

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 626

ORDINANCE NO. 92 85

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITIONS OF ORDINANCE 88-5, WHICH RECLASSIFIED CERTAIN LANDS FROM UNPLANNED (U) TO OPEN (O) AND LIMITED INDUSTRIAL (ML-1a) AT KEAHUOLU, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-4-08:PORTION OF 2.

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

SECTION 1. Ordinance No. 88-5 is amended as follows:

"SECTION 2. This change in district classification is conditioned upon the following: (A) the petitioner, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the property shall be zoned in two increments. The first increment shall consist of a maximum of sixty contiguous acres, and the second, the remaining area. The effective date of zoning for the second increment shall be after development has occurred in the first increment, as determined by the Planning Director.

'Development' means that building permits have been issued for industrial structures and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent of the lots proposed for the first increment; (C) the Open zoned areas shall not be included as part of the industrial lots; (D) subdivision plans for the first increment shall be submitted within one year from the effective date of this amendment; (E) an overall landscaping

master plan, which includes landscaping along the property's frontages along Queen Kaahumanu Highway and the Old Airport Road, a plant species list, identification of view corridors from within and outside of the subdivision, and a program for the maintenance of the landscaping master plan, shall be submitted to the Planning Director for review and approval prior to issuance of final subdivision approval of the first increment; (F) channelized intersection improvements shall be provided at the Queen Kaahumanu Highway meeting with the approval of the State Department of Transportation, Highways Division. Only one access shall be permitted from Queen Kaahumanu Highway. The intersection improvements shall be constructed prior to or as part of the final subdivision approval of the first increment; (G) access(es) from the Old Airport Road shall meet with the approval of the Department of Public Works; (H) no direct accesses to the lots shall be allowed from the Queen Kaahumanu Highway and the Old Airport Road; (I) all interior roadways shall be constructed in accordance with the requirements of the Department of Public Works; (J) a drainage system in accordance with the requirements of the Department of Public Works shall be installed; (K) prior to receipt of final subdivision approval, a Development Design Manual shall be prepared and submitted to the Planning Department for approval. The purpose of the manual is to provide comprehensive design principles and

guidelines for the development of the industrial lots in order to achieve a high standard of quality for the development. The manual shall include, but not be limited to, standards and guidelines relative to landscaping; open space; architectural building controls relating but not limited to appearance, siting, heights, building materials, and signs; setbacks from property lines and buildings; and ground cover ratio; (L) the method of sewage disposal shall meet with the approval of the appropriate governmental agencies; (M) an intensive archaeological survey for the property shall be conducted and [that] the survey report shall be submitted to the Planning Department and the State Department of Land and Natural Resources prior to receipt of final subdivision approval of the first increment; (N) should any salvage archaeological work be necessary as a result of condition (M), work shall be completed prior to any grading or grubbing activities; (O) should any unanticipated sites be uncovered during grading of the property, work within the affected area shall cease. The Planning Department shall be notified and work shall not resume within the affected area until clearance has been obtained from the Planning Director; [and] (P) all other applicable rules, regulations, and requirements, including those of the Department of Water Supply, shall be complied with [,and]; (Q) 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; (R) 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 [(Q)] (S) 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 of 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 may 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] shall initiate rezoning of the area to its original or more appropriate designation."

SECTION 2. Material to be deleted is bracketed. New material is underscored.

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.

This ordinance shall be effective upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

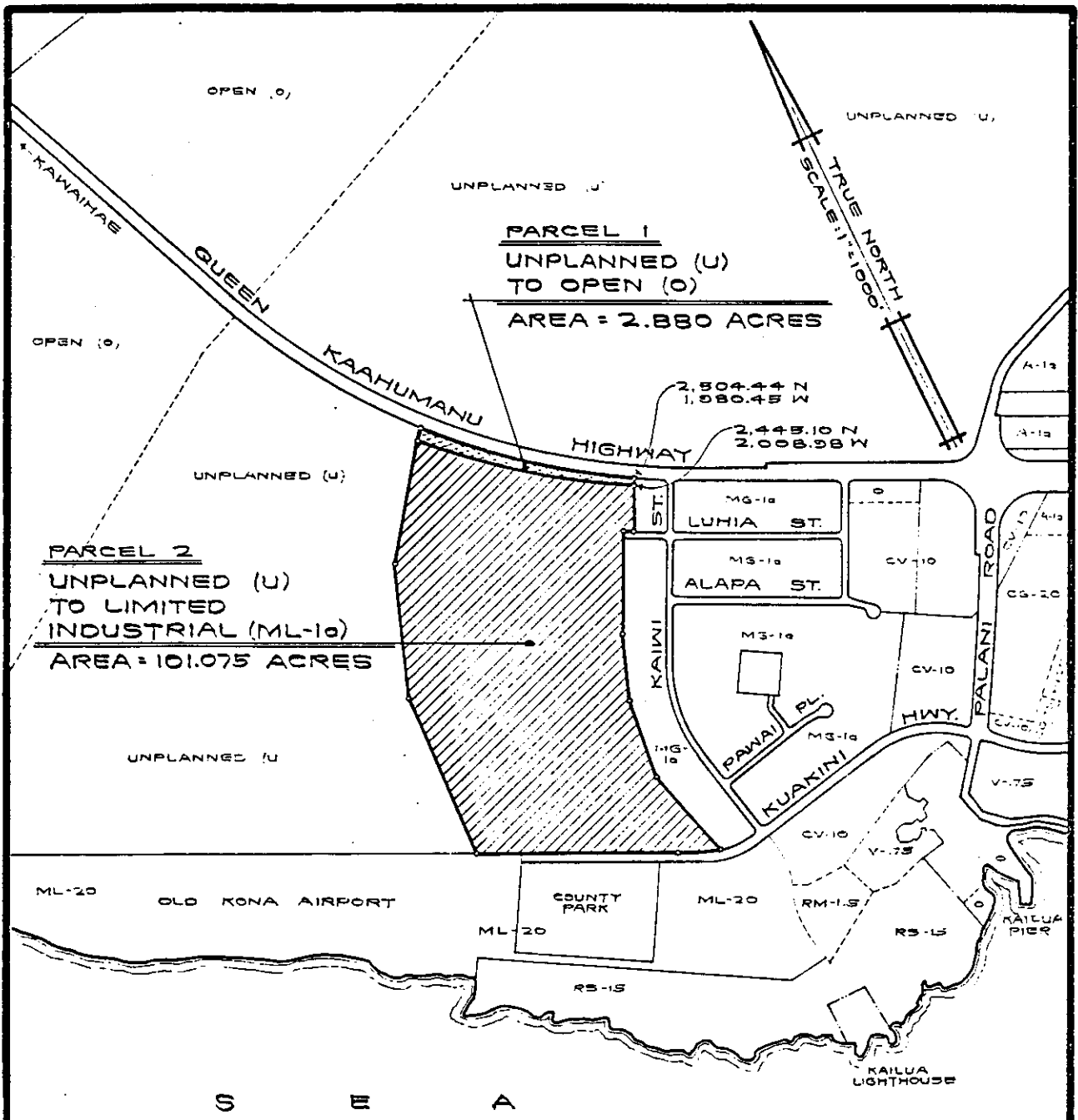
Hilo, Hawaii

Date of Introduction: July 1, 1992  
Date of 1st Reading: July 1, 1992  
Date of 2nd Reading: July 15, 1992  
Effective Date: July 22, 1992

APPROVED AS TO FORM AND LEGALITY:

  
CORPORATION COUNSEL

DATED: MAY 27 1992



NOTE:  
 COORDINATES REFERRED TO  
 "KAILUA NORTH MERIDIAN" Δ

## 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 UNPLANNED (U) TO OPEN (O) AND LIMITED INDUSTRIAL (ML-10) AT KEAHUOLU, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
 COUNTY OF HAWAII