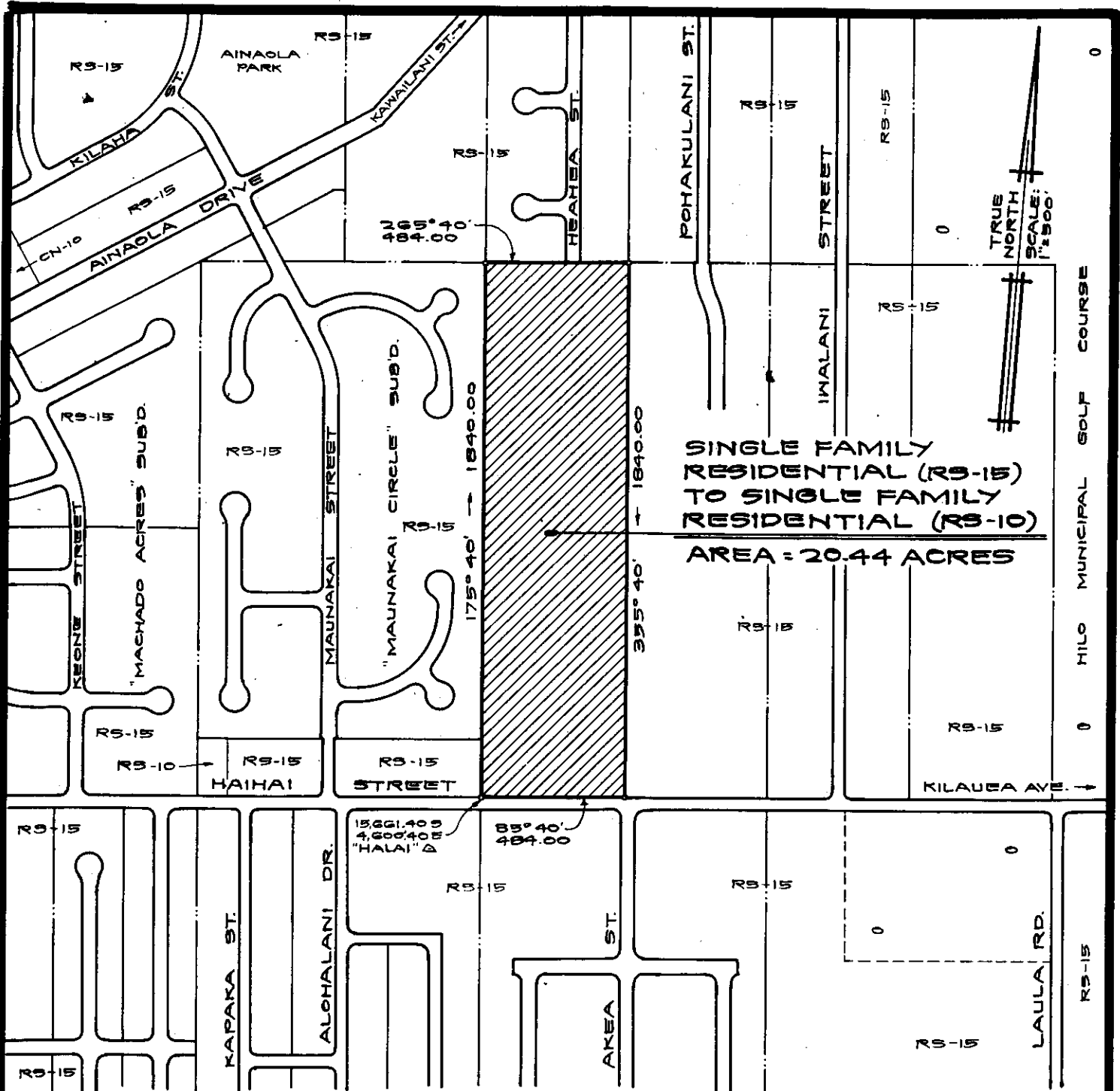

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: July 1, 1992
Date of 1st Reading: July 1, 1992
Date of 2nd Reading: July 15, 1992
Effective Date: July 22, 1992

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel
DATED MAY 27 1992



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 : 2-4-16 : 46

MAY 26, 1989