

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 636

ORDINANCE NO. 92 97

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-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT PONAHAWAI, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-3-49:53.

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 Ponahawai, South Hilo, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the north corner of this parcel of land, on the southeasterly side of Likolehua Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2769.92 feet South and 3574.72 feet West and running by azimuths measured clockwise from True South:

1. 324° 40' 363.00 feet along Lot 57 (portion of Grant 252 to B. Pitman);
2. 54° 40' 120.00 feet along the remainder of Grant 252 to B. Pitman;

3. 144° 40' 363.00 feet along the remainder of Grant 252 to B. Pitman;
4. 234° 40' 120.00 feet along the remainder of Grant 252 to B. Pitman and along Likolehua Street to the point of beginning and containing an area of 1.000 Acre.

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 applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the date of approval of the Change of Zone; (C) subdivision plans shall be submitted within one year from the effective date of the change of zone. Final Subdivision Approval shall be secured within two years from the date of receipt of tentative subdivision approval; (D) access to the proposed lots from Liko Lehua Street shall meet with the approval of the Department of Public Works; (E) the applicant shall provide all necessary roadway improvements to Liko Lehua Street as required by and meeting

with the approval of the Department of Public Works and the Fire Department, in order to allow for proper access to the proposed subdivision from Liko Lehua Street, prior to Final Subdivision Approval of the proposed subdivision; (F) the applicant shall provide drainage improvements as may be required by, and meeting with the approval of, the Department of Public Works; (G) the method of wastewater disposal shall meet with the approval of the appropriate government agencies; (H) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (I) all other applicable laws, rules, regulations, and requirements shall be complied with, including those of the Department of Health; (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 applicants' 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 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, (L) 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 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:

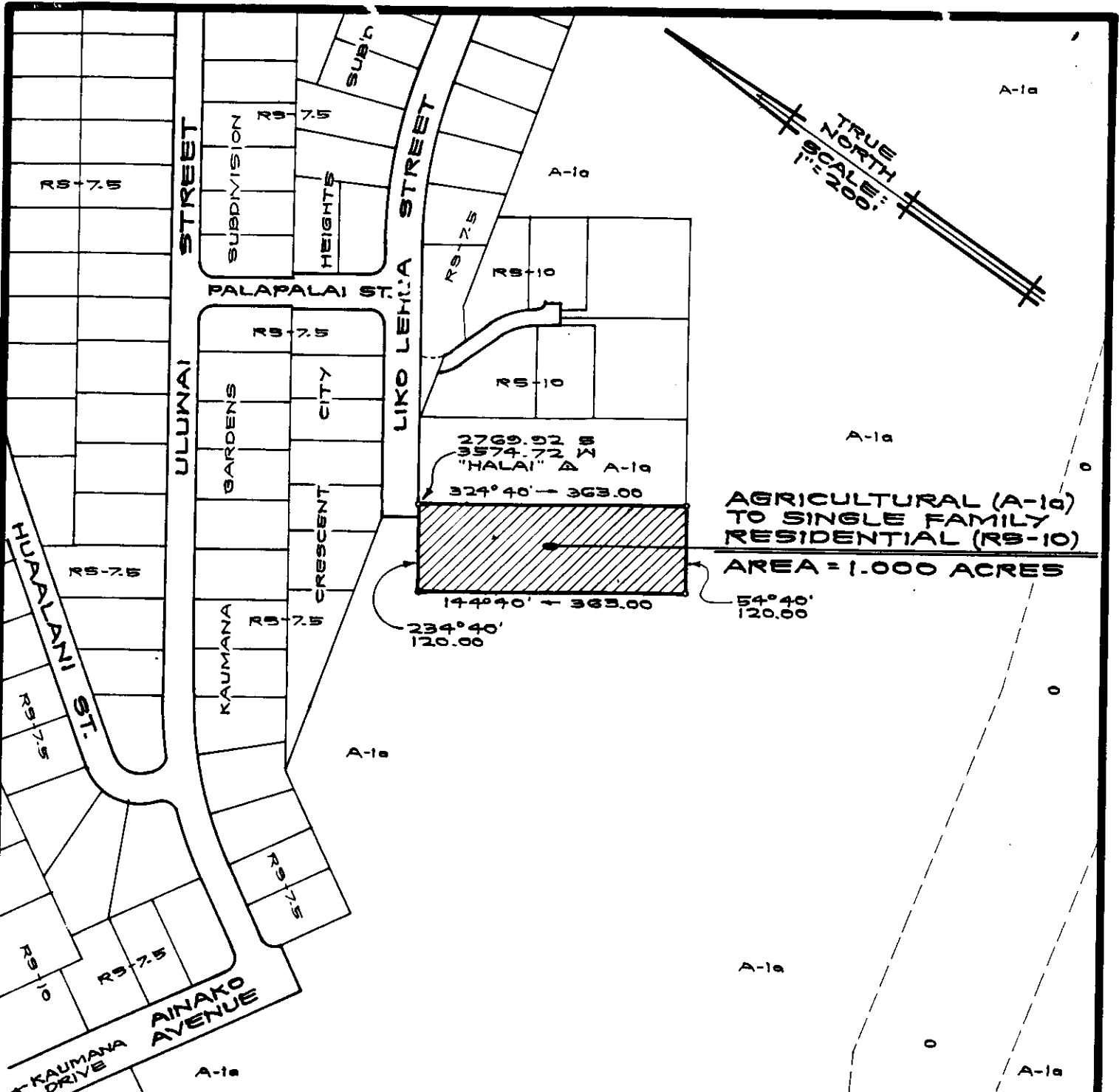

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: August 5, 1992
Date of 1st Reading: August 5, 1992
Date of 2nd Reading: August 19, 1992
Effective Date: September 2, 1992

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL
DATED: JUN 18 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 AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT PONAHAHAWAI, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 2-3-49 : 53

JUNE 1, 1992

EXHIBIT "A"

(JOSEPH M. LOPEZ)