

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 90

ORDINANCE NO. 93 70

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 OF ORDINANCE NO. 90-94, WHICH RECLASSIFIED 21,727 SQ. FT. OF LAND FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-11:176.

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

SECTION 1. Ordinance No. 90-94 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 northwest corner of this parcel of land, the southwest corner of Lot 1-C and on the northeast side of Kimo Place, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 12,080.68 feet South and 8,892.11 feet East and running by azimuths measured clockwise from True South:

1. 265° 40' 130.00 feet along Lot 1-C;
2. 355° 40' 259.68 feet along the remainder of Grant 10721 to Tadashi Kato;

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| 3. | 85° 40'  | 41.41 feet along Lot 3-C-3;                                                                                   |
| 4. | 163° 30' | 17.89 feet along Kimo Place;                                                                                  |
| 5. | 157° 21' | 111.03 feet along Kimo Place;                                                                                 |
| 6. | 155° 37' | 145.61 feet along Kimo Place to<br>the point of beginning and<br>containing an area of<br>21,727 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) final subdivision approval shall be secured within one year from the effective date of [the change of zone] this amendment; (C) access shall meet with the approval of the Department of Public Works; (D) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) should an improvement district or similar arrangement be initiated in the future for curbs, gutters, sidewalks, and drainage improvements to Kimo Place, the property owner(s) shall participate automatically in such an arrangement. Written assurance for implementation of this condition shall be submitted to the Planning Department prior to final subdivision approval; (F) all other applicable 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 developers' 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 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 and the Planning Director acknowledges that further reports are not required; and, (I) 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 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:

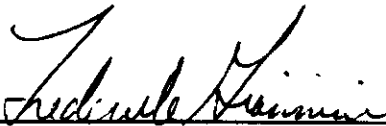
  
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COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: July 14, 1993  
Date of 1st Reading: July 14, 1993  
Date of 2nd Reading: July 28, 1993  
Effective Date: August 5, 1993

APPROVED AS TO FORM AND LEGALITY:

  
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DEPUTY CORPORATION COUNSEL

DATED: 5/17/93

