

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 306

ORDINANCE NO. 90 114

AN ORDINANCE AMENDING SECTION 25-95H (WAIKOLOA VILLAGE ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-3) TO VILLAGE COMMERCIAL (CV-10) AT WAIKOLOA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-8-03:8(PORION).

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

SECTION 1. Section 25-95H, 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 Waikoloa, South Kohala, Hawaii, shall be Village Commercial (CV-10):

Beginning at the North corner of this parcel of land, on the boundary line of Lots 110 and 115 of Waikoloa Village, Unit 1-A (File Plan 1188), the coordinates of which referred to Government Survey Triangulation Station "PUU HINAI" being 9,756.78 feet North and 3,132.16 feet West and running by azimuths measured clockwise from true South:

1. 10° 41' 53" 220.00 feet along Lot 115 of Waikoloa Village, Unit 1-A (File Plan 1188);
2. 77° 00' 275.00 feet along Lot 115 of Waikoloa Village, Unit 1-A (File Plan 1188);
3. 228° 00' 415.52 feet along remainder of Lot 110 of Waikoloa Village, Unit 1-A (File Plan 1188) to the point of beginning and containing an area of 27,699 Square Feet or 0.636 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 applicant, successors or assigns shall comply with all the stated conditions of approval; (B) Final Plan Approval for the proposed development shall be secured within one year from the effective date of the change of zone. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum forty-five days prior to the date by which plan approval must be secured; (C) Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) A drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) Access shall meet with the requirements of the Department of Public Works; (F) The applicant shall participate in the contribution of a pro rata share of the cost of installing traffic signals at the intersection of Waikoloa Road and Paniolo Avenue as determined and when required by the Department of Public Works; (G) Comply with all applicable laws, rules, regulations and requirements; (H) 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 may, at the developer's

election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (I) An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the change of zone. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; and, (J) An 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; 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); and 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. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall 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.

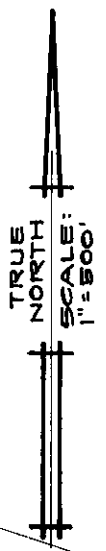
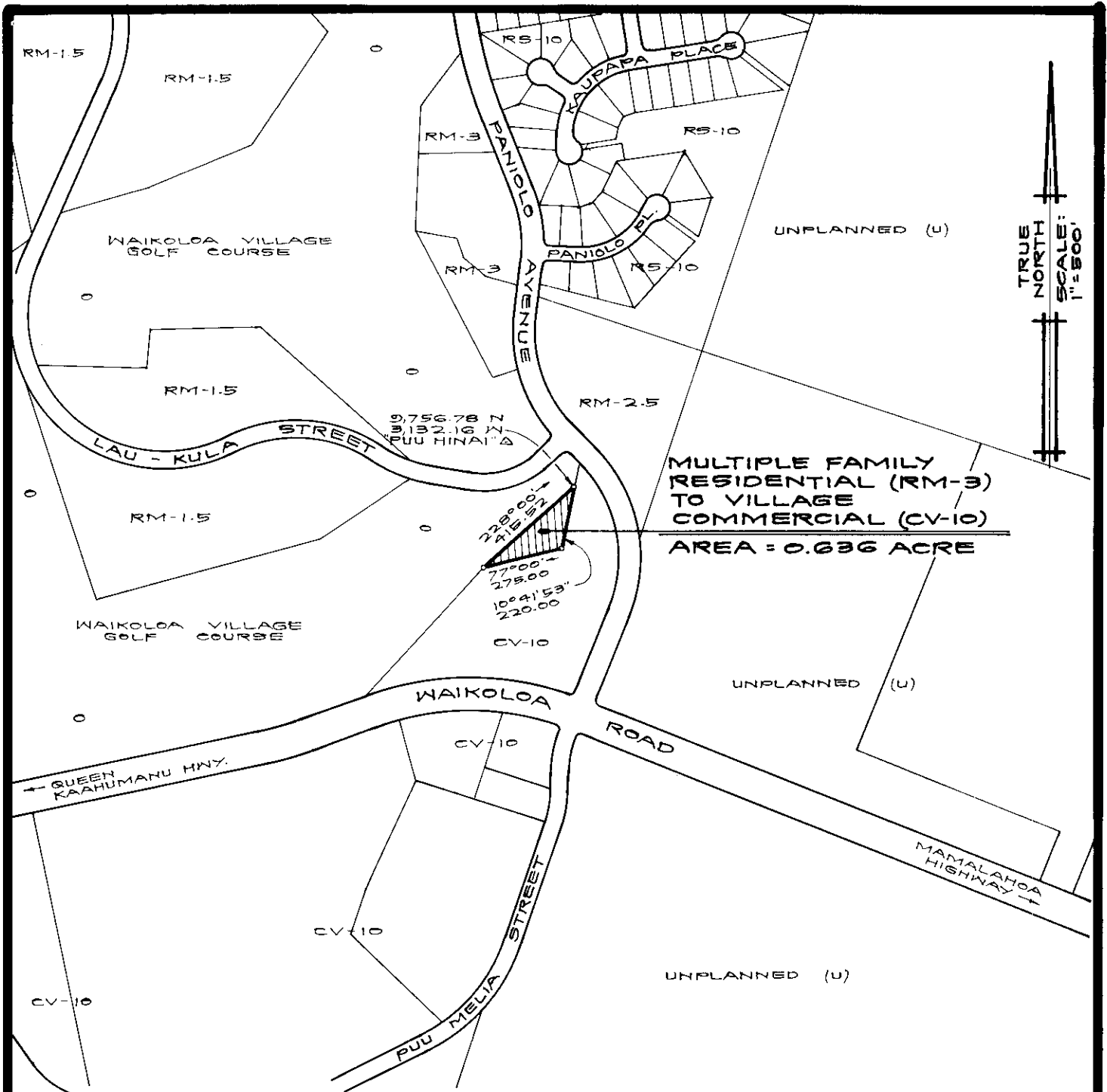
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	September 5, 1990
Date of 1st Reading:	September 5, 1990
Date of 2nd Reading:	September 19, 1990
Effective Date:	September 26, 1990



## AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95 H (WAIKOLOA VILLAGE ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-3) TO VILLAGE COMMERCIAL (CV-10) AT WAIKOLOA, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 6-8-03 : 8 (POR.)

MAY 18, 1990