

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 373

ORDINANCE NO. 87 75

AN ORDINANCE AMENDING SECTION 25-95D (HALAULA-NIULII 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 VILLAGE COMMERCIAL (CV-10) AT MAKAPALA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-2-09:30.

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

SECTION 1. Section 25-95D, 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 Makapala, North Kohala, Hawaii, shall be Village Commercial (CV-10):

Beginning at a pipe in concrete at the northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NIULII" being 1941.70 feet north and 1570.00 feet west and running by azimuths measured clockwise from True South:

- 1. 287° 50' 206.00 feet along a portion of R.P. 3371, L.C. Aw. 9781 to Keliileolea to a pipe in concrete;
2. 10° 06' 85.02 feet along same to a pipe in concrete;
3. 72° 52' 244.97 feet along Government main road to a pipe in concrete;

4. 193° 35' 225.26 feet along a twelve feet wide roadway to the point of beginning and containing an area of 32,397 Square Feet or 0.744 Acre.

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 stated conditions of approval; (B) plans for the establishment of the commercial development, including landscaping and parking shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of the change of zone; (C) construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) only one access to the property from the Government Main Road shall be allowed meeting with the approval of the Department of Transportation, Highways Division; (E) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; and (F) all other applicable rules, regulations, and requirements shall be complied with.

An extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the owners, and that are not the

result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; and d) 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). Further, should any of the conditions not be met or substantially complied within 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 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.

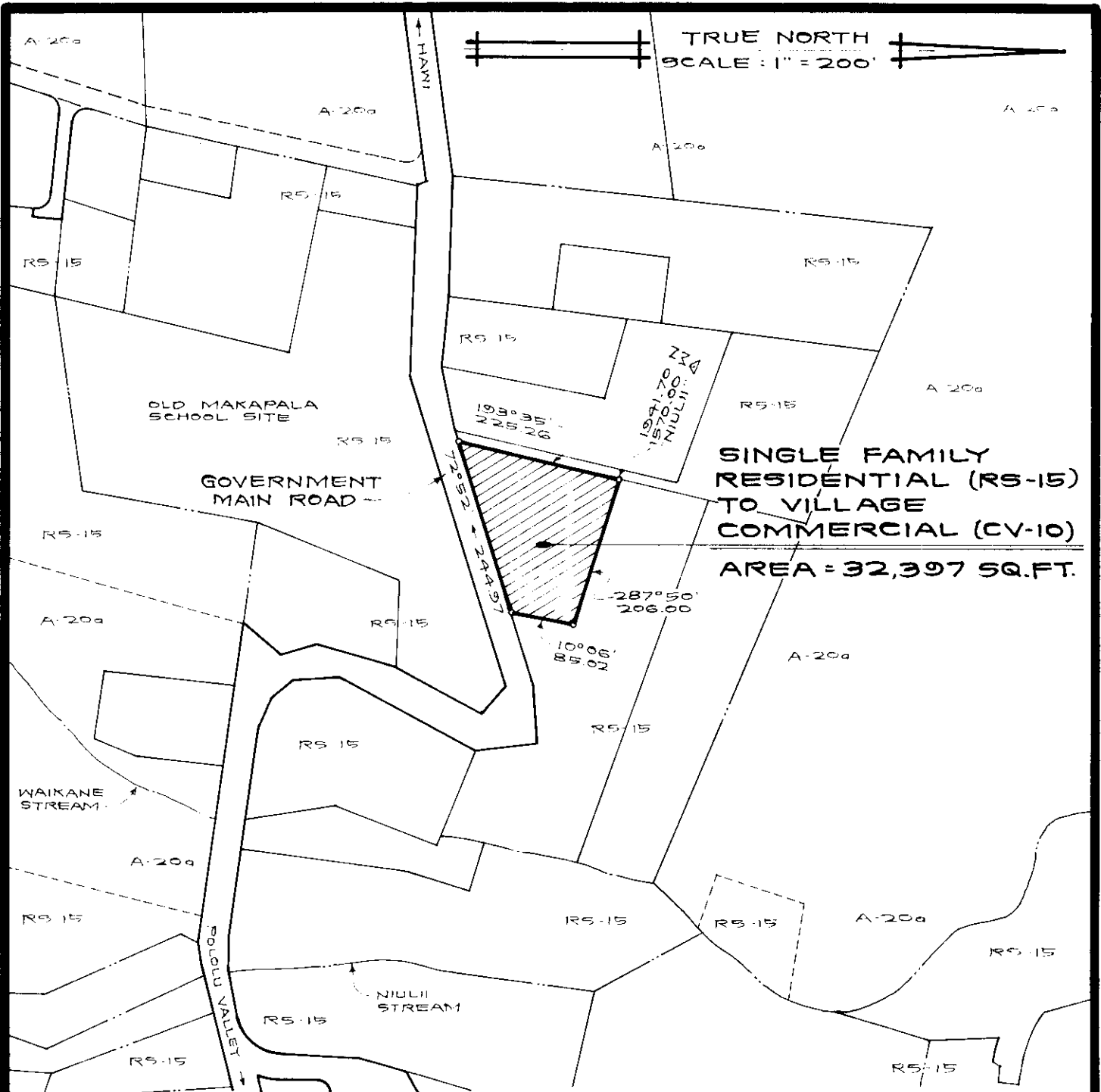
INTRODUCED BY:

Sakachi Dowling

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 15, 1987
Date of 1st Reading: June 15, 1987
Date of 2nd Reading: July 1, 1987
Effective Date: July 13, 1987



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95D (HALAULA-NIULII 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 VILLAGE COMMERCIAL (CV-10) AT MAKAPALA, NORTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII