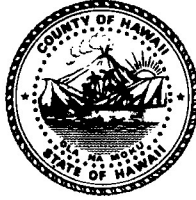


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 10 72 BILL NO. 241

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE-FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) TO SINGLE-FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-4-021:031.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-33, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waiākea, South Hilo, Hawai'i, shall be Single-Family Residential – 10,000 square feet (RS-10):

Beginning at a point at the Northeast corner of this lot on the South side of Haihai Street, being also the Northwest corner of Lot 3 of Block 2, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 15,515.59 feet South and 7,054.91 feet East, and running by azimuths measured clockwise from True South:

- 1. 355° 40' 231.40 feet along Lot 3 of Block 2;
- 2. 85° 40' 88.50 feet along remainder of Block 2;
- 3. 175° 40' 211.40 feet along the East side of Likeke Street;

Thence along a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

- 4. 220° 40' 28.28 feet;

5. 265° 40' 68.50 feet along the South side of Haihai Street to the point of beginning and containing an area of 20,393 square feet, more or less.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2005 Edition), the County Council finds the following conditions are:

Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or

- (1) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.

- A. The applicants, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.

- B. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance.

- C. The applicants shall provide a 10-foot wide future road widening setback along Haihai Street and a 5-foot wide future road widening setback along Likeke Street including a minimum 20-foot property line radius at the roads' intersection, which shall be denoted on the subdivision plat map. The future road widening setbacks shall be dedicated to the County within 5 years after receipt of Final Subdivision Approval.

- D. Restrictive covenants in the deeds of all the proposed lots shall give notice that the terms of the zoning ordinance prohibit the construction of a second dwelling unit and condominium property regimes on each lot. A copy of the proposed covenant(s) to be recorded with the State of Hawai'i 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 recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- E. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of Final Subdivision Approval.
- F. 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 – State Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-HPD when it finds that sufficient mitigation measures have been taken.
- G. The applicants shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- 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 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).
 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.
- I. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning 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.

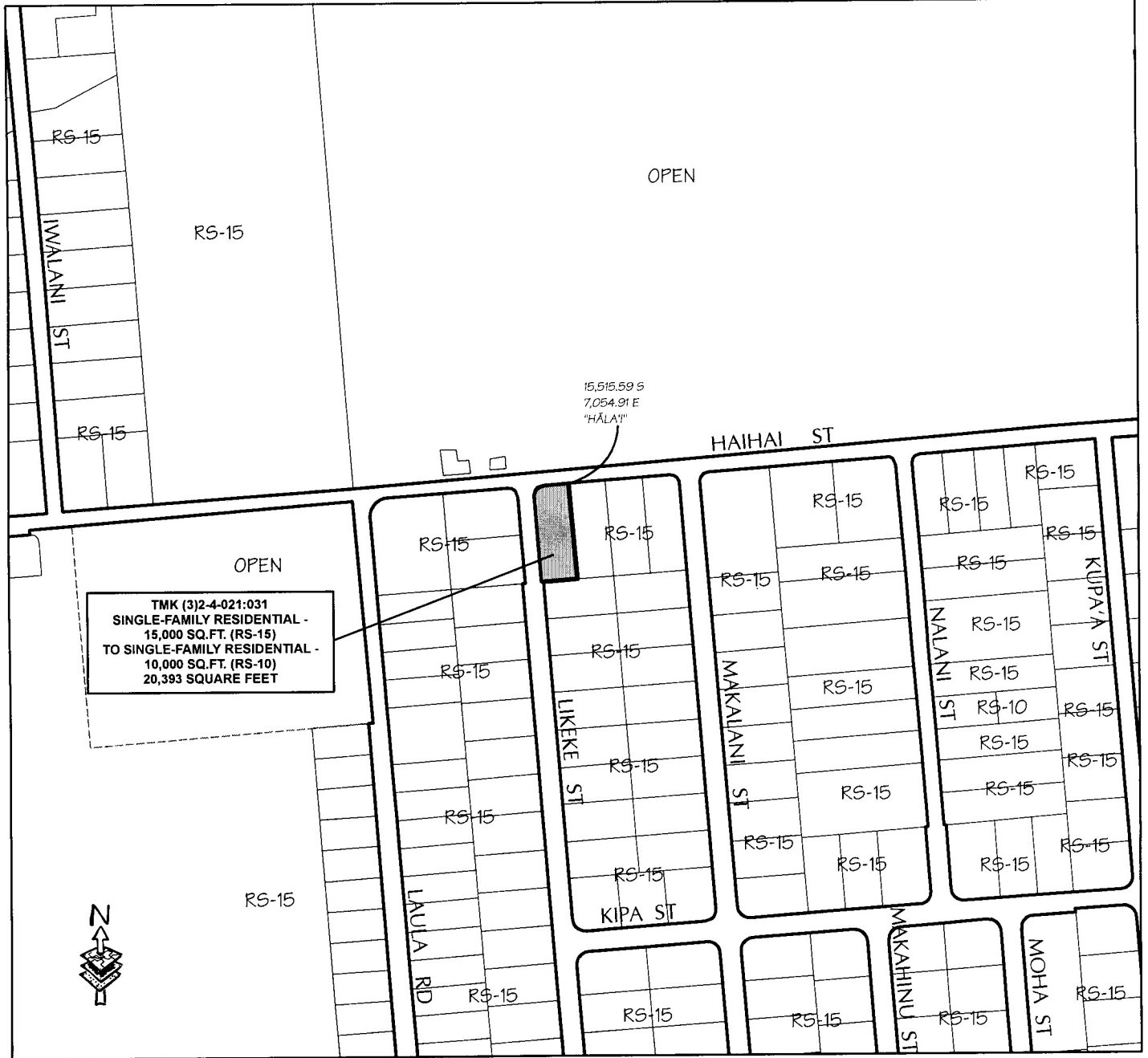
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:



 COUNCIL MEMBER, COUNTY OF HAWAI'I

 Hilo , Hawai'i
 Date of Introduction: May 19, 2010
 Date of 1st Reading: May 19, 2010
 Date of 2nd Reading: June 23, 2010
 Effective Date: July 8, 2010



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 1983 (2005 EDITION),
 BY CHANGING THE DISTRICT CLASSIFICATION FROM
 SINGLE-FAMILY RESIDENTIAL - 15,000 SQUARE FEET (RS-15)
 TO SINGLE-FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10)
 AT WAIĀKEA, SOUTH HILO DISTRICT, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

OFFICE OF THE COUNTY CLERK
 County of Hawai'i
 Hilo, Hawai'i

RECEIVED

Introduced By: Donald Ikeda
 Date Introduced: May 19, 2010
 First Reading: May 19, 2010
 Published: N/A

REMARKS: _____

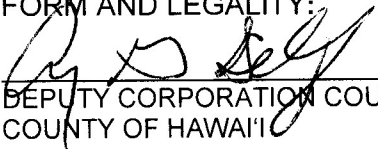
Second Reading: June 23, 2010
 To Mayor: July 1, 2010
 Returned: July 9, 2010
 Effective: July 8, 2010
 Published: July 15, 2010

REMARKS: _____

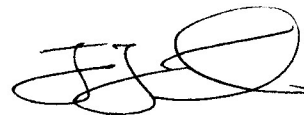
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Enriques	X			
Ford	X			
Greenwell	X			
Hoffmann	X			
Ikeda	X			
Naeole-Beason	X			
Onishi	X			
Yagong			X	
Yoshimoto	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Enriques	X			
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Naeole-Beason	X			
Onishi	X			
Yagong	X			
Yoshimoto	X			
	8	0	1	0

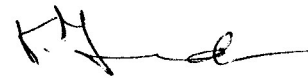
I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
 FORM AND LEGALITY:

 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date JUL 6 2010

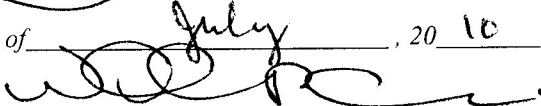


COUNCIL CHAIRMAN



COUNTY CLERK

Bill No.: 241
 Reference: C-797/PC-81
 Ord No.: 10 72

Approved/Disapproved this 8th day
 of July, 2010.

 MAYOR, COUNTY OF HAWAII

Ordinance Number 10-72

I hereby certify that the following Ordinance passed second and final reading at the meeting of the County Council on June 23, 2010, by vote, as listed below:

Ordinance 10-72 (Bill 241): An Ordinance Amending Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification From Single-Family Residential – 15,000 Square Feet (RS-15) to Single-Family Residential – 10,000 Square Feet (RS-10) at Waiākea, South Hilo, Hawai'i, Covered by Tax Map Key: 2-4-021:031. AYES: Council Members Enriques, Ford, Greenwell, Hoffmann, Naeole-Beason, Onishi, Yagong, and Chair Yoshimoto – 8; NOES: None; ABSENT: Council Member Ikeda – 1; EXCUSED: None.



Kenneth G. Goodenow
County Clerk

(Hawai'i Tribune-Herald – July 15, 2010)
(West Hawai'i Today – July 15, 2010)

Note: The original Digest/Affidavit is attached.