

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 87

ORDINANCE NO. 89 83

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM LIMITED INDUSTRIAL (ML-1a) TO GENERAL INDUSTRIAL (MG-1a) AT KEAHUOLU, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-4-08:2 (PORTION).

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

SECTION 1. Section 25-87, 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 Keahuolu, North Kona, Hawaii, shall be General Industrial (MG-1a):

Beginning at the Northernmost corner of this portion of Parcel 2 of Tax Map Key 7-4-08, being also a point along the southwesterly side of the existing open zoning designation, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 2,409.19 feet North and 2,123.88 feet West and running by azimuths measured clockwise from True South:

Thence, following along the existing open zoning designation and along the remainder of Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole on a curve to the left with a radius of 5,102.00 feet, the chord azimuth and distance being:

- 1. 299° 20' 31.9" 29.44 feet to a point;

2. 25° 41' 333.57 feet along Lot 1-B of the Kona Industrial Subdivision, Unit 5 (File Plan 1706) and along the existing MG-1a zoning designation to a point;

Thence, following along the remainder of Royal Patent 5681, Land Commission Award 452, Apana 12 to A. Keohokalole and along the proposed extension of Luhia Street on a curve to the right, with a radius of 5,440.00 feet, the chord azimuth and distance being:

3. 119° 58' 10.6" 29.47 feet to a point;

4. 205° 41' 333.26 feet along the remainder of Parcel 2 of TMK: 7-4-08 to and along the remainder of Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole to the point of beginning and containing an area of 0.225 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 are conditioned upon the following: (A) The applicants, successors or assigns shall comply with all of the stated conditions of approval; (B) The property (TMK: 7-4-8: Portion of 2) shall be consolidated and resubdivided with TMK: 7-4-15:16 (Lot 1-A and Lot 1-B) within one year from the effective date of the change of zone; (C) Final Plan Approval for the industrial development shall be secured from the Planning Department within one year

from the date of receipt of Final Subdivision Approval. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted; (D) Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (E) Access(es) to the property shall meet with the approval of the Department of Public Works. No access shall be allowed from the Queen Kaahumanu Highway; (F) A drainage system meeting with the requirements of the Department of Public Works shall be installed; (G) Should any unanticipated archaeological sites be uncovered during grading of the property, work within the affected area shall cease immediately. The Planning Department shall be notified and work within the affected area shall not resume until clearance has been obtained from the Planning Director; (H) The landowner shall donate an additional 0.046 acre of land fronting Queen Kaahumanu Highway to the State for roadway purposes within one year from the date of Final Subdivision Approval; (I) All other applicable laws, rules, regulations and requirements be complied with, including Change of Zone Ordinance No. 88 166; (J) 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; (K) An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the zone change. 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, (L) 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; and
- 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 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:

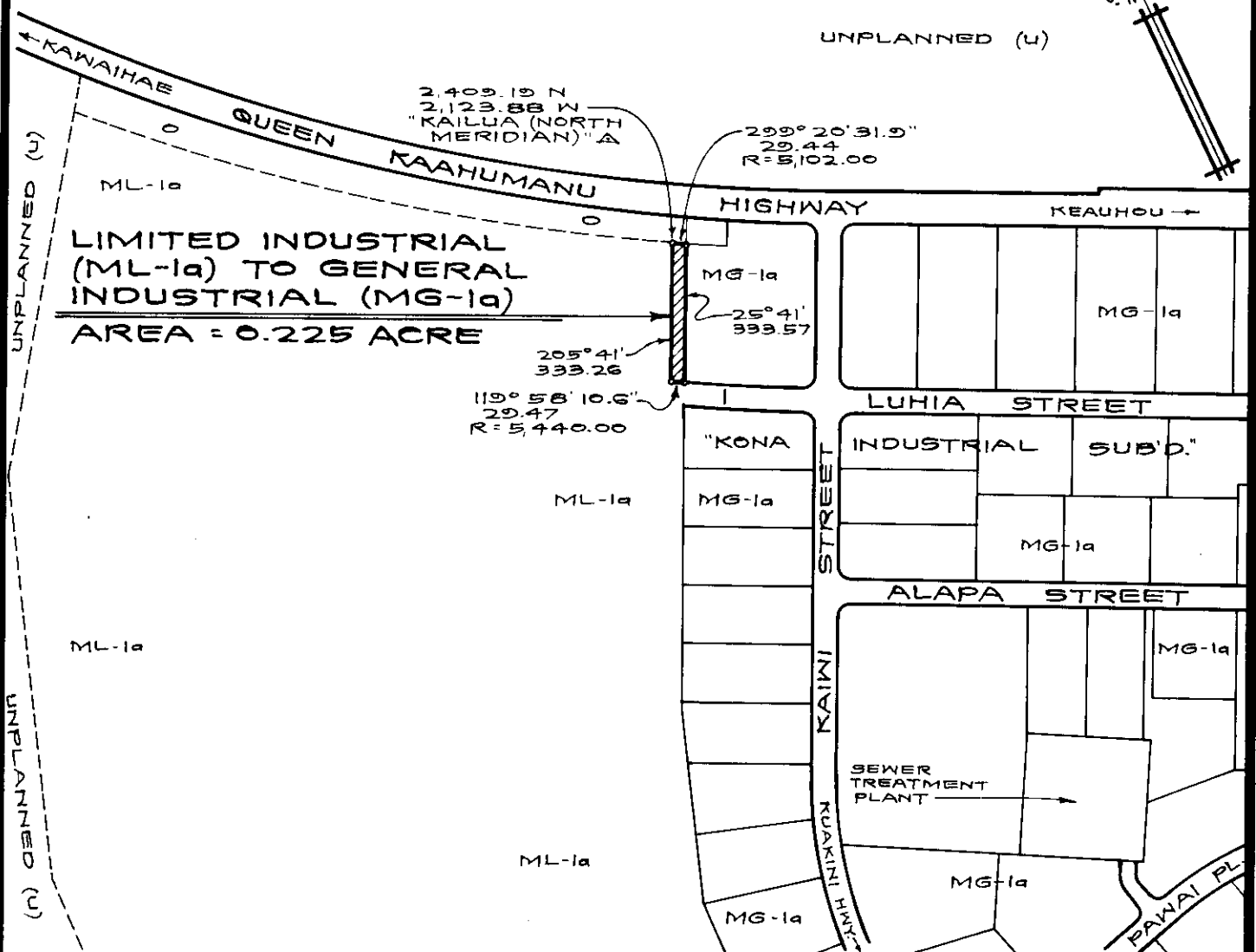
  
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COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	May 17, 1989
Date of 1st Reading:	May 17, 1989
Date of 2nd Reading:	June 7, 1989
Effective Date:	June 13, 1989

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# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM LIMITED INDUSTRIAL (ML-1a) TO GENERAL INDUSTRIAL (MG-1a) AT KEAHOLOU, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 7-4-08 : 2 (PORTION)

APRIL 4, 1989