

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 173

ORDINANCE NO. 95 144

AN ORDINANCE AMENDING SECTION 25-95E (LALAMILO-PUUKAPU ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM NEIGHBORHOOD COMMERCIAL (CN-7.5) TO VILLAGE COMMERCIAL (CV-7.5) AT PUUKAPU, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-4-6:55.

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

SECTION 1. Section 25-95E, 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 Puukapu, South Kohala, Hawaii, shall be Village Commercial (CV-7.5):

Beginning at the west corner of this parcel of land, being the south corner of Lot 2, and on the northeasterly side of Kinohou Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WEST BASE" being 910.08 feet South and 1,107.64 feet East, thence running by azimuths measured clockwise from True South:

1. 250° 21' 192.20 feet along Lot 2;
2. 329° 07' 106.70 feet along a portion of Grant 4638 to Estate of Mrs. Helen Johnson;
3. 70° 21' 192.29 feet along Lot 5 and Lot 4;
4. 148° 34' 44" 75.49 feet along Kinohou Street;
5. Thence along Kinohou Street, along a curve to the right with a radius of 447.40 feet, the chord azimuth and distance being: 150° 34' 38" 31.20 feet to the point

of beginning and containing an area of  
20,165 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. The applicant will abide by all applicable State and County air quality, noise level and liquor control standards.
- C. 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.

D. 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

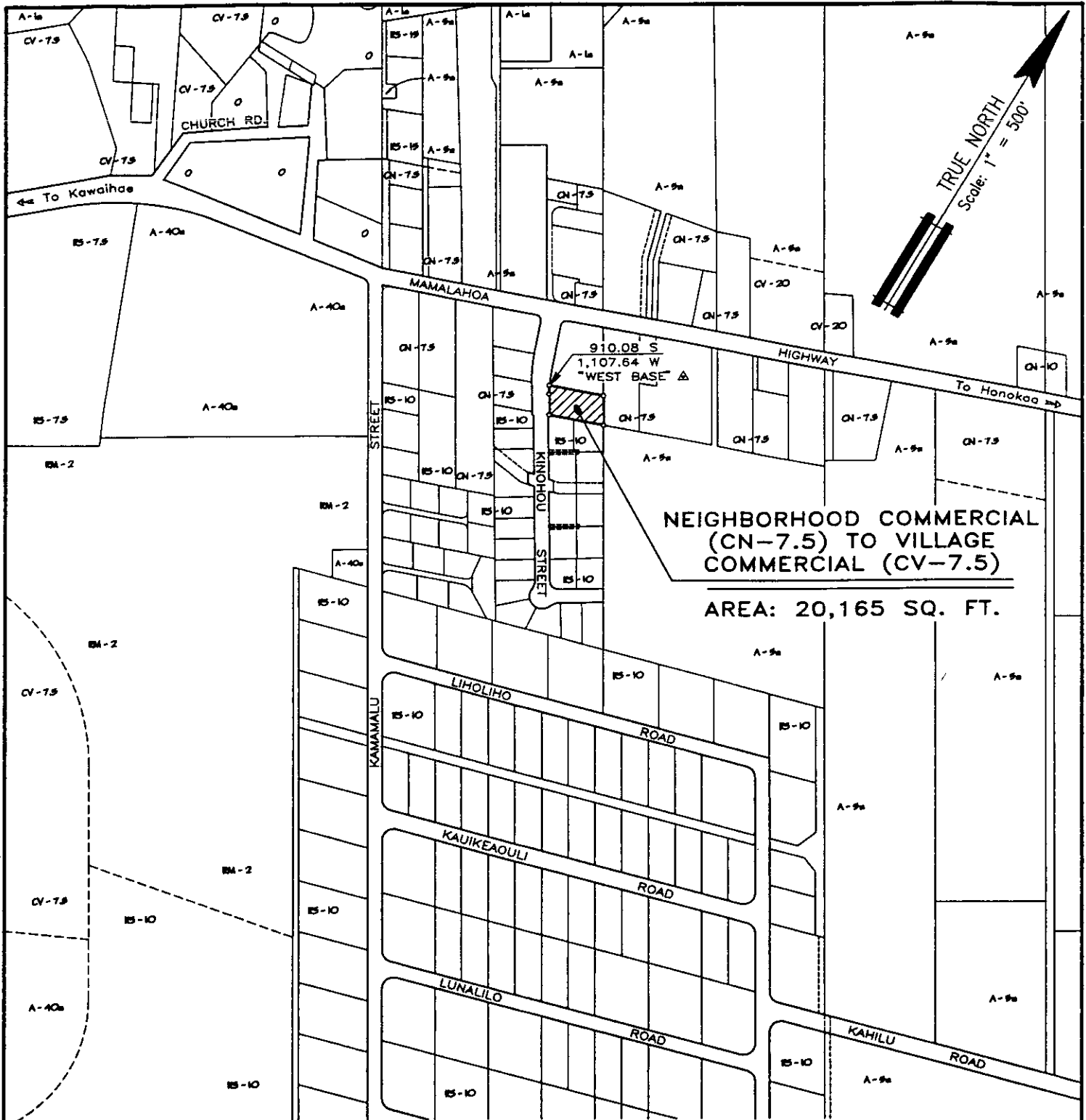
Date of Introduction: November 15, 1995  
Date of 1st Reading: November 15, 1995  
Date of 2nd Reading: December 5, 1995  
Effective Date: December 12, 1995

REFERENCE: Comm. 795

APPROVED AS TO FORM AND LEGALITY

  
DEPUTY CORPORATION COUNSEL

DATED: 12/11/95



NEIGHBORHOOD COMMERCIAL  
(CN-7.5) TO VILLAGE  
COMMERCIAL (CV-7.5)

AREA: 20,165 SQ. FT.

# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95E (LALAMILO - PUUKAPU ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM NEIGHBORHOOD COMMERCIAL (CN-7.5) TO VILLAGE COMMERCIAL (CV-7.5) AT PUUKAPU, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RECEIVED

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Introduced By: Takashi Domingo  
 Date Introduced: November 15, 1995  
 First Reading: November 15, 1995  
 Published: N/A

REMARKS:  
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ROLL CALL VOTE COUNTY CLERK				
	AYES	NOES	ABS	EX
Arakaki			X	
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
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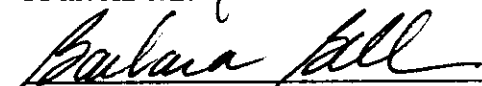
Second Reading: December 5, 1995  
 To Mayor: December 7, 1995  
 Returned: December 12, 1995  
 Effective: December 12, 1995  
 Published: December 22, 1995

REMARKS:  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	0	0

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

  
 COUNCIL CHAIRMAN

  
 COUNTY CLERK

Approved / ~~Disapproved~~ this 12 day  
 of December, 19 95.

  
 MAYOR, COUNTY OF HAWAII

Bill No.: 173  
 Reference: C-795  
 Ord. No.: 95 144