

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 189

ORDINANCE NO. 86 71

AN ORDINANCE AMENDING SECTION 25-87 (THE NORTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, RELATING TO THE MODIFICATION OF A CONDITION TO THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO AGRICULTURAL (A-3a) AT KALAOA 5TH, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-05:9.

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 Kalaoa 5th, North Kona, Hawaii, shall be Agricultural (A-3a):

Beginning at the Southeasterly corner of this parcel of land, being also a point on the Westerly side of the Hawaii Belt Road (F.A.P. No. F-10(5)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 8,933.55 feet South and 8,514.56 feet West and running by azimuths measured clockwise from True South:

Thence, for the next five (5) courses following along Parcel 3 and along the remainder of Grant 2972 to Kaapau and Kama:

- 1. 97° 09' 45" 784.77 feet to a point;
2. 98° 43' 243.85 feet to a point;
3. 92° 16' 170.70 feet to a point;
4. 100° 40' 188.45 feet to a point;
5. 95° 46' 1,044.55 feet to a point;

6. 175° 27' 15" 632.52 feet along Lot 1, Hi'olani Street, Lots 13, 14 and 15 of Kona Acres Subdivision Unit I, Increment "B" (File Plan 1550) to a point;
7. 276° 38' 13" 2,525.83 feet along Lots 30, 29, 28, 27 and 26, Ili'Ili Street, Lots 32, 33, 34 and 35 of Kona Acres Subdivision, Unit I, Increment "B" (File Plan 1550) to a point;
8. 6° 46' 209.40 feet along the Westerly side of the Hawaii Belt Road (F.A.P. No. F-10(5)) to a point;

Thence, following along Parcel 3 and along the remainder of Grant 2972 to Kaapau and Kama on a curve to the left with a radius of 2,904.79 feet, the chord of azimuth and distance being:

9. 2° 41' 42" 412.50 feet to the remainder of Grant 2972 to Kaapau and Kama the point of beginning and containing an area of 34.892 Acres.

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 petitioners, their successors or assigns, shall be responsible for complying with all of the stated conditions of approval; (B) a variance application, requesting a variance from the subdivision code water requirement, shall be submitted to the Planning Department within one year from the effective date of the change of zone; (C) subdivision plans shall be submitted within

one year from the effective date of the variance. Final subdivision plans shall be submitted within one year from the effective date of the tentative subdivision approval;

(D) restrictive deed covenants for all of the lots shall be submitted to the Planning Department for review and approval prior to its submittal to the Bureau of Conveyances for recordation with final subdivision plat maps. These covenants shall include but not necessarily be limited to a restriction on the further conveyance of the subject parcels, beyond the families of the ten original heirs, unless one of the following conditions are met: (1) a valid commitment for water services is available, (2) water service is available to the subject parcel, or (3) a water catchment system, that satisfies any County standards which may be adopted for such a system, is available to the subject parcel. The restrictive covenants contained herein are encumbrances running with the land, and shall be binding on all parties and persons claiming under them until such time that the change of zone ordinance is amended;

(E) [a 10-foot wide, no vehicle access, planting screen easement shall be provided along the frontage of all lots bordering the State Highway. No access will be given to the State Highway;] all access shall be from the interior roads, with the exception of two of the proposed lots fronting the Hawaii Belt Road. A 10-foot wide, 'no vehicle access,' planting screen easement along the frontage of the two proposed


lots which border the Hawaii Belt Road, exclusive of the access points, shall be provided. Further, any access connection to the Hawaii Belt Road shall meet with the standards of the State Department of Transportation, Highways Division; and (F) all other applicable rules, regulations and requirements shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate zoning designation may be initiated.

SECTION 3. Material to be deleted is bracketed. New material is underscored.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

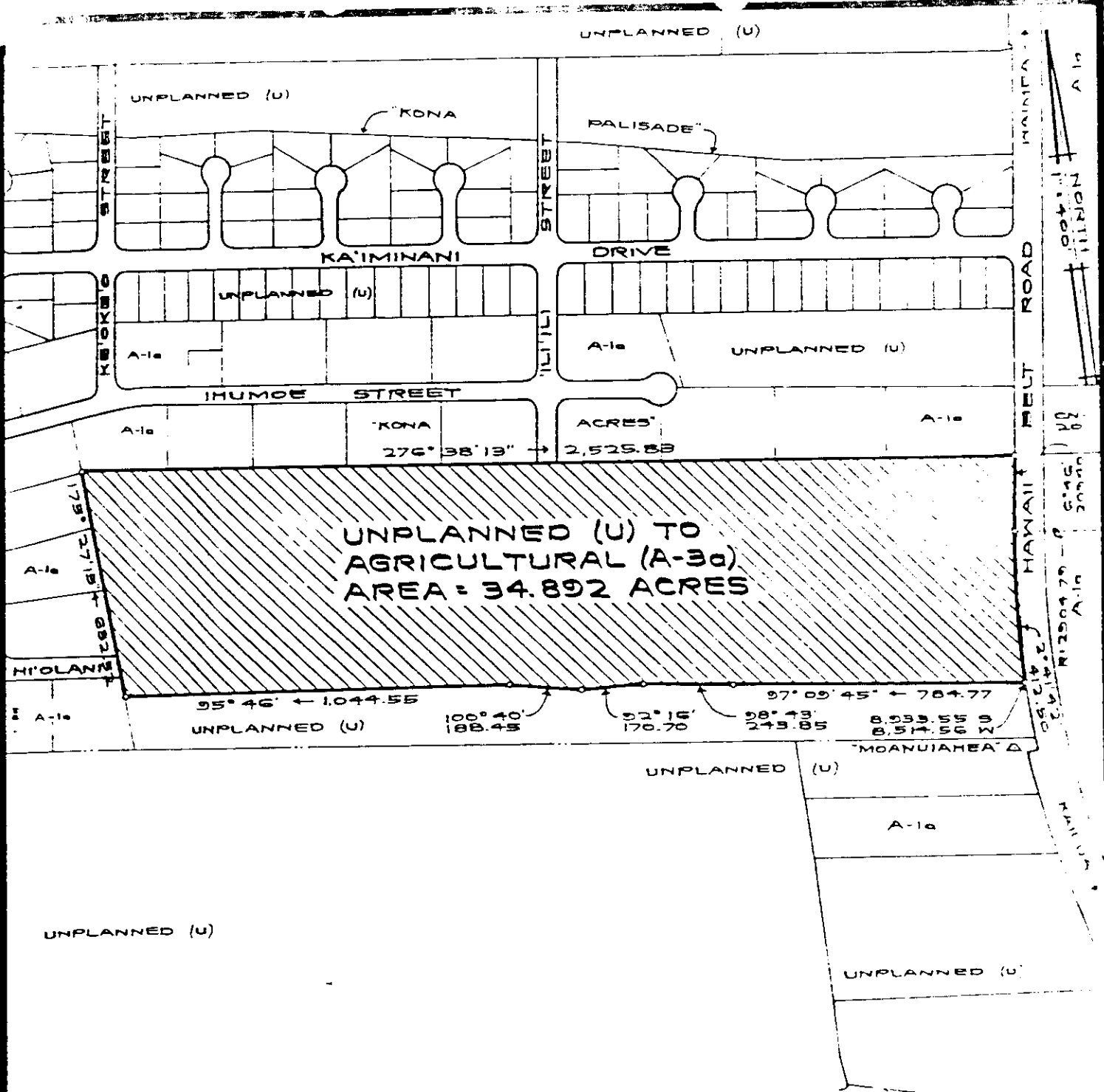
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 4, 1986
Date of 1st Reading: June 4, 1986
Date of 2nd Reading: June 17, 1986
Effective Date: June 25, 1986



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 AGRICULTURAL (A-3a) AT KALAOA 5TH, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-3-05: 9

SEPT. 11, 1985

EXHIBIT "A"