

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 132  
(Draft 2)

ORDINANCE NO. 95 116

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 SINGLE FAMILY RESIDENTIAL (RS-15) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-14:50.

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 properties 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 southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 9,292.99 feet South and 6,059.41 feet East, and running by azimuths measured clockwise from True South:

- 1. 85° 40' 222.00 feet along Lot 12, a portion of the subdivision of Lot 514-A, Waiakea Homesteads;
- 2. 175° 40' 120.00 feet along the east side of Kanoelani Street;
- 3. 265° 40' 222.00 feet along Lot 16, a portion of the subdivision of Lot 514-A, Waiakea Homesteads;
- 4. 355° 40' 120.00 feet along a portion of Waiakea Homestead Lots, 5th Series, being a portion of Lot 513-B, Waiakea Homesteads to the point of beginning and

containing an area of 26,640  
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 applicants, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Final Subdivision Approval of the proposed subdivision development shall be secured within five (5) years from the effective date of this change of zone ordinance.
- C. Accesses to the subject property shall meet with the approval of the Department of Public Works.
- D. Restrictive covenants in the deeds of all the proposed lots shall prohibit the construction of an ohana dwelling or a second dwelling unit on each lot. A copy of the covenants with this requirement shall be submitted to the Planning Department for review and approval and a copy of the approved covenants shall be recited in an instrument executed by the applicants and the County prior to final subdivision approval for any portion of the subject property. The Planning Director shall promptly deliver such document to the Bureau of Conveyances for recordation. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- E. 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.

F. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:

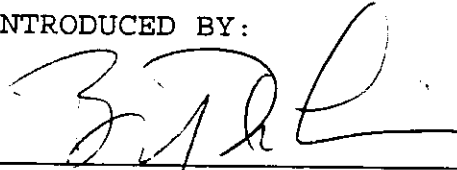
1. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
2. Granting of the time extension would not be contrary to the General Plan or Zoning Code;
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).

G. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

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:

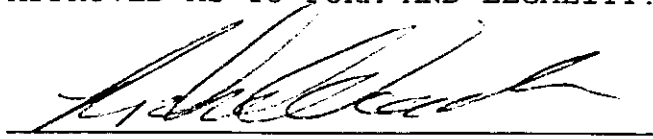


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COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

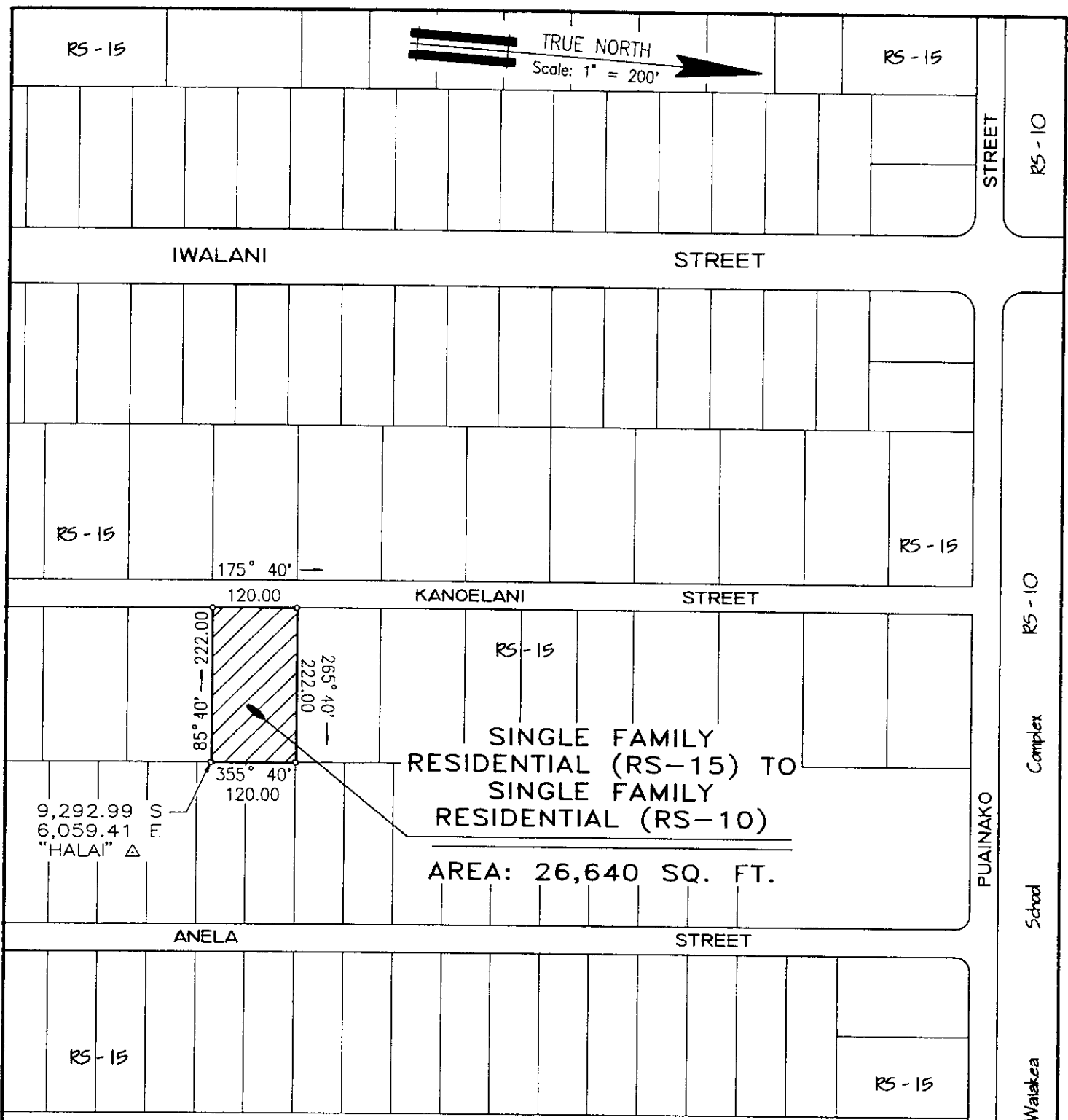
Date of Introduction: September 6, 1995  
Date of 1st Reading: September 6, 1995  
Date of 2nd Reading: September 20, 1995  
Effective Date: September 28, 1995

APPROVED AS TO FORM AND ~~LEGALITY:~~ <sup>RC</sup>



\_\_\_\_\_  
CORPORATION COUNSEL

DATE: Sept 29, 1995



TRUE NORTH  
Scale: 1" = 200'

SINGLE FAMILY  
RESIDENTIAL (RS-15) TO  
SINGLE FAMILY  
RESIDENTIAL (RS-10)  
AREA: 26,640 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 SINGLE FAMILY RESIDENTIAL (RS-15) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 2-4-14:50

JULY 5, 1995

EXHIBIT "A"

(SAKANE)



OFFICE OF THE COUNTY CLERK

County of Hawaii

Kona, Hawaii

(DRAFT 2)

Introduced By: Takashi Domingo  
 Date Introduced: September 6, 1995  
 First Reading: September 6, 1995  
 Published: N/A

REMARKS:

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Second Reading: September 20, 1995  
 To Mayor: September 22, 1995  
 Returned: September 29, 1995  
 Effective: September 28, 1995  
 Published: October 12, 1995

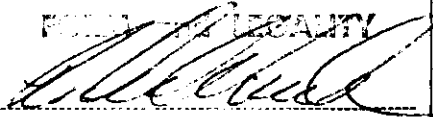
REMARKS:

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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
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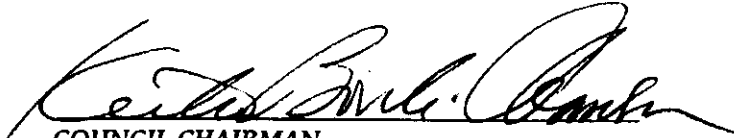
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Domingo			X	
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	8	0	1	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to  
 LEGALITY  
  
 COUNTY COUNSEL  
 COUNTY OF HAWAII

Date Sept 27, 1995  
 Approved / Disapproved this 28 day  
 of September, 1995

  
 MAYOR, COUNTY OF HAWAII

  
 COUNCIL CHAIRMAN

  
 COUNTY CLERK

Bill No.: 132 (Draft 2)  
 Reference: C-618/PC-71  
 Ord. No.: 95 116