

COUNTY COUNCIL INITIATED
BILL 126
RELATING TO SPECIAL DISTRICTS

AMENDMENT TO CHAPTER 25, ARTICLES 1, 3, 4, 5 AND 7 OF THE
HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED)
(PL-CCI-2026-000015)

PRESENTED AT THE MAY 6, 2026 WINDWARD PLANNING
COMMISSION HEARING

COUNTY COUNCIL'S REQUEST

- BILL 126 SEEKS TO AMEND THE ZONING CODE TO ADD, DELETE, AND AMEND ARTICLES RELATED TO THE ESTABLISHMENT OF THE DOWNTOWN PĀHOA COMMERCIAL (DPC) ZONING DISTRICT AS A SPECIAL DISTRICT, AS FOLLOWS:
 - ADD THE DOWNTOWN PĀHOA COMMERCIAL ZONING DISTRICT (DPC) TO THE LIST OF SPECIAL DISTRICTS IN SECTION 25-3-2.
 - ADD DEFINITIONS FOR NEW LAND USES PERMITTED IN THE DPC: “CO-WORKING AND INNOVATION HUB”, “CREATIVE MEDIA SPACE”, AND “CULTURAL ENTERPRISE.”
 - ADD A NEW DIVISION TO ARTICLE 7 THAT IDENTIFIES THE PURPOSE AND APPLICABILITY OF THE DPC, IDENTIFIES 53 PERMITTED LAND USES, AND ESTABLISHES A HEIGHT LIMIT OF 30 FEET, A MINIMUM BUILDING SITE AREA OF 7,500 SQUARE FEET, A MINIMUM BUILDING SITE AVERAGE WIDTH OF 50 FEET, AND NO MINIMUM YARDS, EXCEPT AS REQUIRED BY PLAN APPROVAL.
 - AMEND SECTION 25-4-59.2 BY DELETING CURRENT PARKING REQUIREMENTS AND ADDING THAT PROPERTIES IN THE DPC DO NOT REQUIRE OFF-STREET PARKING AND LOADING, EXCEPT AS REQUIRED BY PLAN APPROVAL.

REASON FOR REQUEST

- ACCORDING TO THE BILL'S INTRODUCER, THE PURPOSE OF BILL 126 IS TO ESTABLISH THE DPC ZONING DISTRICT, WITH THE FOLLOWING GOALS:
 - ENCOURAGE A DYNAMIC TOWN WHERE ENVIRONMENT, CULTURE, COMMERCE, AND COMMUNITY COEXIST HARMONIOUSLY.
 - SUPPORT DIVERSE ECONOMIC DEVELOPMENT, WITH AN EMPHASIS ON LOCALLY OWNED BUSINESSES.
 - CELEBRATE THE HISTORICAL AND CULTURAL HERITAGE OF PĀHOA IN ALIGNMENT WITH APPLICABLE DESIGN GUIDELINES OF THE PĀHOA VILLAGE DESIGN (PVD) DISTRICT.

REASON FOR REQUEST

- GOALS (CONTINUED):
 - ENHANCE THE QUALITY OF LIFE OF RESIDENTS AND VISITOR EXPERIENCES THROUGH IMPROVED INFRASTRUCTURE AND AMENITIES.
 - PROVIDE OPPORTUNITIES FOR RECREATION, DINING, CULTURAL PRACTICES, CREATIVE ACTIVITIES, EDUCATION, BUSINESS AND COMMERCIAL SERVICES, AND COMMUNITY PROGRAMS IN A SAFE AND WALKABLE ENVIRONMENT.
 - PROMOTE HOUSING AVAILABILITY AND COMMUNITY-DRIVEN ECONOMIC GROWTH THROUGH MIXED RESIDENTIAL-COMMERCIAL DEVELOPMENT.

BILL 126 IMPACT ANALYSIS

- PERMITTED LAND USES IN THE DPC ZONING DISTRICT:
 - INCLUDES 22 PERMITTED LAND USES THAT ARE NOT CURRENTLY PERMITTED IN THE RS AND CV ZONING DISTRICTS.
 - DOES NOT INCLUDE 18 LAND USES CURRENTLY PERMITTED IN THE CV DISTRICT AND 8 CURRENTLY PERMITTED IN THE RS DISTRICT.
 - 12 LAND USES IN THE CV DISTRICT AND 1 IN THE RS DISTRICT WILL BE MODIFIED BUT INCLUDED AS PERMITTED USES IN THE DPC DISTRICT.
 - THERE IS NO PROVISION FOR USE PERMITS IN THE DPC DISTRICT, TO ADDRESS USES NOT INCLUDED IN THE LIST OF PERMITTED USES.
- HEIGHT LIMIT:
 - 30 FT, MATCHING THAT IN THE CV DISTRICT AND LESS THAN THE 35-FT HEIGHT LIMIT IN THE RS DISTRICT.

BILL 126 IMPACT ANALYSIS

- MINIMUM BUILDING SITE AREA:
 - 7,500 SQUARE FEET, SAME AS CURRENTLY REQUIRED IN RS AND CV DISTRICTS.
- MINIMUM BUILDING SITE AVERAGE WIDTH:
 - 50 FEET, SMALLER THAN THE MINIMUM OF 60 FEET IN RS AND CV DISTRICTS.
- MINIMUM YARDS:
 - MATCHES THE COMMERCIAL DOWNTOWN HILO (CDH) DISTRICT, WITH NO FRONT, REAR OR SIDE YARD REQUIREMENTS, EXCEPT AS REQUIRED BY PLAN APPROVAL.
- PARKING:
 - NO REQUIREMENT FOR OFF-STREET PARKING AND LOADING FOR ANY PROPERTY WHOLLY WITHIN THE DPC DISTRICT, EXCEPT AS MAY BE REQUIRED BY PLAN APPROVAL. THE BILL'S INTRODUCER HAS SUGGESTED ESTABLISHING AN ALTERNATIVE PARKING AREA, POTENTIALLY AT THE COUNTY RECREATION CENTER, FOR USE BY EMPLOYEES AND PATRONS OF PĀHOA BUSINESSES.

PROPOSED AMENDMENTS

- TO EXPLAIN THE PROCESS FOR INTERESTED PROPERTY OWNERS TO OPT-IN TO THE DPC ZONING DISTRICT, THE DIRECTOR PROPOSES ADDING THE FOLLOWING LANGUAGE, TO BE INSERTED IN THE APPROPRIATE SECTION OF BILL 126:
 - *APPLICATION OF THE DPC ZONING DISTRICT SHALL BE VOLUNTARY AND ACTIVATED ONLY UPON THE PROPERTY OWNER'S WRITTEN ELECTION. UPON RECEIPT OF THE ELECTION, THE DIRECTOR OF PLANNING SHALL VERIFY OWNERSHIP AND ADMINISTRATIVELY APPLY THE DPC ZONING DISTRICT TO THE SUBJECT PARCEL WITHOUT THE NEED FOR FURTHER LEGISLATIVE ACTION. UNTIL SUCH A TIME AS THE PROPERTY OWNER ELECTS TO CHANGE THE ZONING DISTRICT TO THE DPC ZONING DISTRICT, THE PROPERTY SHALL REMAIN SUBJECT TO ITS UNDERLYING ZONING CLASSIFICATION AND REGULATIONS. PROPERTY OWNERS MAY REQUEST A CHANGE OF ZONE TO THE DPC DISTRICT DESIGNATION AT ANY TIME.*
 - *UPON THE EFFECTIVE DATE OF A DPC ELECTION, EXISTING USES AND STRUCTURES THAT CONFORM TO DPC STANDARDS ARE DEEMED CONFORMING, AND EXISTING USES AND STRUCTURES THAT DO NOT CONFORM TO DPC STANDARDS ARE DEEMED LEGAL NONCONFORMING USES AND STRUCTURES.*

PROPOSED AMENDMENTS

- ADDITIONALLY, TO CLARIFY REQUIREMENTS FOR PLAN APPROVAL, THE DIRECTOR RECOMMENDS ADDING THE FOLLOWING STATEMENT TO BILL 126 TO REQUIRE PLAN APPROVAL FOR NEW STRUCTURES AND ADDITIONS ON PARCELS WITHIN THE DPC DISTRICT:

- *SECTION 25-7- OTHER REGULATIONS.*

PLAN APPROVAL IS REQUIRED FOR ALL NEW STRUCTURES AND ADDITIONS TO EXISTING STRUCTURES IN THE DPC DISTRICT, EXCEPT FOR CONSTRUCTION OF ONE SINGLE-FAMILY DWELLING AND ANY ACCESSORY BUILDINGS PER LOT.

DIRECTOR'S RECOMMENDATION

PROVIDE A FAVORABLE
RECOMMENDATION OF BILL
126 TO THE COUNTY COUNCIL
INCLUDING PROPOSED LANGUAGE
OUTLINED IN THE PLANNING
DIRECTOR'S RECOMMENDATION.

NEXT STEPS

- THE WINDWARD PLANNING COMMISSION (WPC) IS REQUIRED TO TAKE ACTION ON BILL 126 BY TRANSMITTING THEIR RECOMMENDATION TO THE COUNCIL BY JUNE 4, 2026.
- THE WPC SHALL RECOMMEND APPROVAL IN WHOLE OR IN PART, WITH OR WITHOUT MODIFICATIONS, OR REJECTION OF THE PROPOSED BILL, AND THE RECOMMENDATION WILL BE FORWARDED TO THE COUNTY COUNCIL FOR THEIR CONSIDERATION AND DECISION.
- IN THE EVENT THE WPC FAILS TO ACT ON THE PROPOSED BILL BY THIS DATE, SUCH INACTION SHALL BE CONSIDERED AS AN UNFAVORABLE RECOMMENDATION BY THE WPC.