

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 316
(Draft 2)

ORDINANCE NO. 94 127

AN ORDINANCE AMENDING SECTION 25-95F (KAWAIHAE-PUAKO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM RESORT-HOTEL (V-1.25) TO VILLAGE COMMERCIAL (CV-15) AT LALAMILO, WAIMEA, SOUTH KOHALA, HAWAII, COVERD BY TAX MAP KEY 6-9-03:22.

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

SECTION 1. Section 25-95F, 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 Lalamilo, Waimea, South Kohala, Hawaii, shall be Village Commercial (CV-15):

Beginning at the north corner of this lot, the west corner of Lot 82, Puako Beach Lots, and on the southeasterly side of Puako Beach Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUAKO" being 1484.08 feet South and 3250.41 feet West, as shown on Government Survey Registered Map 4027, and running by azimuths measured clockwise from True South:

- 1. 344° 29' 215.58 feet along Lot 82, Puako Beach Lots;
- 2. 57° 08' 30" 74.05 feet along L. C. Aw. 8559-B Apana 6 to W. C. Lunalilo;
- 3. 157° 18' 233.22 feet along Lot 84, Puako Beach Lots;

4. Thence to the point of beginning, along the southeasterly side of Puako Beach Road, on a curve to the right, with a radius of 798.51 feet, the cord azimuth and distance being: 250° 53' 30" 100.05 feet and containing an area of 19,366 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, its successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Access to the subject property from Puako Beach Drive shall meet with the approval of the Department Public Works.
- C. On-site drainage improvements, if required, shall be installed in a manner meeting with the approval of the Department of Public Works, prior to the issuance of a certificate of occupancy for the establishment of any commercial use on the project site.
- D. Plans for Final Plan Approval, including an overall landscaping master plan and a program for the maintenance of the landscaping master plan, shall be submitted to the Planning Director for review and approval within a minimum of forty-five days prior to the date by which Final Plan Approval must be secured.

- E. A wastewater disposal system shall be constructed in a manner meeting with the approval of the State Department of Health.
- F. A solid waste management plan shall be prepared meeting with the approval of the Department of Public Works prior to submitting plans for plan approval review. The plan shall include, but not be limited to, the management of solid waste generated from the construction and operating phase of the proposed development. Approved recommendations and mitigation measures shall be implemented at a time and in a manner meeting with the approval of the Department of Public Works.
- G. Comply with all applicable laws, rules, regulations and requirements of the affected agencies, including the Fire Department.
- 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- I. 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); and
5. If the applicant should request an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

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 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:

Isaachi Domingo
COUNCIL MEMBER, COUNTY OF HAWAII

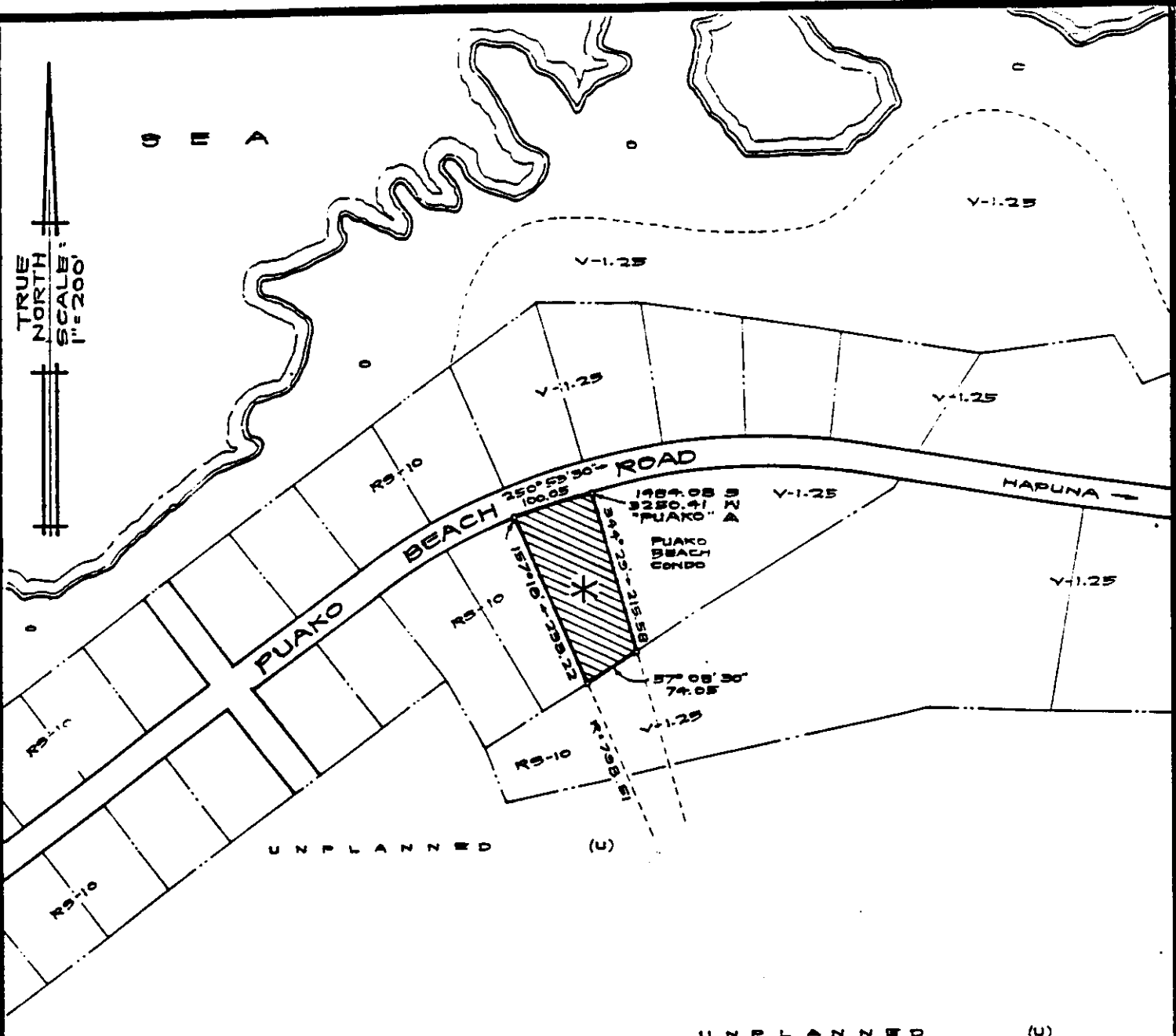
Hilo, Hawaii

Date of Introduction: November 16, 1994
Date of 1st Reading: November 16, 1994
Date of 2nd Reading: November 30, 1994
Effective Date: December 7, 1994

APPROVED AS TO FORM AND LEGALITY:

Julio A. Gomez
ASSISTANT CORPORATION COUNSEL

DATED: 12/1/94



* RESORT-HOTEL (V-1.25) TO VILLAGE COMMERCIAL (CV-15) AREA = 19,866 SQ. FT.

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95F (KAWAIHAE - PUAKO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM RESORT-HOTEL (V-1.25) TO VILLAGE COMMERCIAL (CV-15) AT LALAMILO, WAIMEA, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 6-9-03: 22

AUG. 15, 1994

CVUIDIT "A"

(GUY A. STARTSMAN)

OFFICE OF THE COUNTY CLERK

County of Hawaii
Hilo, Hawaii

RECEIVED

'94 DEC 8 AM 8 18

(DRAFT) OFFICE OF THE COUNTY CLERK

COUNTY OF HAWAII
ROLL CALL VOTE

Introduced By: Takashi Domingo
Date Introduced: November 16, 1994
First Reading: November 16, 1994
Published: N/A

REMARKS:

	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON	X			
CHILDS	X			
DE LIMA	X			
DOMINGO	X			
HALE	X			
RATH	X			
ROSEHILL	X			
SCHUTTE	X			
	9	0	0	0

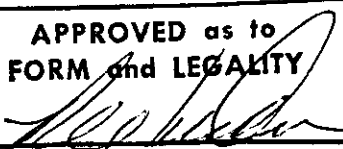
Second Reading: November 30, 1994
To Mayor: December 1, 1994
Returned: December 8, 1994
Effective: December 7, 1994
Published: December 15, 1994



REMARKS:

ROLL CALL VOTE

	AYES	NOES	ABS	EX
ARAKAKI	X			
BONK-ABRAMSON			X	
CHILDS	X			
DE LIMA	X			
DOMINGO	X			
HALE	X			
RATH	X			
ROSEHILL	X			
SCHUTTE	X			
	8	0	1	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

CORPORATION COUNSEL
COUNTY OF HAWAII
Date 12/5/94


COUNCIL CHAIRMAN

COUNTY CLERK

Approved/Disapproved this 7 day
of December, 1994


MAYOR, COUNTY OF HAWAII

Bill No.: 316 (Draft 2)
Reference: C-1326/PC-140
Ord. No.: 94 127