

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 37
(Draft 2)

ORDINANCE NO. 93 30

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-3a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-39:8.

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 southwesterly corner of this parcel of land, being also the southeasterly corner of Lot 4-A, being a portion of Lot 1001-B, portion of Grant 9861 to Yoshiko Ikeda, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 17,769.98 feet South and 235.48 feet East and running by azimuths measured clockwise from True South:

- 1. 139° 35' 625.46 feet along Lot 4-A, being a portion of Lot 1001-B, portion of Grant 9861 to Yoshiko Ikeda;
- 2. 175° 40' 27.35 feet along Lot F, being a portion of Lot 914, Grant 10714 to Mrs. Rose Mahi;
- 3. 265° 40' 118.19 feet along Lot 1, being a portion of Lot 914, Grant 11642 to Mrs. Kikumi Higa Maedo;

4. 312° 42' 05" 528.66 feet along Lots 1 to 6 of a subdivision of Lot 1001-B-2-B-1, being a portion of Lot 1001-B, portion of Grant 9861 to Yoshiko Ikeda;
5. 32° 42' 182.85 feet along the northerly side of Ainaola Drive to the point of beginning and containing an Area of 84,123 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 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 Policy" within ninety days from the effective date of the change of zone ordinance; (C) the applicant shall construct necessary off-site water pipeline improvements to the extent that water can be made available to the proposed development, prior to the submittal of plans for subdivision review. These pipeline improvements shall be constructed in a manner meeting with the approval of the Department of Water Supply; (D) Final Subdivision Approval for the proposed residential subdivision shall be secured within three (3) years from the effective date of the change of zone ordinance; (E) the applicant shall reconstruct an existing drainage system located at the

project's access with Ainaola Street, in a manner meeting with the approval of the Department of Public Works; (F) the applicant shall comply with the County's Interim Affordable Housing Policy requirements, meeting with the approval of the Office of Housing and Community Development; (G) 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 by the applicant and the County and recorded with the Bureau of Conveyances, likewise prior to final subdivision approval; (H) should any unidentified sites or remains, such as lava tubes, artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; ([G]I) all other applicable rules, regulations, and requirements shall be complied with, including those of the Department of Health; ([H]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~~shall be credited towards], at the applicants' election, be satisfied by performance in accordance with] the requirements of the Unified Impact Fees Ordinance; ([I]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, ([J]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 within 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

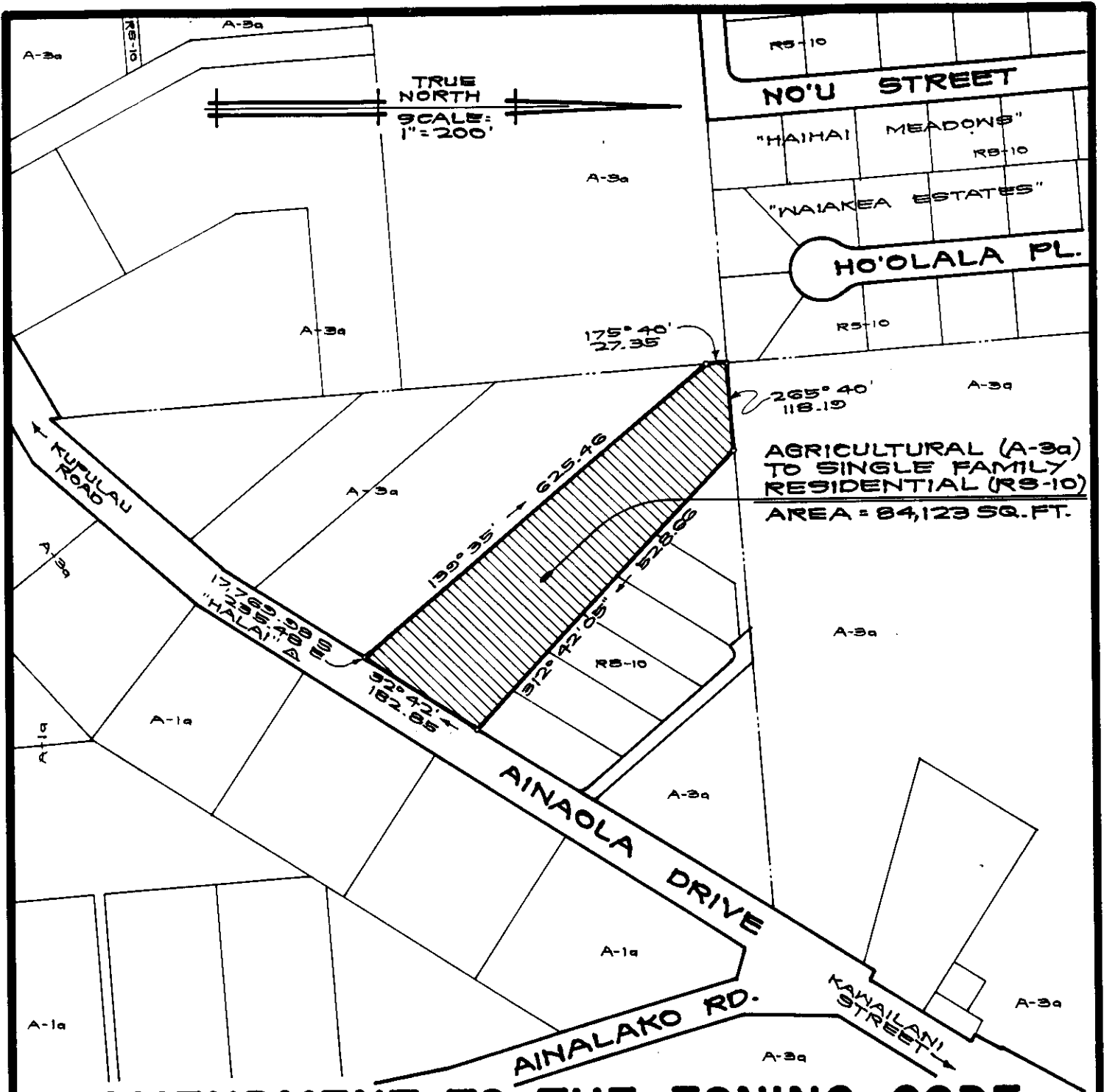
Hilo, Hawaii

Date of Introduction: March 24, 1993
Date of 1st Reading: March 24, 1993
Date of 2nd Reading: April 7, 1993
Effective Date: April 21, 1993

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATED: 4/12/93



AGRICULTURAL (A-3a)
TO SINGLE FAMILY
RESIDENTIAL (RS-10)
AREA = 84,123 SQ. FT.

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 SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 2-4-39: 8

DEC. 28, 1992

EXHIBIT "A"

(AINAOLA '91 ASSOCIATES)