

Ashley L. Kierkiewicz
County Council District IV

*Policy Committee on Planning
Land Use and Economic
Development – Chair*



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*Policy Committee on Public Works
and Mass Transit– Vice Chair*

REC'D HAND DELIVERED

HAWAI'I COUNTY COUNCIL

Hawai'i County Building
25 Aupuni Street • Hilo, Hawai'i 96720

TO: Jeff Darrow, Director
Planning Department

FROM: Ashley L. Kierkiewicz, Council Member

A handwritten signature in dark ink, appearing to be "AK", is written over the name Ashley L. Kierkiewicz.

DATE: February 4, 2025

SUBJECT: Referral of Bill 126; AN ORDINANCE AMENDING CHAPTER 25, ARTICLES 1, 3, 5, AND 7, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SPECIAL DISTRICTS.

Pursuant to Section 25-2-43(b) of the Hawai'i County Code, I am submitting Bill 126, enclosed for your comment and recommendation. I also request that you forward the same to the Windward Planning Commission for their comment and recommendation.

Bill 126 was referred for comment and recommendation to the Planning Director and the Windward Planning Commission by the Hawai'i County Council's Committee on Planning on February 3, 2025.

After your and the Commissions review, please forward your comments and recommendations to Council Chairperson Dr. Holeka Goro Inaba.

Thank you for your attention to this matter.

Enc.
AK/kj

COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 126

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 25, ARTICLES 1, 3, 5, AND 7, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SPECIAL DISTRICTS.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Chapter 25, article 1, section 25-1-5, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by adding definitions to be appropriately inserted in subsection (b) and to read as follows:

““Co-working and innovation hub” means an establishment where office space, supplies, amenities, and other related services are shared among multiple businesses or individuals.”

““Creative media space” means a facility used for the production of creative media, including film, television, graphic design, website development, video games, and other digital content, or for the instruction of skills, techniques, methods, and processes used therein. Creative media spaces typically include, but need not have, a sound stage, audiovisual recording and editing equipment, and office space.”

““Cultural enterprise” means an establishment primarily involved in the creation, display, and sale of arts, crafts, music, performances, activities, and educational experiences related to the cultural heritage of Hawai'i.”

SECTION 2. Chapter 25, article 3, section 25-3-2, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to read as follows:

“Section 25-3-2. Designation of special districts.

The special zoning districts of the County shall consist of the following:

- (1) Kailua Village design commission (article 7, division 1).
- (2) CDH, Downtown Hilo commercial district (article 7, division 2).
- (3) UNV, University district (article 7, division 3).
- (4) PD, Project districts (article 6, division 4).
- (5) APD, Agricultural project districts (article 6, division 5).
- (6) PVD, Pāhoa Village Design district (article 7, division 4).
- (7) DPC, Downtown Pāhoa commercial district (article 7, division).

SECTION 3. Chapter 25, article 4, division 1, section 25-4-15, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by amending subsection (a) to read as follows:

"(a) Agricultural tourism is permitted as an accessory use to agricultural processing facilities in the CG, CDH, CV, CN, ML, MG, ~~[and]~~ MCX, and DPC districts."

SECTION 4. Chapter 25, article 4, division 1, section 25-4-17, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by amending subsection (b) to read as follows:

- "(b) Meeting facilities, which may include special events, are permitted:
- (1) In the RCX, V, CN, CG, CV, MCX, ML, MG, ~~[and]~~ CDH, and DPC districts, provided that the director has issued plan approval;
 - (2) In the RA, FA, and A districts, provided a use permit or a special permit is obtained; and
 - (3) In the IA district, provided a special permit is obtained."

SECTION 5. Chapter 25, article 4, division 5, section 25-4-59.2, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to read as follows:

"Section 25-4-59.2. Exceptions to the off-street parking and loading requirements.

The off-street parking and loading requirements of this chapter shall not apply to the following:

- ~~[(a)]~~ (1) Non-residential uses located within that area in the City of Hilo, bounded by Kino'ole Street, Ponahawai Street, and an imaginary straight line extension of Ponahawai Street into Hilo Bay and Wailuku River[-];
- ~~[(b)]~~ (2) Dwelling units with a maximum density of one thousand square feet of land area per unit or less, within that area in the City of Hilo, bounded by Kino'ole Street, Ponahawai Street, and an imaginary straight line extension of Ponahawai Street into Hilo Bay and Wailuku River[-];
- ~~[(e)]~~ (3) That area immediately fronting either side of that portion of the Hawai'i Belt Highway which runs from the real property designated as tax map key no: 7-9-7-66 to the real property designated as tax map key no: 7-9-9:22, in Kainaliu, North Kona[-]; and
- ~~[(d)]~~ — Those lots in the PVD district having a total area of less than seven thousand five hundred square feet and that have frontage on Pāhoehoe Village Road between Post Office Road and the eastern intersection of Akeakamai Loop and Pāhoehoe Village Road; provided that any lot created through parcel consolidation does not result in a lot having a total area of seven thousand five hundred square feet or more, or a parcel consolidation and resubdivision that results in the creation of additional building sites after May 28, 2015 shall

provide off-street parking in accordance with the requirements of this chapter.]

- (4) Any property wholly within the DPC district, except as may be otherwise required by plan approval."

SECTION 6. Chapter 25, article 7, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by adding a division to be appropriately inserted and to read as follows:

"Division . Downtown Pāhoa Commercial District.

Section 25-7- . Purpose and applicability.

- (a) The DPC (downtown Pāhoa commercial) district is established to:
- (1) Encourage a dynamic town where environment, culture, commerce, and community coexist harmoniously;
 - (2) Support diverse economic development, with an emphasis on locally-owned businesses;
 - (3) Celebrate the historical and cultural heritage of Pāhoa in alignment with applicable design guidelines of the PVD district;
 - (4) Enhance the quality of life of residents and visitor experiences through improved infrastructure and amenities;
 - (5) Provide opportunities for recreation, dining, cultural practices, creative activities, education, business and commercial services, and community programs in a safe and walkable built environment; and
 - (6) Promote housing availability and community-driven economic growth through mixed residential-commercial development.
- (b) The zoning requirements of this district shall not be applicable to any parcel, unless wholly within the PVD district.

Section 25-7- . Designation of the DPC district.

The DPC (downtown Pāhoa commercial) district shall be designated by the symbol "DPC."

Section 25-7- . Permitted uses.

- (a) The following uses shall be permitted in the DPC district:
- (1) Adult day care homes.
 - (2) Agricultural products processing, minor.
 - (3) Agricultural tourism, as permitted under section 25-4-15.
 - (4) Amusement and recreation facilities, indoor.
 - (5) Apiaries.
 - (6) Art galleries.
 - (7) Automobile service stations.
 - (8) Bakeries.
 - (9) Bars and cocktail lounges.
 - (10) Boarding facilities, rooming, or lodging houses.

- (11) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
- (12) Breweries, distilleries, and alcohol manufacturing facilities.
- (13) Broadcasting stations or studios (radio and television).
- (14) Business services.
- (15) Car washing, provided that the facilities are not detrimental to the character of the district.
- (16) Catering establishments.
- (17) Co-working and innovation hubs.
- (18) Creative media spaces.
- (19) Cultural enterprises.
- (20) Display rooms for products sold elsewhere.
- (21) Dwellings, double-family or duplex, with a minimum density of five hundred square feet of land area per rentable unit or dwelling unit.
- (22) Dwellings, multiple-family, with a maximum density of five hundred square feet of land per rentable unit or dwelling unit.
- (23) Dwellings, single-family.
- (24) Family child care homes.
- (25) Farmers markets.
- (26) Financial institutions.
- (27) Food manufacturing and processing facilities.
- (28) Group living facilities.
- (29) Home occupations, as permitted under section 25-4-13.
- (30) Hospitals, old age, nursing and rest homes.
- (31) Ice storage and dispensing facilities.
- (32) Laundries other than those utilizing steam cleaning equipment, provided that facilities are not detrimental to the character of the district.
- (33) Manufacturing, processing and packaging, light, provided that the activities are not detrimental to the character of the district.
- (34) Medical clinics.
- (35) Meeting facilities, including special events, as permitted under section 25-4-17.
- (36) Modeling agencies.
- (37) Museums and libraries.
- (38) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (39) Offices.
- (40) Personal services.
- (41) Photography and art studios.
- (42) Printing and publishing, including print shops and publishing houses, and digital media production studios.
- (43) Public uses and structures, as permitted in section 25-4-11.
- (44) Repairs establishment, minor.
- (45) Restaurants.

- (46) Retail establishments, provided that they are not detrimental to the character of the district.
- (47) Schools, business.
- (48) Schools, photography, art, music, dance or other similar studios or academies.
- (49) Schools, vocational.
- (50) Special events.
- (51) Storage and sale of seed, feed, fertilizer, and other products essential to agriculture production.
- (52) Theaters, auditoriums and indoor sports arenas.
- (53) Wholesaling and distribution operations.
- (b) Residential uses in connection with the operation of any permitted use shall be permitted in the DPC district.
- (c) Buildings and uses normally considered accessory to the above uses shall also be permitted in the DPC district.

Section 25-7- . Height limit.

The height limit in the DPC district shall be thirty feet.

Section 25-7- . Minimum building site area.

The minimum building site area in the DPC district shall be seven thousand five hundred square feet.

Section 25-7- . Minimum building site average width.

Each building site in the DPC district shall have a minimum building site average width of fifty feet.

Section 25-7- . Minimum yards.

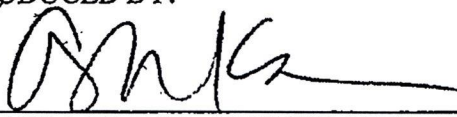
Front, rear, and sides: none, except as required by plan approval."

SECTION 7. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 8. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 9. This ordinance shall take effect upon its approval.

INTRODUCED BY:

for 
COUNCIL MEMBER, COUNTY OF HAWAI'I

_____, Hawai'i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

REFERENCE Comm. 710