

COUNTY OF HAWAII  STATE OF HAWAII

BILL NO. 9
(Draft 3)

ORDINANCE NO. 99 47

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-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-11:87.

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-10):

Beginning at the North west corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 13361.30 feet South and 6873.14 feet East, thence running by azimuths measured clockwise from true South:

1. 265° 40' 232.00 feet along Lot 32;
2. 355° 40' 93.88 feet along a 40 foot roadway;
3. 85° 40' 232.00 feet along Lot 36;
4. 175° 40' 93.88 feet along Lot 713-B to the point of beginning, and containing an area of 21,780 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.**
- C. Should any remains of historic sites such as rock walls, terraces, platforms, 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 an improvement district or similar arrangement be initiated in the future for curb, gutter, sidewalk, drainage and related improvements to Naniakea Street, the property owner(s) shall participate automatically in such an arrangement. Written assurance for implementation of this condition, in the form of a deed covenant, shall be submitted to the Planning Director prior to Final Subdivision Approval.**
- E. Restrictive covenants in the deeds of all the proposed 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.

- F. 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.

- G. 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.

- 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

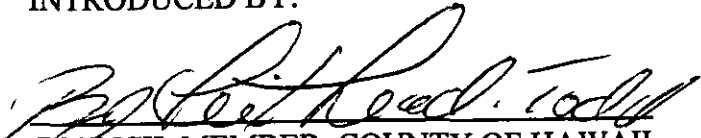
within one year may be extended for up to one additional year).

- 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.

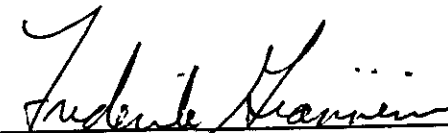
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

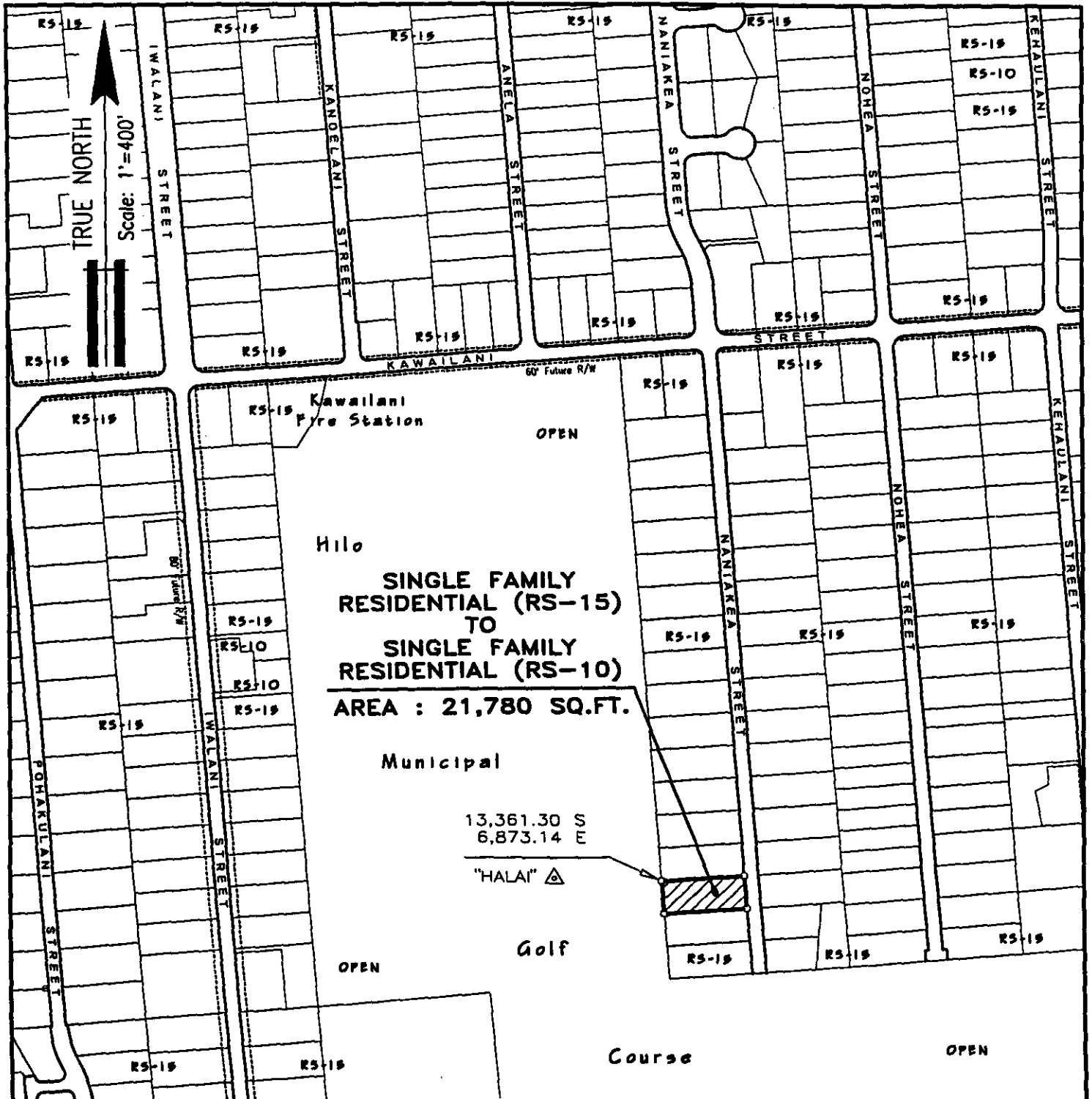
Hilo, Hawaii

Date of Introduction: April 6, 1999
Date of 1st Reading: April 6, 1999
Date of 2nd Reading: April 21, 1999
Effective Date: May 4, 1999

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL

DATED: 4/26/99



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-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 3)

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: April 6, 1999
 First Reading: April 6, 1999
 Published: N/A

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

Second Reading: April 21, 1999
 To Mayor: April 23, 1999
 Returned: May 4, 1999
 Effective: May 4, 1999
 Published: May 19, 1999 (HTH & WHT)
May 24, 1999 (RFD Publications)

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

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

APPROVED AS TO
 FORM AND LEGALITY:

Frederick Harrison
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 4/26/99

John A. ...
 COUNCIL CHAIRMAN
...
 COUNTY CLERK

Approved/Disapproved this 4 day
 of May, 1999

Steph ...
 MAYOR, COUNTY OF HAWAII

Bill No.: 9 (Draft 3)
 Reference: C-25.002/PC-4
 Ord. No.: 99 47