

## COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 540

AN ORDINANCE AMENDING SECTION 7.24, THE KA'U DISTRICT ZONE MAP, ORDINANCE NO. 63 (ZONING ORDINANCE), REVISED ORDINANCES OF THE COUNTY OF HAWAII 1967, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO RESORT-HOTEL (V-1.5) IN NINOLE AND WAILAU, KA'U, HAWAII, COVERED BY PORTIONS OF TAX MAP KEY 9-5-19.

BE IT ORDAINED BY THE COUNTY COUNCIL IN AND FOR THE COUNTY OF HAWAII:

SECTION 1. Section 7.24 of Ordinance No. 63 (Zoning Ordinance), Revised Ordinances of the County of Hawaii 1967, as amended, is hereby further amended by adding thereto the following subsection:

"7.24 (d). The district classification of the following areas situated at Ninole and Wailau, Ka'u, Hawaii, shall be Resort-Hotel (V-1.5):

Beginning at the northeast corner of this parcel of land on the boundary between lands of Ninole and Wailau and on the southerly side of proposed Ninole Loop Road, the coordinates of which referred to Government Survey Triangulation Station "HILL" (Puehu) being 3,414.80 feet South and 2,432.49 feet East and running by azimuths measured clockwise from true South:

1. 310° 22' 432.70 feet along Land Commission Award 7715, Apana 15 to Lot Kamehameha;
2. 48° 47' 208.81 feet along remainder of Grant 828 to Kekaula (along State Land Use Commission's Conservation District boundary);
3. 70° 30' 127.00 feet along remainder of Grant 828 to Kekaula (along State Land Use Commission's Conservation District Boundary);
4. 62° 40' 96.00 feet remainder of Grant 828 to Kekaula (along State Land Use Commission's Conservation District Boundary);
5. 78° 20' 215.00 feet along remainder of Grant 828 to Kekaula (along State Land Use Commission's Conservation District Boundary);
6. 55° 05' 232.00 feet along remainder of Grant 828 to Kekaula (along State Land Use (Commission's Conservation District Boundary);

7. 68<sup>o</sup> 25' 200.00 feet along remainder of Grant 828 to Kekaula (along State Land Use Commission's Conservation District Boundary);
8. 75<sup>o</sup> 30' 368.00 feet along remainders of Grant 828 to Kekaula, Grant 821 to Holoua, Land Commission Award 8979, Apana 1 to Kekapaa and Grant 821 to Holoua (along State Land Use Commission's Conservation District Boundary);
9. 27<sup>o</sup> 30' 275.50 feet along remainder of Grant 821 to Holoua (along State Land Use Commission's Conservation District Boundary);
10. 54<sup>o</sup> 00' 92.34 feet along remainder of Grant 821 to Holoua (along State Land Use Commission's Conservation District Boundary);
- thence along edge of Ninole Fish Pond, the direct azimuth and distance between points at said edge of Pond being:
11. 68<sup>o</sup> 10' 132.67 feet;
12. 91<sup>o</sup> 25' 498.28 feet along remainder of Grant 821 to Holoua (along State Land Use Commission's Conservation District Boundary);
13. 258<sup>o</sup> 35' 116.13 feet along remainder of Grant 821 to Holoua (along southeasterly side of proposed Hotel Access Road);
- thence along remainder of Grant 821 to Holoua (along southeasterly side of proposed Hotel Access Road) on a curve to the left with a radius of 300.00 feet, the chord azimuth and distance being:
14. 235<sup>o</sup> 05' 239.25 feet;
15. 211<sup>o</sup> 35' 226.00 feet along remainder of Grant 821 to Holoua and Land Commission Award 7721, Apana 1 to Makaha (along the southeasterly side of proposed Hotel Access Road);
- thence along remainder of Land Commission Award 7721, Apana 1 to Makaha and Land Commission Award 8758, Apana 1 to Kaiolani (along the southeasterly side of proposed Hotel Access Road) on a curve to

the left with a radius of 1,245.00 feet, the chord azimuth and distance being:

16. 208° 17' 30" 142.97 feet;

thence along remainders of Land Commission Award 8785, Apana 1 to Kaiolani, Grant 821 to Holoua, Grant 828 to Kekaula and Land Commission Award 7313 to Kaawa (along the southeasterly side of proposed Hotel Access Road) on a curve to the right with a radius of 950.00 feet, the chord azimuth and distance being:

17. 217° 10' 400.44 feet;

18. 229° 20' 118.85 feet along remainder of Land Commission Award 7313 to Kaawa (along the southeasterly side of proposed Hotel Access Road);

thence along remainders of Land Commission Award 7313 to Kaawa and Grant 828 to Kekaula (along the southeasterly side of proposed Hotel Access Road) on a curve to the left with a radius of 317.45 feet, the chord azimuth and distance being:

19. 209° 35' 214.54 feet;

thence along remainder of Grant 828 to Kekaula (along the southeasterly side of proposed Hotel Access Road) on a curve to the right with a radius of 57.00 feet, the chord azimuth and distance being:

20. 234° 50' 80.61 feet;

21. 279° 50' 244.69 feet along remainder of Grant 828 to Kekaula (along the southerly side of proposed Ninole Loop Road);

thence along remainder of Grant 828 to Kekaula (along southerly side of proposed Ninole Loop Road) on a curve to the left with a radius of 780.00 feet, the chord azimuth and distance being:

22. 260° 20' 520.74 feet;

thence along remainder of Grant 828 to Kekaula (along southerly side

of proposed Ninole Loop Road) on a curve to the left with a radius of 420.00 feet, the chord azimuth and distance being:

23. 237° 14' 58" 52.51 feet to the point of beginning and containing an area of 20.985 acres.

"All as outlined in red on the map attached hereto, marked Exhibit "A" and by reference made a part hereof."

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) the area be serviced by a sewer system of such design and capacity and meeting such standards and criteria as shall be required or imposed by the ordinance of the County and by other applicable laws; (B) there be a water system provided which is capable of servicing the area and which is according to the standards of the Department of Water Supply; (C) all other applicable regulations be complied with; (D) any future rezoning in the area will be considered after substantial development has occurred in the rezoned area. Substantial development is defined as building permits issued, and ground broken on permanent structures on twenty-five (25) per cent of the zoned area for hotel development. For the purpose of computing the per cent of development of the first increment, it shall be understood to include the total acreage and units involved in any planned hotel or apartment, in addition to, but not limited to the building site, amenities, open space, parking areas, etc.; and (E) direct access to Ninole Cove be provided by the applicant. The location and type of access shall be determined and approved by the Planning Director at the time of "Plan Approval."

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not effect the other parts of this ordinance.

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

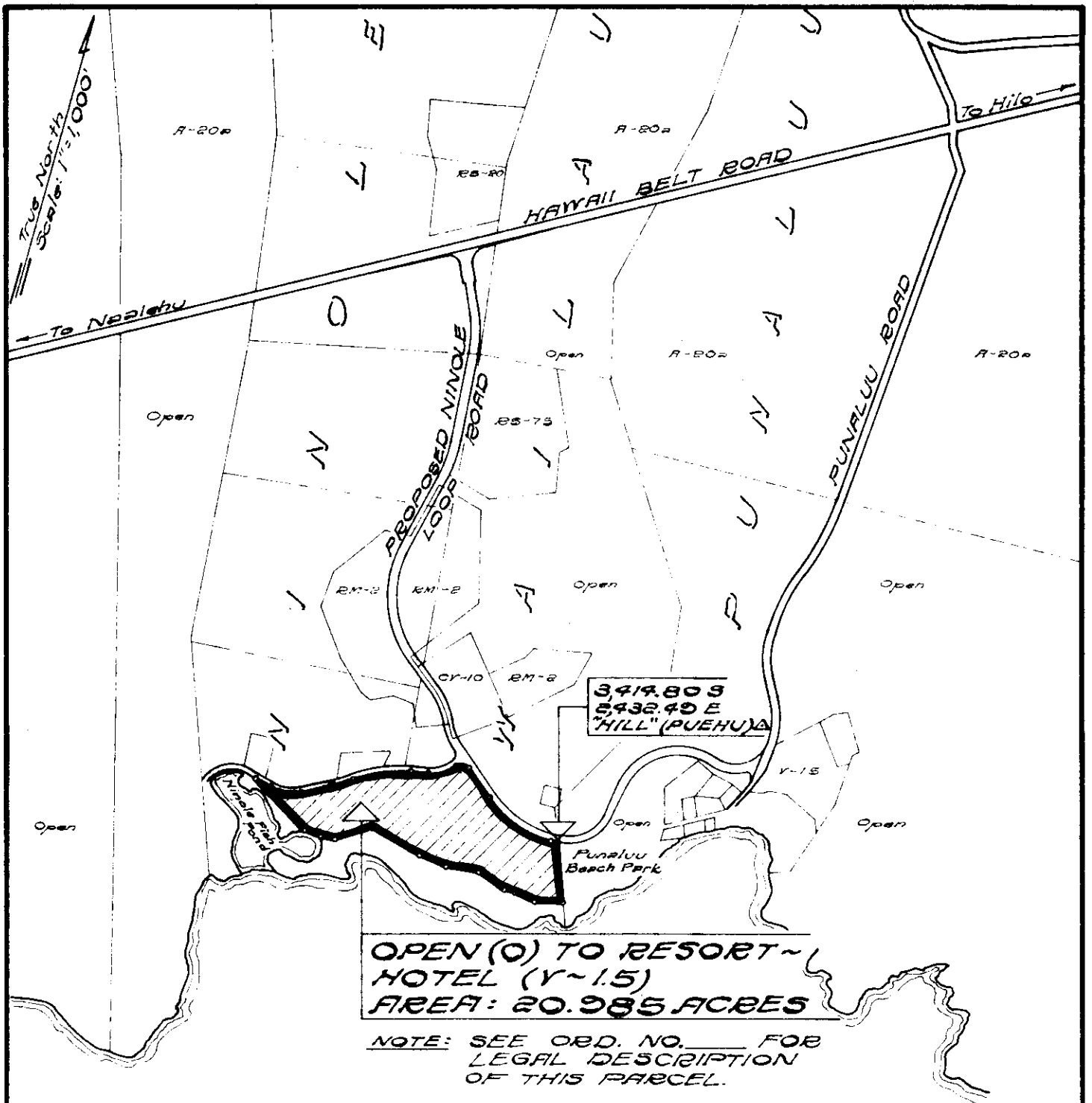
INTRODUCED BY:

  
Councilman, County of Hawaii

Hilo, Hawaii

Date of Introduction: November 9, 1972

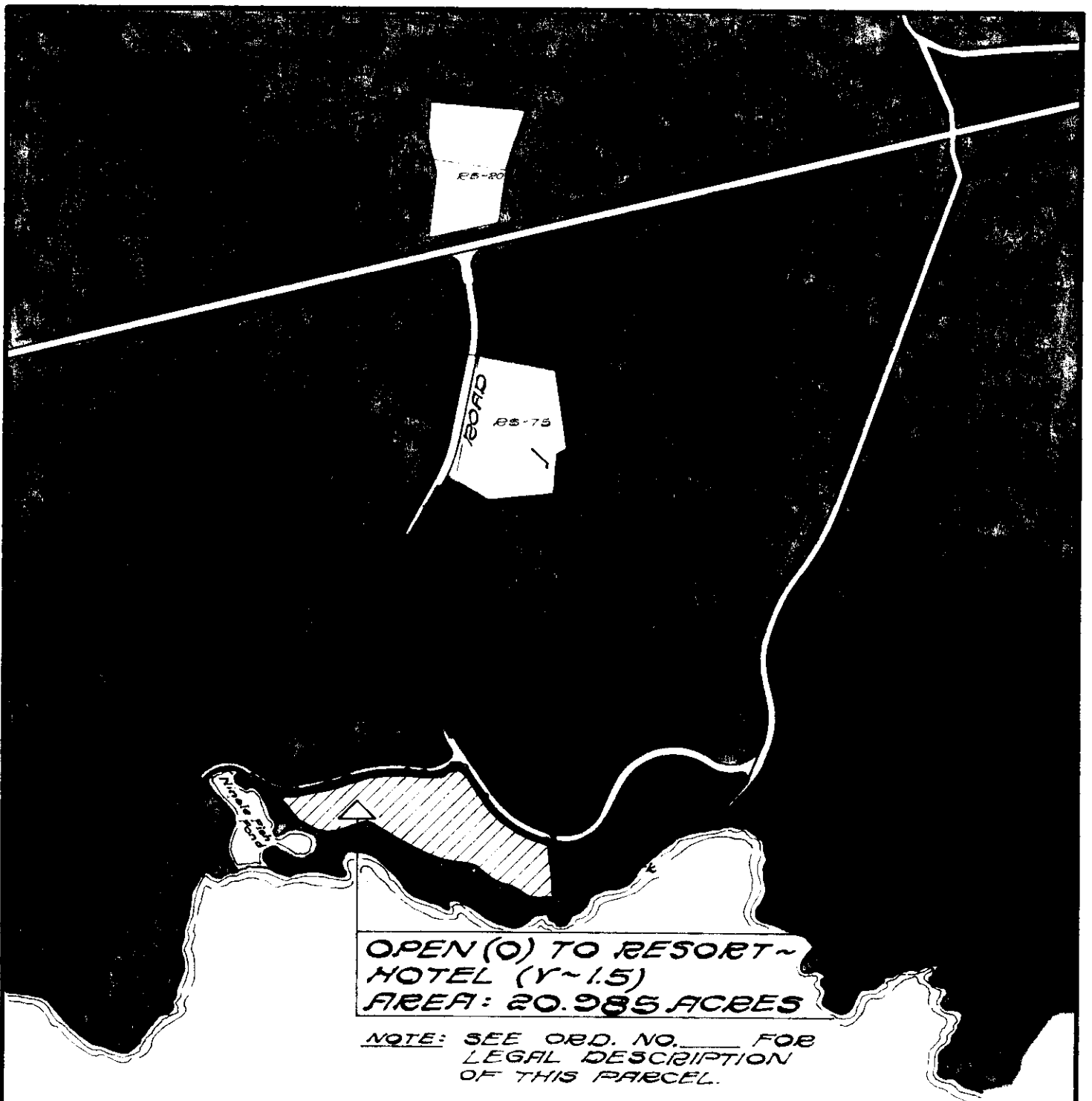
Date of Adoption: November 29, 1972



## AMENDMENT TO THE COUNTY ZONING ORDINANCE

AMENDMENT NO. 9, OF SECTION 7.29, KA'U DISTRICT ZONE MAP PORTION OF ORDINANCE NO. 111, CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO RESORT-HOTEL (Y~1.5) IN NINOLE & WAILAU, KA'U, HAWAII.

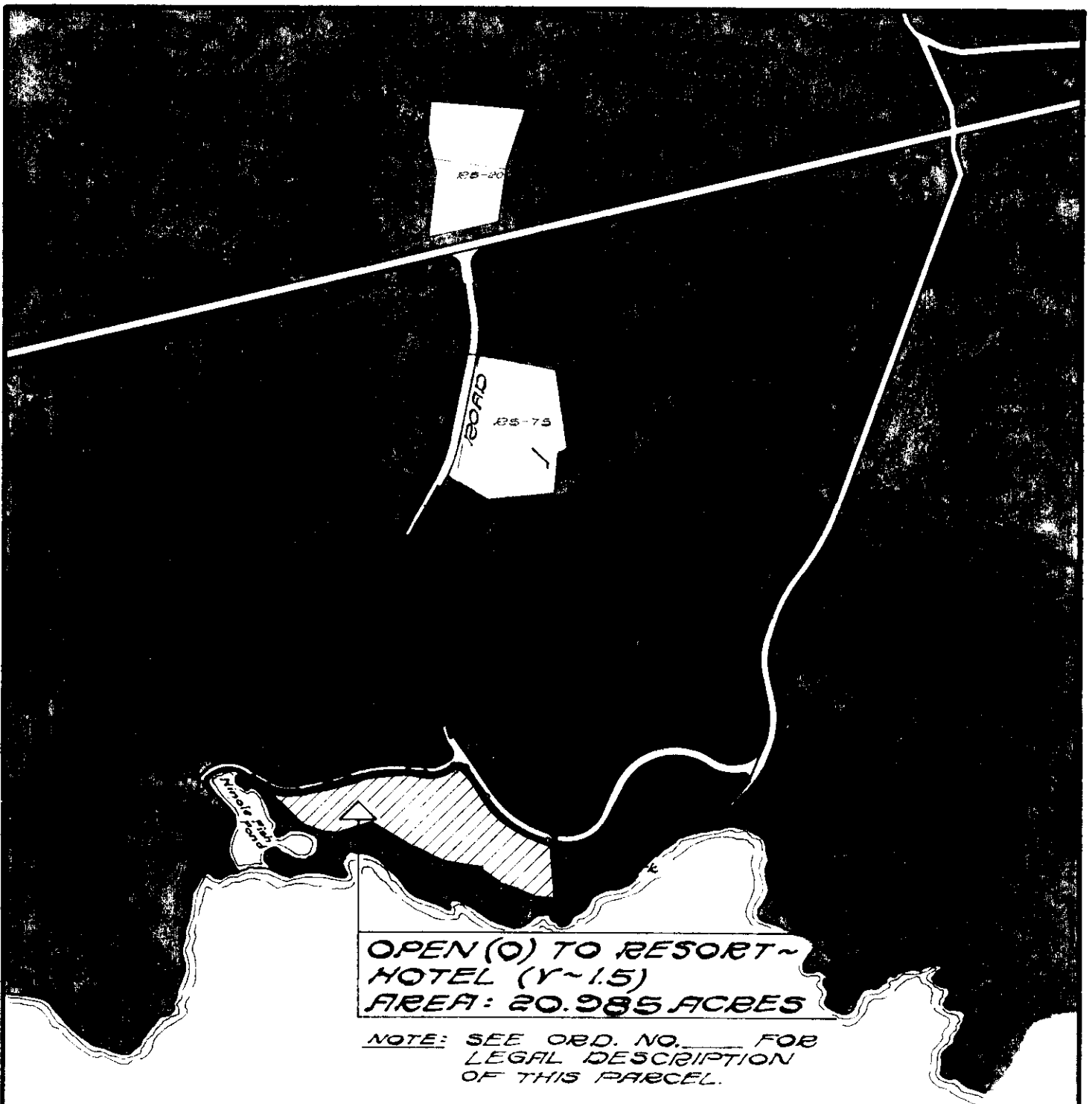
DATE OF PUBLIC HEARING: Oct. 19, 1971  
 DATE OF APPROVAL:  
 ORDINANCE NO.  
 PREPARED BY: Planning Department  
 County of Hawaii



## AMENDMENT TO THE COUNTY ZONING ORDINANCE

AMENDMENT NO. 9, OF SECTION 7.29, KA'U DISTRICT ZONE MAP, PORTION OF ORDINANCE NO. III, CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO RESORT~HOTEL (Y~1.5) IN NINOLE & WAILAU, KA'U, HAWAII.

DATE OF PUBLIC HEARING: Oct. 14, 1971  
DATE OF APPROVAL:  
ORDINANCE NO.  
PREPARED BY: Planning Department  
County of Hawaii



## AMENDMENT TO THE COUNTY ZONING ORDINANCE

AMENDMENT NO. 9, OF SECTION 7.29, KA'U DISTRICT ZONE MAP PORTION OF ORDINANCE NO. III, CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO RESORT-HOTEL (Y-1.5) IN NINOLE & WAILAU, KA'U, HAWAII.

DATE OF PUBLIC HEARING: Oct. 19, 1971  
 DATE OF APPROVAL:  
 ORDINANCE NO.  
 PREPARED BY: Planning Department  
 County of Hawaii

Hilo, Hawaii

Date: November 9, 1972

FIRST READING			
	AYES	NOES	A/E
Carpenter			EX
De Luz	X		
Edwards	X		
Greenwell	X		
Hisaoka	X		
Souza	X		
Yadao	X		
Yamada	X		
Chr Matayoshi	X		
	8	0	1

November 16, 1972

Publication Date: \_\_\_\_\_

Hilo, Hawaii

Date: November 29, 1972

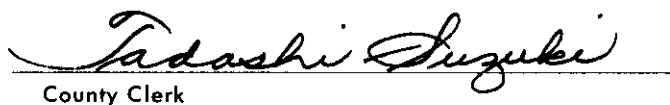
SECOND & FINAL READING			
	AYES	NOES	A/E
Carpenter			EX
De Luz	X		
Edwards	X		
Greenwell	X		
Hisaoka	X		
Souza	X		
Yadao	X		
Yamada	X		
Chr Matayoshi	X		
	8	0	1

December 10, 1972

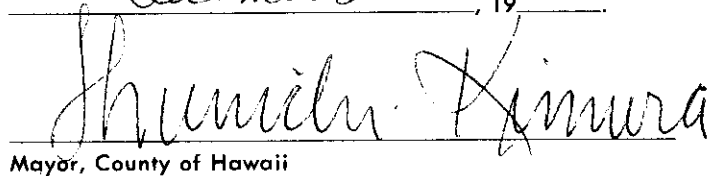
Publication Date: \_\_\_\_\_

We 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<sup>th</sup> day of  
December, 1972

  
 Mayor, County of Hawaii

Bill No. 938  
 Reference: C-2159/PEDLC-90  
 M.B. No. 2037, 2066  
 ORD. **540**



Bill No. 938 - 1972

AN ORDINANCE AMENDING SECTION 7.24, THE KA'U DISTRICT ZONE MAP, ORDINANCE NO. 63 (ZONING ORDINANCE), REVISED ORDINANCES OF THE COUNTY OF HAWAII 1967, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO RESORT-HOTEL (V-1.5) IN NINOLE AND WAILAU, KA'U, HAWAII, COVERED BY PORTIONS OF TAX MAP KEY 9-5-19.

This Bill proposes to amend the Ka'u District Zone Map by changing the district classification of land from an Open (O) to a resort-hotel (V-1.5) zoned district in Ninole and Wailau, Ka'u, Hawaii.

Date Introduced: November 9, 1972

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

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I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on November 9, 1972, by the following aye and no vote:


AYES: Councilmen De Luz, Edwards, Greenwell, Hisaoka, Souza, Yadao, Yamada and Chairman Matayoshi - 8.

NOES: None.

EXCUSED FROM VOTING: Councilman Carpenter - 1.



COUNTY CLERK  
COUNTY OF HAWAII



AN ORDINANCE AMENDING SECTION 7.24, THE KA'U DISTRICT ZONE MAP, ORDINANCE NO. 63 (ZONING ORDINANCE), REVISED ORDINANCES OF THE COUNTY OF HAWAII 1967, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO RESORT-HOTEL (V-1.5) IN NINOLE AND WAILAU, KA'U, HAWAII, COVERED BY PORTIONS OF TAX MAP KEY 9-5-19.

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Date Introduced: November 9, 1972

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AYES: Councilmen De Luz, Edwards, Greenwell, Hisaoka, Souza, Yadao, Yamada and Chairman Matayoshi—8.

NOES: None.

EXCUSED FROM VOTING: Councilman Carpenter—1.

Tadashi Suzuki  
COUNTY CLERK  
COUNTY OF HAWAII

ORDINANCE NO. 540  
(Bill No. 938-1972)

AN ORDINANCE AMENDING SECTION 7.24, THE KA'U DISTRICT ZONE MAP, ORDINANCE NO. 63 (ZONING ORDINANCE), REVISED ORDINANCES OF THE COUNTY OF HAWAII 1967, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO RESORT-HOTEL (V-1.5) IN NINOLE AND WAILAU, KA'U, HAWAII, COVERED BY PORTIONS OF TAX MAP KEY 9-5-19.

Date Approved: November 29, 1972  
Date Effective: December 1, 1972

Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

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I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on November 29, 1972, by the following aye and no vote:

AYES: Councilmen De Luz, Edwards, Greenwell, Hisaoka, Souza, Yadao, Yamada and Chairman Matayoshi - 8.

NOES: None.

EXCUSED FROM VOTING: Councilman Carpenter - 1.

*Tadashi Suzuki*  
COUNTY CLERK  
COUNTY OF HAWAII

AN ORDINANCE AMENDING SECTION 7.24, THE KA'U DISTRICT ZONE MAP, ORDINANCE NO. 63 (ZONING ORDINANCE), REVISED ORDINANCES OF THE COUNTY OF HAWAII 1967, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO RESORT-HOTEL (V-1.5) IN NINOLE AND WAILAU, KA'U, HAWAII, COVERED BY PORTIONS OF TAX MAP KEY 9-5-19.

Date Approved: November 29, 1972  
Date Effective: December 1, 1972

Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on November 29, 1972, by the following aye and no vote:

AYES: Councilmen De Luz, Edwards, Greenwell, Hisaoka, Souza, Yadao, Yamada and Chairman Matayoshi - 8.

NOES: None.

EXCUSED FROM VOTING: Councilman Carpenter - 1.

Tadashi Suzuki  
COUNTY CLERK  
COUNTY OF HAWAII

Tadashi Suzuki  
COUNTY CLERK



Robert Shioji  
DEPUTY COUNTY CLERK

**OFFICE OF THE COUNTY CLERK**  
COUNTY OF HAWAII  
HILO, HAWAII 96720

Mayor Shunichi Kimura  
County of Hawaii  
Hilo, Hawaii

I hereby transmit Ordinance Bill No. 938 passed by  
the County Council on second and final reading.

*Tadashi Suzuki*  
COUNTY CLERK

Encl.

Dated: November 29, 1972