

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 682

(Draft 2)

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 25-114, (CITY OF HILO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO THE MODIFICATION OF CONDITIONS C, F AND G, AND THE ADDITION OF CONDITIONS H, J AND K OF ORDINANCE NO. 87-111, WHICH RECLASSIFIED 28.74 ACRES OF LAND FROM AN AGRICULTURAL (A-3a) TO AN AGRICULTURAL (A-1a) ZONED DISTRICT AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-34:17.

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

SECTION 1. Ordinance No. 87-111 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 Agricultural (A-1a):

Beginning at an iron pipe at the Northeast corner of this lot, the Northwest corner of Japanese School Lot and on the South side of "Road A", the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 18,559.6 feet South and 2,993.2 feet West, as shown on government Survey Registered Map No. 2650, and running by true azimuths:

- 1. 355° 40' 1,323.00 feet along Japanese School Lot and Lot 1104 to an iron pipe;
- 2. 85° 40' 968.00 feet along Lot 1205 to an iron pipe;
- 3. 175° 40' 1,223.00 feet along Lot 1106 to an iron pipe;

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|----|--------------|---|
| 4. | 243° 59'     | 102.10 feet along the South side of "Road A" to an iron pipe; |
| 5. | 253° 54'     | 105.00 feet along the same to an iron pipe;                   |
| 6. | 262° 37' 30" | 771.30 feet along same to the point of beginning.             |

AREA 28-74/100 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 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. The zoning of the property shall not be in effect until the water commitment payment is accepted by the Department of Water Supply; (B) the applicants, successors, or assigns shall comply with all of the stated conditions of approval; (C) subdivision plans shall be submitted to the Planning Department within one year from the effective date of the zone change as noted in Condition A. Final subdivision approval shall be secured within one year from the [date of receipt of tentative subdivision approval] effective date of this amendment; (D) building permits for the construction of single family dwellings on twenty-five percent of the proposed lots shall be obtained within three years from the date of

receipt of Final Subdivision Approval; (E) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (F) a 15-foot wide future road widening strip shall be delineated and set aside on the subdivision plan along the length of Ainaola Drive. Further, a 40-foot wide strip along the length of the east property line shall be delineated and set aside for the future extension of Kupulau Street. Such road widening strips shall be dedicated to the County upon its request; (G) access to the proposed lots from [Kaumana] Ainaola Drive shall meet with the approval of the Department of Public Works; (H) restrictive covenants in the deeds of all the proposed lots shall prohibit the construction of a second dwelling unit on each lot. A copy of the proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Department for review and approval prior to final subdivision approval. A copy of the approved covenant shall be recited in an instrument executed by the applicant and the county and recorded with the Bureau of Conveyances likewise prior to final subdivision approval; [and] ([H]I) all other applicable rules, regulations and requirements shall be complied with; ([I]J) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the amendment. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are

being complied with. 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; ([J]K) 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance; ([K]L) [An] an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: a) 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; b) granting of the time extension would not be contrary to the general plan or the zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; d) 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 e) 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 3. Should the Council adopt A Uniform Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may be satisfied by performance in accordance with the requirements of the Uniform Impact Fees Ordinance.]"

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 approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

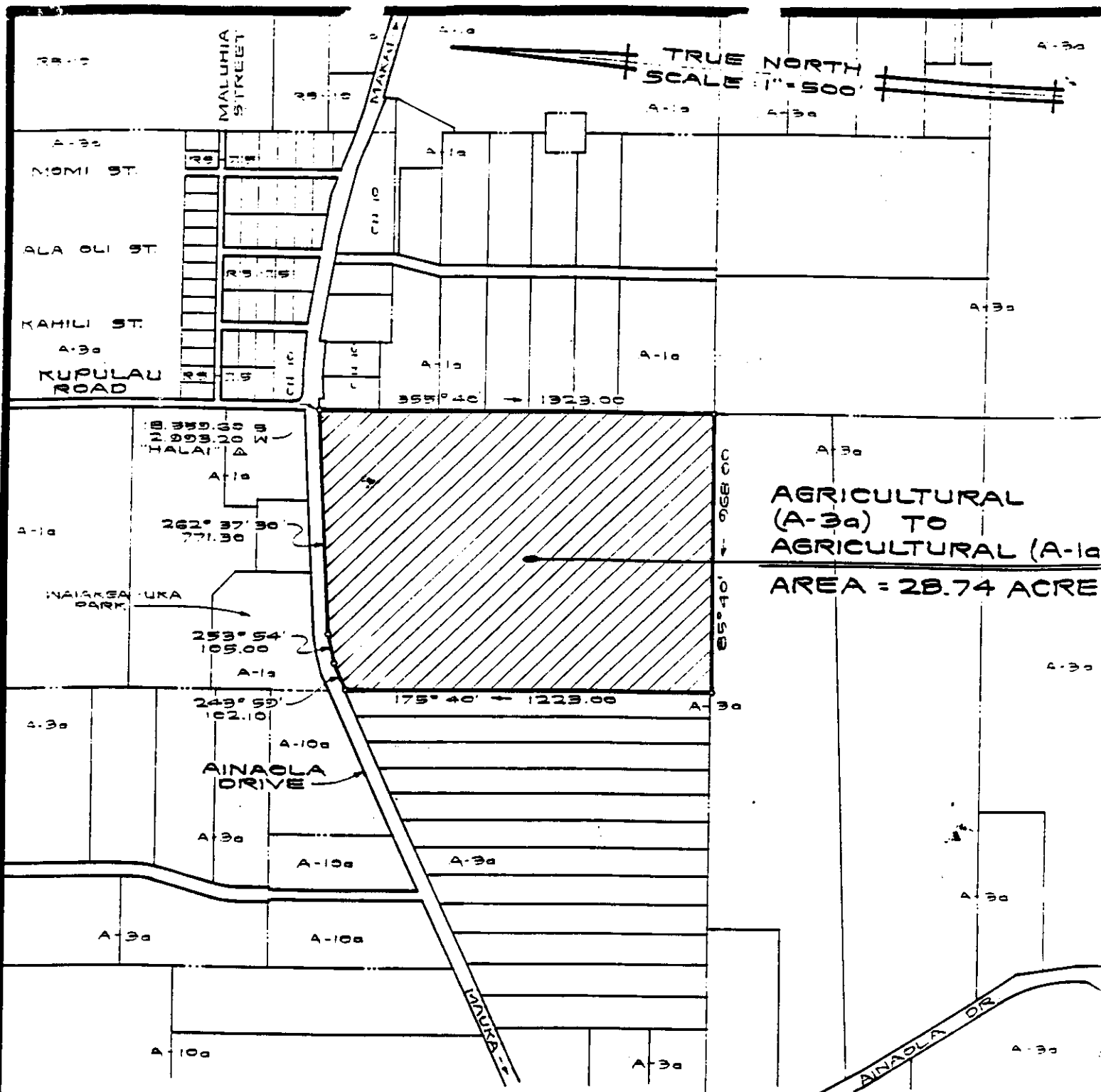
Hilo, Hawaii

Date of Introduction:	March 10, 1993
Date of 1st Reading:	March 10, 1993
Date of 2nd Reading:	April 7, 1993
Effective Date:	April 21, 1993

APPROVED AS TO FORM AND LEGALITY:

  
CORPORATION COUNSEL

DATE: APR 13 1993



## 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-3a) TO AGRICULTURAL (A-1a) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII