

COUNTY OF HAWAII  STATE OF HAWAII

BILL NO. 258  
(Draft 2)

ORDINANCE NO. 98 79

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, 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-7.5) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-61:04.

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

SECTION 1. Section 25-8-33, Article 8, 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-7.5):

Beginning at the southeast corner of this parcel of land, being also the northeast corner of the intersection of Haihai Street and Maunakai Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 15,702.20 feet South and 4,061.94 feet East, thence running by azimuths measured clockwise from true South:

- |    |          |             |   |
|----|----------|-------------|---|
| 1. | 85° 40'  | 100.00 feet | along Haihai Street;  |
| 2. | 175° 40' | 200.00 feet | along the remainder of Grant 11,265 to the Heirs of Virginia C. Carey (deceased);             |
| 3. | 265° 40' | 100.00 feet | along Lot 86, Maunakai Circle Subdivision (File Plan 1290) and Maunakai Street;               |
| 4. | 355° 40' | 200.00 feet | along Maunakai Street to the point of beginning and containing an area of 20,000 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 of the proposed subdivision development shall be secured within five (5) years from the effective date of this ordinance. Plans shall also delineate a 10-foot future road widening strip and 20-foot future radius along the subject property's Haihai/Maunakai Streets frontage. At the time the County initiates road widening activity, both the future road widening and future radius portions of the property shall be subdivided and dedicated to the County of Hawaii upon its request.
- C. Should any remains of historic sites such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources - Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- D. 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.
- E. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property including the

Department of Public Works, Department of Health and Department of Water Supply.

- F. Restrictive covenants in the deeds of all the proposed residential lots within the subject property 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 Director for review and approval prior to the issuance of 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 for any portion of the subject property. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
  
- G. To ensure that the goals and policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Chapter 11, Article 1, Hawaii County Code, relating to Affordable Housing.
  
- H. 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).
- I. 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:

  
COUNCIL MEMBER, COUNTY OF HAWAII

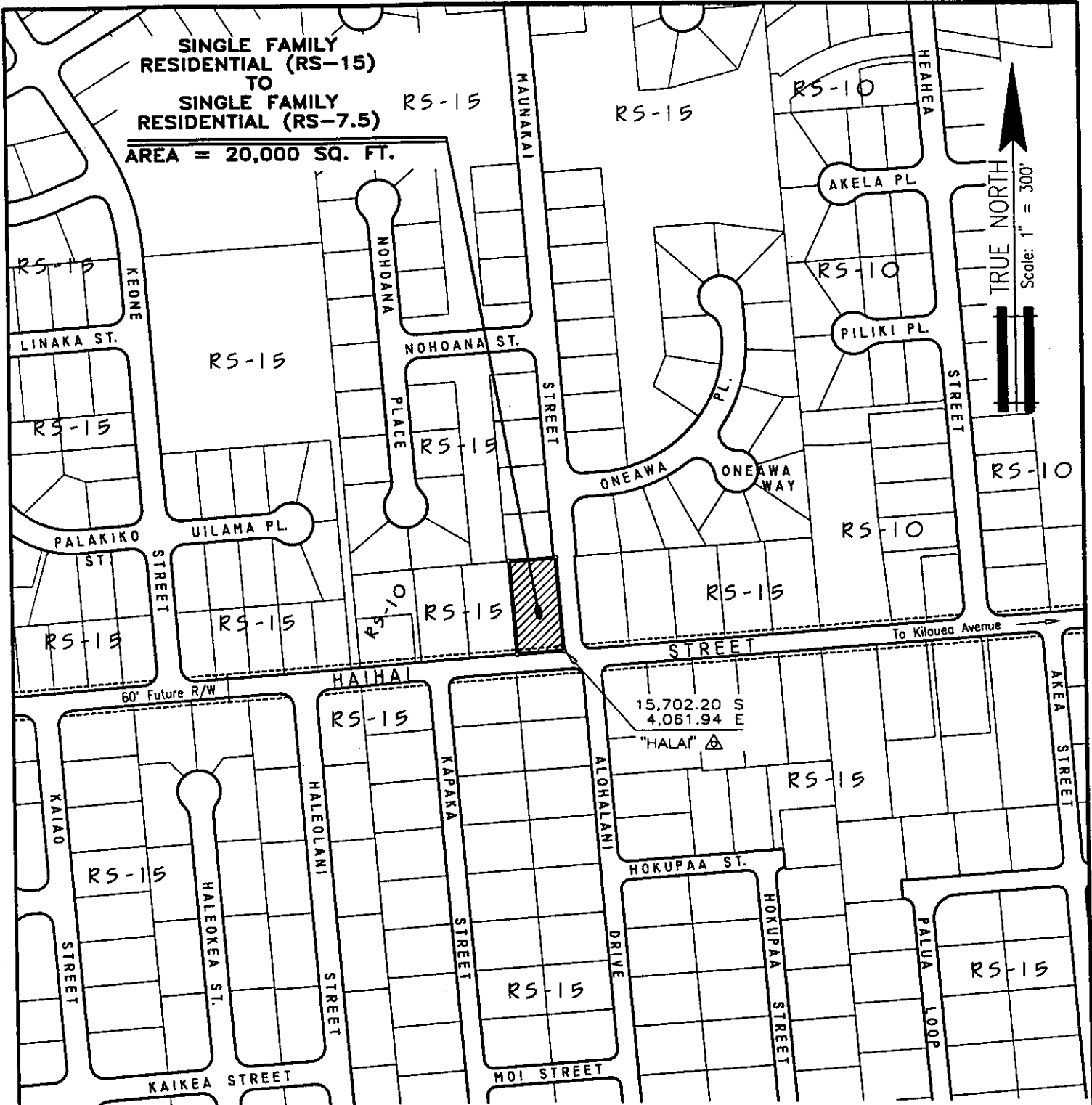
Hilo, Hawaii

Date of Introduction: July 1, 1998  
Date of 1st Reading: July 1, 1998  
Date of 2nd Reading: July 15, 1998  
Effective Date: July 24, 1998

APPROVED AS TO FORM AND LEGALITY

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

DATED: \_\_\_\_\_



# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8, 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-7.5) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
 COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RESOLVED

(DRAFT 2)

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: July 1, 1998  
 First Reading: July 1, 1998  
 Published: N/A

REMARKS:

Second Reading: July 15, 1998  
 To Mayor: July 21, 1998  
 Returned: July 24, 1998  
 Effective: July 24, 1998  
 Published: August 2, 1998

REMARKS:

98 JUL 24 PM 3:25

ROLL CALL VOTE				
COUN	AYES	NOES	ABS	EX
Arakaki COUNTY OF HAWAII	X			
Chung			X	
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith			X	
Tyler	X			
Yagong			X	
	7	0	2	0

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

APPROVED AS TO FORM AND LEGALITY:

Fredrick Kenney  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 7/21/98

Approved/Disapproved this 24 day  
 of July 1998.

John G. Omal  
 MAYOR, COUNTY OF HAWAII

Donna DeLoe  
 COUNCIL CHAIRMAN  
Donald DeLoe  
 COUNTY CLERK

Bill No.: 258 (Draft 2)  
 Reference: C-876/PC-126  
 Ord. No.: 98 79