

# SUPPLEMENT 19 (1-2026)

## Insertion Guide

### Hawai'i County Code 1983 (2016 Edition) Volumes 1 - 3

(Covering general ordinances effective through 12-31-25 and numbered through 25-96)

This supplement consists of reprinted pages replacing existing pages in the Hawai'i County Code 1983 (2016 Edition). Remove the pages listed in the column headed "Remove Pages" and replace them with the pages listed in the column headed "Insert Pages." This insertion guide should be retained as a permanent record of pages supplemented and filed in Volume 3, behind the "Supplement Insert Guides" tab.

#### Remove Pages

#### Insert Pages

### VOLUME 1

Vol. 1 Cover Page ..... Vol. 1 Cover Page

#### Chapter 6 Businesses

i - ii	.....	i - ii
6-7 - 6-8	.....	6-7 - 6-8

#### Chapter 7 Disaster and Emergency Management

i	.....	i
7-3 - 7-7	.....	7-3 - 7-7

#### Chapter 15 Parks and Recreation

15-19 - 15-20	.....	15-19 - 15-20
15-23 - 15-26.2	.....	15-23 - 15-26.2
15-26.5 - 15-26.6	.....	15-26.5 - 15-26.6

#### Chapter 18 Public Transportation

18-33 - 18-34	.....	18-33 - 18-34
---------------	-------	---------------

**VOLUME 2**

Vol. 2 Cover Page ..... Vol. 2 Cover Page

**Chapter 24 Vehicles and Traffic**

ix – x ..... ix – x  
24-89 – 24-90 ..... 24-89 – 24-90

**Chapter 24 Traffic Schedules**

24A-85 – 24A-86 ..... 24A- 85 – 24A-86

**Chapter 25 Zoning**

iii – iv ..... iii – iv  
25-5 – 25-6 ..... 25-5 – 25-6  
25-9 – 25-12 ..... 25-9 – 25-12  
25-14.1 – 25-14.2 ..... 25-14.1 – 25-14.4  
25-35 – 25-36 ..... 25-35 – 25-36  
25-39 – 25-46 ..... 25-39 – 25-46  
25-51 – 25-54 ..... 25-51 – 25-54  
25-57.4 – 25-58 ..... 25-57.4 – 25-58  
25-61.2 – 25-64 ..... 25-61.2 – 25-64  
25-73 – 25-82 ..... 25-73 – 25-82  
25-85 – 25-96 ..... 25-85 – 25-96  
25-99 – 25-122 ..... 25-99 – 25-122  
25-153 – 25-154 ..... 25-153 – 25-154

**Chapter 25 Zoning Annex**

25A-129 – 25A-130 ..... 25A-129 – 25A-130

**VOLUME 3**

Vol. 3 Cover Page ..... Vol. 3 Cover Page

**Index**

I-7 – I-8	.....	I-7 – I-8
I-11 – I-18	.....	I-11 – I-18
I-21 – I-22	.....	I-21 – I-22
I-33 – I-34	.....	I-33 – I-34

**Legislative History**

T-6.1 – T-6.4	.....	T-6.1 – T-6.4
T-45	.....	T-45 – T-47

**Supplement Insert Guide**

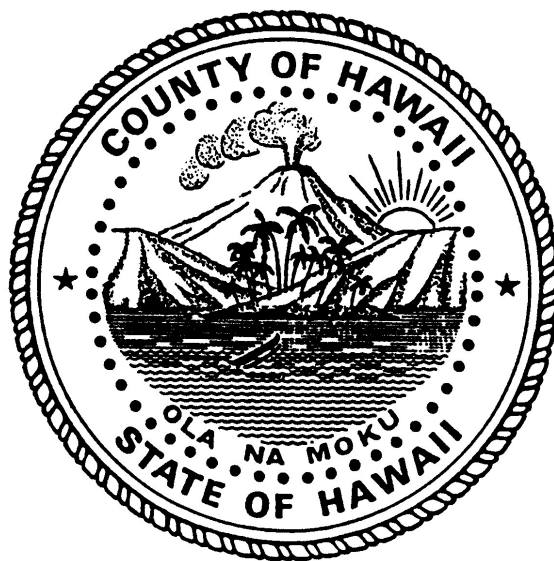
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# THE HAWAI‘I COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 19 (1-2026)  
Contains ordinances effective through: 12-31-2025



A CODIFICATION OF THE GENERAL ORDINANCES  
OF THE COUNTY OF HAWAI‘I  
STATE OF HAWAI‘I

Office of the County Clerk  
County of Hawai‘i  
25 Aupuni Street  
Hilo, Hawai‘i 96720  
(808) 961-8255

# Volume One



## **CHAPTER 6**

### **BUSINESSES**

#### **Article 1. Cemeteries.**

Section 6-1.	Prohibition.
Section 6-2.	Application.
Section 6-3.	Referral to planning commission.
Section 6-4.	Other requirements.
Section 6-5.	Penalty.
Section 6-6.	County plots; fee; dimensions.
Section 6-7.	Cemetery fund.

#### **Article 2. Commercial Bicycle Tours.**

Section 6-8.	Definitions.
Section 6-9.	Applicability.
Section 6-10.	Annual registration.
Section 6-11.	Authority to restrict.
Section 6-12.	Prohibited highways for commercial bicycle tours.
Section 6-13.	Penalties.
Section 6-14.	Disposition of funds.
Section 6-15.	Administrative rules.
Section 6-16.	Repealed.
Section 6-17.	Repealed.
Section 6-18.	Repealed.
Section 6-19.	Repealed.
Section 6-20.	Repealed.
Section 6-21.	Repealed.
Section 6-22.	Repealed.
Section 6-23.	Repealed.
Section 6-24.	Repealed.

#### **Article 3. Mobile Homes.**

Section 6-25.	Definitions.
Section 6-26.	License.
Section 6-27.	License application; initial; transfer.
Section 6-28.	Conformity with other laws.

**Article 4. Miscellaneous Business Licenses.**

- Section 6-29. County business licenses.
- Section 6-30. Elimination of business licenses.

**Article 5. Licensing of Auctioneers.**

- Section 6-31. Purpose.
- Section 6-32. Definitions.
- Section 6-33. Exceptions.
- Section 6-34. Applicability.
- Section 6-35. Fee.
- Section 6-36. Authority to conduct auctions.
- Section 6-37. Adverse interest of auctioneer prohibited.
- Section 6-38. Receipts to purchasers required.
- Section 6-39. Violation - penalty.

**Article 6. Naloxone Requirement in Bars.**

- Section 6-40. Definitions.
- Section 6-41. Requirement to maintain naloxone.
- Section 6-42. Liability protection.
- Section 6-43. Enforcement and penalties.

**Section 6-38. Receipts to purchasers required.**

The auctioneer shall give each purchaser at an auction a receipt with each purchase setting forth:

- (a) The name and permanent address of the auctioneer.
  - (b) The date.
  - (c) The price paid for the article.
  - (d) The amount of tax paid.
  - (e) A description of the article.
- (1995, ord 95-140, sec 1.)

**Section 6-39. Violation - penalty.**

Any person violating any provision of this article shall, upon conviction, be punished by a fine not exceeding \$500, and such person's license to conduct a public auction shall be subject to suspension or forfeitures.

(1995, ord 95-140, sec 1.)

**Article 6. Naloxone Requirement in Bars.****Section 6-40. Definitions.**

As used in this article:

“Bar” means an establishment licensed by the liquor commission to serve alcoholic beverages for on-premises consumption, including, but not limited to, restaurants, dispensers, tour or cruise vessels, cabarets, nightclubs, lounges, brewpubs, small craft producer pubs, and taverns.

“Naloxone” means a medication approved by the United States Food and Drug Administration designed to rapidly reverse opioid overdose.

(2025, ord 25-68, sec 2.)

**Section 6-41. Requirement to maintain naloxone.**

- (a) A bar shall maintain and keep no less than two doses of naloxone nasal spray:
  - (1) In a manner consistent with recommendations of the manufacturer; and
  - (2) In a visible and labeled location on the premises that is accessible to employees during operating hours.
- (b) A bar shall ensure that, during operating hours, one or more employees are familiar with the location of the naloxone doses and with the method of its administration.

(2025, ord 25-68, sec 2.)

**Section 6-42. Liability protection.**

Any employee or owner of a bar who, in good faith, administers naloxone to an individual experiencing an apparent opioid overdose is immune from civil liability or criminal prosecution for any resulting injury, death, or damage, as provided under section 663-1.5 of the Hawai'i Revised Statutes.

(2025, ord 25-68, sec 2.)

**Section 6-43. Enforcement and penalties.**

- (a) The director of liquor control may provide informational materials to bars regarding this article and naloxone, including its purpose and method of administration.
- (b) A bar found in violation of this article may be subject to a fine no more than \$500 per day in which the violation persists.
- (c) Nothing in this article shall be construed to preclude the liquor commission or director of liquor control from enforcing any other statute, ordinance, or rule.  
(2025, ord 25-68, sec 2.)

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## CHAPTER 7

### DISASTER AND EMERGENCY MANAGEMENT

#### Article 1. Disaster and Emergency Management.

- Section 7-1-1. Definitions.
- Section 7-1-2. Agency organization.
- Section 7-1-3. Civil defense administrator; appointment; qualifications.
- Section 7-1-4. Duties; functions.
- Section 7-1-5. Emergency management plans.
- Section 7-1-6. Utilization of existing government services.
- Section 7-1-7. Emergency powers.

#### Article 2. Disaster Control. \*

- Section 7-2-1. Loitering during tsunami warning. \*
- Section 7-2-2. Loitering and refusal to evacuate during impending disaster or disaster.
- Section 7-2-3. Unauthorized parking in designated area prohibited. \*
- Section 7-2-4. Penalty.

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**Section 7-1-2. Agency organization.**

The civil defense agency shall perform emergency management functions pursuant to chapter 127A and chapter 128A of the Hawai‘i Revised Statutes and shall consist of the following:

- (1) The head of the civil defense agency, who shall be the mayor of the County.
- (2) A full-time civil defense administrator, who shall be responsible for administrative functions and emergency management operations during non-emergency periods and, within the delegated scope of authority, have all the duties and responsibilities of the mayor during declared emergencies.
- (3) Sufficient staff to carry out the duties and functions of the agency.
- (4) The employees and resources of all County departments, agencies, and offices in emergency management activities as needed.
- (5) Non-governmental organizations offering emergency management services pursuant to an agreement with the County, or accepted by the County when no agreement exists.

(2022, ord 22-103, sec 3; am 2025, ord 25-90, sec 1.)

**Section 7-1-3. Civil defense administrator; appointment; qualifications.**

- (a) The civil defense administrator shall have a minimum of three years of responsible administrative experience in emergency management, disaster planning, homeland security, or public safety services management.
- (b) The civil defense administrator shall be appointed by the mayor and may be removed by the mayor in accordance with chapter 76 of the Hawai‘i Revised Statutes.
- (c) In the event of a vacancy, the mayor may convene a selection advisory panel consisting of the fire chief and chief of police to evaluate qualified applicants. The mayor shall appoint an administrator within sixty days of the position becoming vacant.

(2025, ord 25-90, sec 2.)

**Section 7-1-4. Duties; functions.**

The civil defense agency shall:

- (1) Organize, administer, and operationalize a comprehensive emergency management program that includes prevention, protection, mitigation, response, and recovery operations within the County;
- (2) Facilitate development and maintenance of all plans necessary to ensure preparedness, emergency management, hazard mitigation, and continuity of operations;
- (3) Maintain liaison with all State and Federal emergency management agencies and ensure necessary systems are established to receive State and Federal funds during times of disaster or emergency;
- (4) Manage the emergency operations center as the central coordinating entity during major disasters or emergencies;

- (5) Monitor any and all threats, emergencies, or disasters that pose a risk to the lives and safety of residents and visitors, and advise the mayor on proposed solutions for how to best protect people and property from danger;
  - (6) Coordinate with all alerting organizations on issuance of emergency public information and warnings;
  - (7) Establish a warning point that will be a primary means of coordination with alerting organizations and of issuing emergency public information and that will operate twenty-four hours-a-day and seven days-a-week;
  - (8) Manage the County's land mobile radio system to ensure system capability, responsiveness, and capacity;
  - (9) Enter into memorandums of agreement with other jurisdictions and non-governmental organizations to provide aid and assistance to residents and visitors during emergency response and short-term recovery;
  - (10) Educate the public through community engagement as to the actions necessary and required to prepare and protect persons and property in the event of a natural or man-made disaster or emergency event; and
  - (11) Conduct training and exercises to ensure the efficient mobilization and coordination of emergency management forces and familiarize residents and organizations with emergency management plans, procedures, and operations.
- (2022, ord 22-103, sec 3; am 2025, ord 25-90, sec 3.)

**Section 7-1-5. Emergency management plans.**

- (a) The following comprehensive emergency management plans shall be developed and maintained by the civil defense agency to ensure coordination in all phases of emergency management and filed with the County council:
    - (1) The comprehensive emergency management plan shall be developed by March 1, 2023 and reviewed annually.
    - (2) The threat and hazard identification and risk assessment shall be completed in April every three years, with a stakeholder preparedness review conducted annually.
    - (3) The integrated preparedness plan shall be prepared in June every three years, and be informed by the threat and hazard identification and risk assessment.
    - (4) The multi-hazard mitigation plan shall be developed every five years, by a mitigation work group with representation from the civil defense agency, planning department, and department of research and development, with additional representatives added on a temporary basis to address specific actions or issues.
  - (b) The administrator shall report to the County council in August of every year, summarizing the previous fiscal year's actions to implement and update the various comprehensive emergency management plans. The report shall include a brief description of the agency's collaborative work with community organizations.
- (2022, ord 22-103, sec 3; am 2025, ord 25-90, sec 3.)

**Section 7-1-6. Utilization of existing government services.**

- (a) Each County department, agency, and office shall cooperate with and extend its services, materials, and facilities to the civil defense agency as requested by the mayor.
- (b) Each County department, agency, and office shall designate, in writing no later than December 31 of each year, one representative and two alternates to serve as liaisons to the civil defense agency. Liaisons shall have extensive knowledge of and delegated authority to assign departmental capabilities and available resources during a disaster or emergency event.
- (c) To facilitate emergency preparedness planning for the County of Hawai'i, all County departments, agencies, and offices shall prepare and periodically revise a continuity of operations plan pursuant to directions and technical assistance provided by the civil defense agency. The maintenance of the continuity of operations plan shall be the responsibility of appointed liaisons.

(2022, ord 22-103, sec 3; am 2025, ord 25-90, sec 3.)

**Section 7-1-7. Emergency powers.**

- (a) The power to declare a state of disaster or emergency by proclamation, promulgate emergency rules having the force and effect of law, and make allotments of funds appropriated or available for emergency management is conferred on the mayor.
- (b) All County employees are considered emergency workers during a declared emergency.
- (c) All County employees, accepted volunteers, and non-governmental organization workers providing services in coordination with the County, except in cases of willful misconduct, gross negligence, or recklessness shall not be liable for death and injury to persons or property damage as an act or omission in the course of employment of duties.
- (d) The mayor may exercise the following additional powers in an emergency period:
  - (1) Suspend any County law that impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions;
  - (2) Shut off water mains, gas mains, electrical power connections, or suspend other services;
  - (3) To the extent permitted by or under Federal law, authorize any actions necessary to ensure continuity of electronic media transmission; and
  - (4) Direct and control the mandatory evacuation of the civilian population.

(2022, ord 22-103, sec 3; am 2025, ord 25-90, sec 3.)

**Article 2. Disaster Control. \***

\* **Editor's Note:** Sections 7-5 through 7-7 were repealed by Ordinance 22-103.

**Section 7-2-1. Loitering during tsunami warning. \***

A person commits the offense of loitering during an emergency if during a tsunami warning period, or during and immediately after a tsunami that person knowingly:

- (1) Loiters, loafs, or idles upon any public highway, public place, sidewalk, or beach, on foot or on any vehicle, in any coastal area, or area subject to tsunami action.
- (2) Disobeys any direction or command of any police officer directing traffic.
- (3) Refuses or fails to leave any area, public or private, upon order of a police officer, which action impedes or tends to impede the effective and orderly handling of an evacuation or a disaster; provided that this section shall not prevent any authorized person from lawfully preserving, protecting, or salvaging any property, real or personal, or to prevent any other authorized person from performing any other lawful duty.

(2022, ord 22-103, sec 5.)

\* **Editor's Note:** Section 7-9, was renumbered section 7-2-1 by Ordinance 22-103.

**Section 7-2-2. Loitering and refusal to evacuate during impending disaster or disaster.\***

A person commits the offense of loitering during an emergency if during an impending disaster or a disaster that person knowingly:

- (1) Loiters, loafs, or idles upon any public highway, sidewalk, or public place, on foot or on any vehicle, in or close to an impending disaster or a disaster area.
- (2) Disobeys any direction or command of any police officer directing traffic.
- (3) Refuses or fails to leave any area, public or private, upon order of an authorized person, which action impedes or tends to impede the effective and orderly handling of the impending disaster or the disaster; provided that this section shall not prevent any authorized person from lawfully preserving, protecting, or salvaging any property, real or personal, or to prevent any other authorized person from performing any other lawful duty.
- (4) Refuses or fails to evacuate any area, public or private, upon order of an authorized person, which action impedes or tends to impede the effectiveness and orderly handling of the evacuation of persons from an impending disaster area.

(2022, ord 22-103, sec 5.)

\* **Editor's Note:** Section 7-10, was renumbered section 7-2-2 by Ordinance 22-103.

**Section 7-2-3. Unauthorized parking in designated area prohibited. \***

- (a) Except when authorized by an authorized person or specific traffic control device, no person shall stop, stand or park a vehicle within an impending disaster or disaster area as described in a Mayor's and/or Governor's emergency declaration.

- (b) The police officer citing any driver or owner for a violation of this section may have the motor vehicle towed to and stored at a private tow yard at the registered owner's expense pursuant to section 291C-165.5(a) of the Hawai'i Revised Statutes.
- (c) Any person convicted of unauthorized parking in a designated area shall be punished by a fine of not more than \$100 for the first conviction; not more than \$200 for the second conviction of a second offense committed within one year after the date of the first offense; not more than \$500 for the third or subsequent conviction of a third or subsequent offense committed within one year after the date of the first offense.

(2022, ord 22-103, sec 5.)

\* **Editor's Note:** Section 7-12, was renumbered section 7-2-3 by Ordinance 22-103.

**Section 7-2-4. Penalty. \***

A person who has been convicted of any offense under this article, shall be sentenced to pay a fine not exceeding \$500 or imprisonment for a term of not more than thirty days.

(2022, ord 22-103, sec 5.)

\* **Editor's Note:** Section 7-11, was renumbered section 7-2-4 by Ordinance 22-103.

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**Article 7. Veterans Advisory Committee.****Section 15-61. Organization.**

The veterans advisory committee shall be composed of twelve members, who shall be appointed by the mayor, confirmed by the council, and may be removed by the mayor with the approval of the council. In addition, the Hawai'i Island Veterans Services Counselor of the Office of Veterans Services (Department of Defense of the State of Hawai'i) and the Director of the Department of Parks and Recreation, or their designated representatives, shall serve as ex-officio members of the committee, without the power to vote.

(1986, ord 86-123, sec 2; am 1990, ord 90-5, sec 2; am 1994, ord 94-21, sec 1; am 2002, ord 02-117, sec 2; am 2006, ord 06-159, sec 1; am 2017, ord 17-57, sec 2.)

**Section 15-62. Membership and tenure.**

- (a) The members shall serve staggered terms of five years.
- (b) Seven or more of the twelve members of the committee shall have served in the United States uniformed services; provided that the committee may still meet and conduct business if due to a vacancy or vacancies less than seven members have served in the United States uniformed services.
- (c) Initially, two members shall be appointed for a term of one year, two members shall be appointed for a term of two years, three members shall be appointed for a term of three years, three members shall be appointed for a term of four years, and three members shall be appointed for a term of five years.
- (d) Any vacancy on the committee shall be filled for the remainder of the unexpired term, but members whose terms have expired may continue to serve until their successors have been appointed and confirmed.
- (e) Members shall be eligible to succeed themselves for additional terms, provided that no member shall serve on the committee for more than three consecutive terms.

(1986, ord 86-123, sec 2; am 1990, ord 90-5, sec 3; am 1994, ord 94-21, sec 1; am 1996, ord 96-124, sec 1; am 1997, ord 97-125, sec 1; am 2002, ord 02-117, sec 2; am 2006, ord 06-159, sec 2; am 2007, ord 07-53, sec 2; am 2017, ord 17-57, sec 3; am 2021, ord 21-65, sec 2; am 2023, ord 23-19, sec 1; am 2025, ord 25-88, sec 1.)

**Section 15-63. Meetings of the committee.**

There shall be a chairperson and vice chairperson of the committee who shall be elected biennially by the members from their membership. The chairperson shall have served in the United States uniformed services. The meetings of the committee shall be called at the discretion of the chairperson or at the request of the majority of the members of the committee with the time and place to be determined by the chairperson.

(1986, ord 86-123, sec 2; am 1994, ord 94-21, sec 1; 2021, ord 21-74, sec 1.)

**Section 15-64. Powers and duties of the committee.**

It shall be the duty of the committee to act in an advisory capacity to the mayor and the council concerning all matters pertaining to the operation, management, and maintenance of the veterans cemeteries in the County, and discuss and make recommendations on issues affecting veterans residing in Hawai'i County. At the request of the mayor or the council, the committee shall discuss and make recommendations on other specific veterans-related issues. The committee may recommend such rules and regulations as it may deem necessary for the enhancement and proper management of the veterans cemeteries, or for the orderly transaction of matters referred to it.

(1986, ord 86-123, sec 2; am 1994, ord 94-21, sec 1; am 2019, ord 19-3, sec 2.)

**Article 8. Naming of Facilities.****Section 15-65. Purpose.**

The council wishes to establish systematic guidelines to be used in the naming of County parks and recreational facilities.

(1987, ord 87-134, sec 1.)

**Section 15-66. Definitions.**

As used in this article:

- (1) "Aesthetic areas" shall include scenic and historic sites, ponds and waterfalls.
- (2) "Open areas" shall include parks, playgrounds, fields and totlots.
- (3) "Recreational facilities" means all County facilities classified herein as aesthetic areas, open areas, special interest areas, and structures.
- (4) "Special interest areas" shall include tennis courts, golf courses, zoos, botanical gardens, equestrian center and rodeo arenas, archery ranges, rifle and skeet ranges, drag strips and other raceways, and any other facility operated or owned by the County of Hawai'i which has as its purpose the recreation, entertainment or leisure activity of members of the public as either participants or spectators.
- (5) "Structures" shall include gymnasiums, community centers, senior centers, cultural centers, pavilions, covered arenas and courts, stadiums, theaters, and any other construction which is under the administration of the department of parks and recreation of the County.

(1987, ord 87-134, sec 1.)

**Section 15-68.1. Parks and recreational facility schedule.**

**PARKS**

North Hilo	
Laupāhoehoe Civic Building	3-6-009:031 (Por.)
Laupāhoehoe Playground	3-6-009:033
Laupāhoehoe Point Beach Park	3-6-002:013, 024, 026, 038
Laupāhoehoe Senior Center	3-6-002:031
Laupāhoehoe Swimming Pool	3-5-004:059 (Por.)
‘Ō‘ōkala Park	3-9-001:011
Pāpa‘aloha Park	3-5-003:088
Waikaumalo Park	3-2-002:062

South Hilo	
Āhualani Park	2-4-063:081
‘Āinakō Park	2-5-018:026
‘Āinaola Park	2-4-041:069
Baker’s Beach	2-1-006:077; 2-1-007:011, 025
Carlsmith Beach Park	2-1-017:019, 021, 022, 051, 058, 059
Clem Akina Park	2-6-007:027; 2-6-008:026 (Por.)
East Hawai‘i Cultural Center	2-3-006:004
Frank M. Santos Park	2-7-004:121
Gilbert Carvalho Park	2-3-026:005, 009; 2-3-025:005 (median)
Hakalau Beach Park	2-9-002:080
Hakalau Gym	2-9-002:091
Hakalau Veterans Park	2-9-002:004
Happiness Gardens	2-1-003:013
Hilo Armory	2-3-004:008
Hilo Bayfront Beach	2-2-001:027; 2-2-002:035; 2-2-002:034; 2-2-003:046; 2-2-004:056
Hilo Bayfront Park	2-2-004:028, 035; 2-2-005:002
Hilo Bayfront Soccer Fields	2-2-004:002; 2-2-006:001; 2-2-007:018; 2-2-011:001; 2-2-012:016
Hilo Drag Strip	2-1-013:153
Hilo Municipal Golf Course	2-4-016:001; 2-4-002:001, 129, 130
Hilo Skate Park	2-2-033:013
Hilo Skeet Range	2-1-013:002 (Por.)
Honoli‘i Beach Park	2-6-026:001
Honomū Park	2-8-014:001

**PARKS (continued)**

South Hilo (continued)	
Ho‘olulu Complex (1) Afook-Chinen Civic Auditorium (2) Aunty Dottie Thompson Hale (3) Aunty Sally Kaleohano’s Lū‘au Hale (4) Charles “Sparky” Kawamoto Swim Stadium (5) Edith Kanaka‘ole Multi-Purpose Stadium (6) Dr. Francis F. C. Wong Stadium • James “Jimmy” Correa Ballfield (7) Walter C.K. Victor Baseball Complex	2-2-032:031, 035, 084, 094; 2-2-033:001, 016
Hualani Park (1) Princess Abigail Wahīika‘ahu‘ula Kawanānakoā Center (2) Ronald Futoshi “Harpo” Saiki Officials’ Stand	2-1-023:120
James Kealoha Beach Park	2-1-016:003
Kaipalaoa Landing	2-3-004:001
Kaiwiki Park	2-6-010:016
Kalākaua Park (1) War Memorial Pond	2-3-005:001
Kamanā Senior Center	2-4-056:019
Kanakea Pond	2-1-006:010
Kaūmana Caves	2-5-040:012
Keikiland Playground	2-2-018:043
Kolekole Gulch Park	2-8-015:015
Kuawa Ballfields	2-2-032:003, 004, 008, 019, 087, 088
Kūhiō Kalaniana‘ole Park	2-1-006:013; 2-1-006:015
Kula‘imano Park	2-8-007:070, 079
Lālākea Pond Beach Park	2-1-017:018
Lehia Beach Park	2-1-013:005, 006
Leleiwi Beach Park	2-1-017:018, 053, 054
Liholiho Garden	2-3-006:003
Lili‘uokalani Gardens	2-1-003:001, 017, 018

**PARKS (continued)**

South Hilo (continued)	
Lincoln Park (1) Dr. Ruth E. Oda Playground	2-3-010:001
Lincoln Park Tennis Courts	2-3-012:046
Lōkahi Park	2-4-052:020
Machado Acres Park	2-4-060:001; 2-4-029:028
Mālama Park	2-2-056:026
Mohouli Park	2-4-001:161
Moku‘ola Island	2-1-003:019
Mo‘oheau Park	2-3-001:002
NAS Swimming Pool	2-1-012: 149 (Por.)
Onakahakaha Beach Park (1) Uncle David K. Calles, Sr. Horseshoe Courts	2-1-014:013, 035-037, 067
Pana‘ewa Equestrian Center (1) Alvin “Al” Cabral Rodeo Arena Grandstand	2-4-004:144
Pana‘ewa Park	2-2-059:011
Pana‘ewa Rainforest Zoo and Gardens	2-4-004:001
Pauka‘a Park	2-7-040:010
Pepe‘ekeo Community Center	2-8-006:012
Pi‘ihonua School Grounds	2-5-028:017
Reeds Bay Beach Park	2-1-005:001, 028
Richardson Ocean Park	2-1-019:010
University Heights Park	2-4-024:164
Veterans Memorial Park	2-2-013:003 (Por.)
Waiākea Recreation Center	2-2-032:033
Waiākea ‘Uka Park (1) Stanley Costales Waiākea ‘Uka Gym	2-4-035:001, 002, 004
Waiākea Waena Park (1) Andrews Gym	2-2-042: 017 (Por.)
Wainaku Gym	2-6-013:030
Wainaku Playground	2-6-013:025
Wai‘olena Beach Park	2-1-018:026
Wai‘uli Beach Park	2-1-019:009
Yet Sung Chang Park	2-5-060:007

**PARKS (continued)**

Hāmākua	
Gilbert Kahele Recreation Area	4-4-016:003 (Por.)
Haina Park	4-5-002:049
Honoka‘a Rodeo Arena (1) Rose Andrade Correia Stadium	4-5-003:018
Honoka‘a Sports Complex (1) Lala Epenesa, Jr. Ballfield	4-5-010:088, 090
Honoka‘a Swimming Pool	4-5-003:020 (Por.)
Honoka‘a Tennis Courts	4-5-010:079
Kukuihaele Park (1) Takashi “Taka” Domingo Pavilion	4-8-006:010
Pa‘auilo Park	4-3-018:054
Waipi‘o Community Park	4-8-004:006
Waipi‘o Lookout	4-8-004:017

Ka‘ū	
Honu‘apo Beach Park	9-5-014:002-007, 027, 052-059
Kahuku Park	9-2-094:036; 9-2-101:032
Kawa Bay	9-5-017:007
Laurence J. Capellas Ballfield	9-6-005:008 (Por.), 039
Nā‘ālehu Park	9-5-021:023
Pāhala Community Center	9-6-023:044
Pāhala Swimming Pool	9-6-005:008 (Por.)
Pāhala Tennis and Basketball Courts	9-6-005:008 (Por.)
Punalu‘u Black Sand Beach Park	9-6-001:006, 011, 012
Representative Robert N. Herkes Gymnasium and Shelter	9-6-005:008 (Por.)
Wai‘ōhinu Park	9-5-001:031
Whittington Beach Park	9-5-014:001, 060 (Por.)

**PARKS (continued)**

North Kohala	
Kamehameha Park (1) Ikuo Hisaoka Gymnasium (2) Kohala Intergenerational Center (3) Kohala Swimming Pool (4) North Kohala Veteran's Field (5) Shiro Takata Field	5-4-005:016; 5-4-009:004
Kapa'a Beach Park	5-6-001:060
Kēōkea Beach Park	5-2-001:016
Mahukona Beach Park	5-7-003: 013 (Por.)
Mahukona Wharf	5-7-003:004, 018
North Kohala Senior Center	5-4-005:001
North Kohala Senior Programs Center	5-4-005:002, 003

South Kohala	
Ho'oko Park	6-8-002:059
Kamakoa Nui Park	6-8-041:008
Kawaihae Canoe Area	6-1-003:014
Ke Ala Kahawai 'o Waimea	6-5-003:004, 6-6-003:006 (Por.)
Lily Yoshimatsu Senior Center	6-7-002:025
'Ouli Park	6-2-007:001
Pu'u Nui Park	6-8-013:001
Spencer Kalani Schutte District Park	6-7-002:063
Spencer Park at 'Ōhai'ula Beach (1) Samuel Mahuka Spencer Pavilion	6-2-002:008, 011
Waimea Church Row Park	6-5-004:006
Waimea Park	6-5-007:001, 002, 024
Waimea Soccer Fields	6-7-002:011 (Por.)

**PARKS (continued)**

North Kona	
Ali'i Kai Park	7-6-019:034
Hale Hālāwai	7-5-008:010
Harold H. Higashihara Park	7-8-005:022
Kahalu'u Beach Park	7-8-014:001
Kailua Park (1) Kekuaokalani Gymnasium (2) Kona Community Aquatic Center (3) Nākamalei Playground (4) Old Kona Airport Beach Park	7-5-005:007, 072-074, 079, 082-083
Kailua Playground	7-5-009:032
Kealakehe Regional Park	7-4-020:007
Kīpapa Park	7-7-008:020, 021, 023, 031, 100
Kohanaiki Beach Park	7-3-063:012 (Por.), 013; 7-3-064:021-022
Kona Hillcrest Park	7-5-030:026
Kona Imin Center	7-6-003:020
Ku'emanu Heiau	7-8-014:004, 005
La'aloa Park	7-7-010:036
Lokahi Makai Park	7-3-061:050
Magic Sands Beach Park	7-7-008:017, 035, 093-094, 106-107
Pāhoehoe Beach Park	7-7-008:026, 064
Wai'aha Beach Park	7-5-018:020, 088 (Por.)
Walua Trail	7-7-007:
William Charles Lunalilo Playground	7-5-041:052

South Kona	
Arthur L. Greenwell Park (1) Sgt. Rodney J.T. Yano Memorial Hall	8-2-013:005
Clarence Lum Won Park	8-1-024:031; 8-1-036:002
Hōnaunau Boat Ramp	8-4-013:014
Hōnaunau Rodeo Arena	8-4-008:002
Ho'okena Beach Park	8-6-013:020, 021, 029-031, 046-048
Konawaena Swimming Pool	8-1-005:013 (Por.)
Miloli'i Beach Park	8-9-004:001
Napo'opo'o Beach Park	8-2-006:025

**CEMETERIES (continued)**

Puna	
Kaimu Cemetery	1-2-006:036
Kehena Cemetery	1-2-009:023
Malama Cemetery	1-3-007:002, 003

(2000, ord 00-15, sec 2; ord 00-66, sec 2; ord 00-113, secs 1 and 2; am 2002, ord 02-58, sec 2; am 2003, ord 03-99, sec 2; ord 03-135, sec 2; am 2004, ord 04-79, sec 2; am 2005, ord 05-40, sec 2; ord 05-96, sec 2; am 2006, ord 06-127, sec 2; ord 06-149, sec 3; am 2007, ord 07-22, sec 4; am 2008, ord 08-7 sec 5; ord 08-22, sec 2; ord 08-35, sec 2; ord 08-121, sec 2; ord 08-142, sec 2; am 2009, ord 09-32, sec 3; am 2010, ord 10-11, sec 3; am 2011, ord 11-90, sec 3; am 2012, ord 12-164, sec 2; am 2014, ord 14-57, sec 2; am 2015, ord 15-60, sec 4; am 2016, ord 16-111, sec 2; ord 16-112, sec 2; ord. 16-113, sec 4; am 2017, ord 17-61, sec 2; am 2018, ord 18-2, sec 2; ord 18-20, sec 3; ord 18-21, sec 2; ord 18-22, sec 2; ord 18-44, sec 2; ord 18-61, sec 2; ord 18-83, sec 2; am 2019, ord 19-43, sec 2; am 2020, ord 20-59, sec 2; am 2021, ord 21-3, sec 2; am 2022, ord 22-9, sec 3; ord 22-115, sec 3; am 2023, ord 23-14, sec 2; am 2024, ord 24-3, sec 3; ord 24-23, sec 3; ord 24-81, sec 3; am 2025, ord 25-60, sec 3; ord 25-80, sec 1.)

HAWAII COUNTY CODE

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- (2) The transit administrator may establish fares on a temporary basis for a period not to exceed one hundred and eighty calendar days for bus routes and services.
- (h) Suspension of fares; non-applicability to some services; terminates December 31, 2028.
  - (1) All fares established by this section shall be suspended through December 31, 2028. Riders boarding and alighting any mass transit service owned, maintained, or operated by the County, shall ride free of charge.
  - (2) This subsection shall not apply to County-contracted shared-ride services and County-operated curb-to-curb van services operated by the department of parks and recreation.
  - (3) The suspension of fares shall automatically terminate on December 31, 2028, unless extended by the council.
  - (4) Each year, no later than July 30 after the close of the fiscal year, the mass transit administrator shall provide a report to the council regarding the performance of the mass transit system, including passenger trips carried by route, comparison to the prior year and any other service performance data requested by the council to evaluate the suspension of fares prescribed by this subsection.

(1986, ord 86-15, sec 2; am 1990, ord 90-37, sec 7; ord 90-91, sec 1; am 2004, ord 04-141, sec 1; am 2005, ord 05-151, sec 1; am 2007, ord 07-141, sec 2; am 2009, ord 09-160, sec 2; am 2011, ord 11-62, sec 2; am 2012, ord 12-36, sec 1; am 2013, ord 13-32, sec 1; ord 13-76, sec 2; ord 13-109, sec 1; am 2016, ord 16-95, sec 2; am 2022, ord 22-12, sec 2; ord 22-94, sec 2; am 2025, ord 25-71, sec 2.)

**Section 18-91. Baggage.**

A driver of any mass transit bus owned, maintained and operated by the County shall charge \$1 for each piece of baggage, including large backpacks, except that any small bag such as a train case, handbag, briefcase, or a package that can be carried on the lap of the passenger and within the passenger's respective seat shall be conveyed without charge.

(1986, ord 86-15, sec 2; am 2011, ord 11-62, sec 2.)

**Section 18-92. Fare schedules.**

<b>FARE SCHEDULE A</b>	
<b>Shared-Ride Fares</b>	
<b>One-Way Mileage</b>	<b>No. of Coupons (Per Person)</b>
0 — 4.0 miles	1 coupon
4.1 — 9.0 miles	2 coupons

Rates are maximum charge per zone. Shared-ride carriers may charge less at their discretion.  
 (1990, ord 90-37, sec 8; ord 90-91, sec 4; am 2001, ord 01-82, sec 1; ord 01-84, sec 1; am 2011, ord 11-62, sec 2.)

**Division 2. Paratransit Service.**

**Section 18-93. Establishment of paratransit service.**

- (a) The mass transit agency shall provide a paratransit service to complement the fixed route services operated by the County. This paratransit service shall be referred to as Hele-On Kāko‘o.
- (b) Hele-On Kāko‘o shall comply with all federal and state regulations that relate to paratransit as a complement to fixed route services for public transportation.  
 (2016, ord 16-108, sec 1.)

**Section 18-94. Definitions.**

As used in this division, unless the context otherwise requires:

“Paratransit service” means the County public transportation service which complements the current fixed routes providing origin-to-destination service to eligible individuals under the Americans with Disabilities Act of 1990.

“Rider” means a person deemed eligible to ride on the paratransit service in accordance with the Americans with Disabilities Act of 1990; Code of Federal Regulations 49, part 37, subpart F, section 37.123 or a person certified as eligible for paratransit services by the mass transit agency.

(2016, ord 16-108, sec 1.)

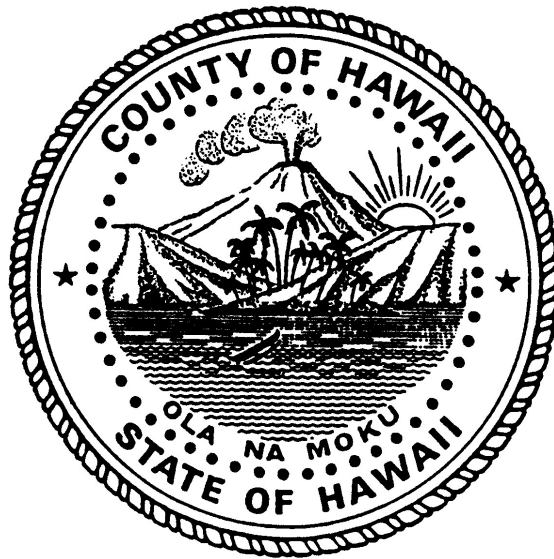
**Section 18-95. Eligibility.**

- (a) The mass transit agency shall approve or deny applications for Hele-On Kāko‘o services within twenty-one calendar days after receipt. Approval may include a finding that an applicant is eligible for some but not all of Hele-On Kāko‘o services. Specific reasons shall be cited for any decision other than complete approval.
- (b) If a decision has not been made within twenty-one calendar days, the applicant shall be deemed eligible for paratransit service on a temporary basis until a decision has been made.

# THE HAWAI‘I COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 19 (1-2026)  
Contains ordinances effective through: 12-31-2025



A CODIFICATION OF THE GENERAL ORDINANCES  
OF THE COUNTY OF HAWAI‘I  
STATE OF HAWAI‘I

Office of the County Clerk  
County of Hawai‘i  
25 Aupuni Street  
Hilo, Hawai‘i 96720  
(808) 961-8255

## Volume Two



## **Division 4. Parking Meters.**

### **Subdivision 1. Meter Zones.**

Section 24-213.	Parking meter zones.
Section 24-214.	Installation of parking meters.
Section 24-215.	Parking meter spaces.
Section 24-216.	Deposit of coins; time limits.
Section 24-216.1.	Repealed.
Section 24-217.	Hours of operation; exceptions.
Section 24-218.	Use of slugs prohibited.
Section 24-219.	Tampering with meters prohibited.
Section 24-220.	Collection, deposit, and application of proceeds.

### **Subdivision 2. Use of Parking Stalls for Construction or Special Events.**

Section 24-221.	Definitions.
Section 24-222.	Permit required.
Section 24-223.	Fees.
Section 24-224.	Permit application; contents; department to exercise discretion.
Section 24-225.	Responsibility for keeping permit at job site; inspection by authorized personnel.
Section 24-226.	Permit violations; enforcement.
Section 24-227.	Penalty.

## **Division 5. County Building Parking.**

Section 24-228.	Director of public works to regulate parking at County building.
Section 24-229.	Area of County lands regulated; hours.
Section 24-230.	Director of finance to set rates; theater parking; rental computation.
Section 24-231.	Parking application; assignment of spaces; special parking.
Section 24-232.	Map of parking areas; authority to change areas.
Section 24-233.	Shifting privileges and restrictions on certain occasions.
Section 24-234.	Enforcement of division.
Section 24-235.	Signs and pavement markings.
Section 24-236.	Parking in prohibited areas; towing vehicles; permit required.
Section 24-237.	Vehicle identification; evidence of violation.
Section 24-238.	Overtime parking in metered areas; citations.
Section 24-239.	Conditions for return of parking permit.
Section 24-240.	Penalty; revocation of parking privileges.

## **Division 6. Parking for persons with disabilities.**

Section 24-241.	Intent and purpose.
Section 24-242.	Definitions.
Section 24-243.	Issuing agency.

- Section 24-244. Parking privileges.
- Section 24-245. Fees.
- Section 24-245.1. Requirements; permit display, presentation of identification card and nontransferability.
- Section 24-245.2. Designation of parking spaces.
- Section 24-245.3. Violations and penalties.

**Division 7. Parking for electric vehicles.**

- Section 24-245.4. Definitions.
- Section 24-245.5. Parking privileges.
- Section 24-245.6. Penalties.

**Article 9. Pedestrians.**

- Section 24-246. Crosswalks established.
- Section 24-247. Entering obstructed intersection or crosswalk.
- Section 24-248. Roadways closed to pedestrian traffic.
- Section 24-249. Certain acts by pedestrians prohibited.
- Section 24-250. Driving through safety zone prohibited.
- Section 24-251. Obstruction of highways.
- Section 24-252. Highway railings; prohibited acts.

**Articles 10 and 11. Vehicle and Traffic Schedules. \***

\* **Editor's Note:** Articles 10 and 11, that contain Vehicle and Traffic Schedules, are located behind the "Traffic Schedules" tab.

**Article 9. Pedestrians.****Section 24-246. Crosswalks established.**

The streets described in schedule 24, section 24-276 are established and designated as crosswalks when appropriate lines or other markings on the surface of the roadway giving notice are painted.

(1983 CC, c 24, art 9, sec 24-246.)

**Section 24-247. Entering obstructed intersection or crosswalk.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles or pedestrians, despite any traffic-control signal indication to proceed.

(1983 CC, c 24, art 9, sec 24-247.)

**Section 24-248. Roadways closed to pedestrian traffic.**

(a) No pedestrian shall enter upon or cross any roadway or portion of any roadway designated by ordinance as closed to pedestrian traffic, except within an authorized marked crosswalk, or upon a pedestrian overpass, or through a pedestrian tunnel.

(b) The areas designated in schedule 26, section 24-278 are closed to pedestrian traffic.

(1983 CC, c 24, art 9, sec 24-248.)

**Section 24-249. Certain acts by pedestrians prohibited.**

(a) No person may enter a roadway, obstruct traffic, or approach moving vehicles for the purpose of:

(1) Receiving or soliciting employment, business, or any other good or service from the occupant of any vehicle, unless the vehicle is legally stopped; or

(2) Delivering or offering any employment, business, or other good or service to the occupant of any vehicle, unless the vehicle is legally stopped.

For the purposes of this subsection:

“Good or service” does not include aid, assistance, or help provided or rendered in an emergency or traffic accident.

(b) The provisions of subsection (a) do not prohibit an individual from:

(1) Using sidewalks, areas adjacent to a roadway, or any other portion of the road not ordinarily used for vehicular traffic, provided that the individual does not obstruct traffic or approach moving vehicles; or

(2) Holding a sign or engaging in any other protected speech activity in a location that does not obstruct traffic.

- (c) Notwithstanding anything to the contrary, a person convicted of a violation of subsection (a) is subject to:
  - (1) For any violation not within one year of a previous violation:
    - (A) A fine not less than \$250 and not more than \$1,000;
    - (B) Community service no less than eighteen hours nor more than seventy-one hours; or
    - (C) Both.
  - (2) For any violation within one year of a previous violation:
    - (A) A fine not less than \$500 and not more than \$1,000;
    - (B) Community service no less than thirty-six hours nor more than seventy-one hours; or
    - (C) Both.
- (d) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(1983 CC, c 24, art 9, sec 24-249; am 2025, ord 25-78, sec 1.)

**Section 24-250. Driving through safety zone prohibited.**

The portions of streets, described in schedule 25, section 24-277 are designated as safety zones when appropriate lines or other markings on the surface of the roadway giving notice thereof are plain.

(1983 CC, c 24, art 9, sec 24-250.)

**Section 24-251. Obstruction of highways.**

No person shall sit, kneel, squat, or lie upon any roadway, sidewalk, or sidewalk curbing except when overcome by illness or in an emergency.

(1983 CC, c 24, art 9, sec 24-251.)

**Section 24-252. Highway railings; prohibited acts.**

No person shall sit, stand, or walk or aid or assist any other person to sit, stand, or walk upon the railing of any highway bridge, overpass or guardrail.

(1983 CC, c 24, art 9, sec 24-252.)

**Articles 10 and 11. Vehicle and Traffic Schedules. \***

\* **Editor's Note:** Articles 10 and 11, that contain Vehicle and to Traffic Schedules, are located behind the tabbed divider sheet directly following this page.

<b>(c) South Hilo</b>
<b>(d) Ka‘ū</b>
<b>(e) Kohala</b>
<b>(f) Kona</b>
<b>(g) Puna</b>

The following areas are designated as maximum eight hour parking at the rate of twenty-five cents per two-hours:

<b>(a) Hāmākua</b>
<b>(b) North Hilo</b>
<b>(c) South Hilo</b>
<b>(d) Ka‘ū</b>
<b>(e) Kohala</b>
<b>(f) Kona</b>
<b>(g) Puna</b>

(1996, ord 96-163, sec 2; am 2000, ord 00-89, sec 6; am 2002, ord 02-57, sec 8; am 2003, ord 03-4, sec 1; am 2025, ord 25-79, sec 2.)

**Division 8. Restrictions on Certain Vehicles.**

**Section 24-293. Schedule 41. Use of certain streets by certain vehicles restricted.**

The following classes of vehicles are precluded from the use of the designated streets when appropriate signs giving notice thereof are erected:

<b>(a) Hāmākua</b>
<ul style="list-style-type: none"> <li>• Pakalana Street, from Lehua Street to Māmane Street, makai bound only:             <ol style="list-style-type: none"> <li>(1) Any vehicle with a gross vehicle weight rating (GVWR) of more than ten thousand pounds shall not travel in the makai-bound direction.</li> <li>(2) This restriction shall be lifted during emergencies as may be declared by the office of civil defense.</li> </ol> </li> </ul>
<ul style="list-style-type: none"> <li>• Waipi'o Valley Access Road.             <ol style="list-style-type: none"> <li>(1) Restricted to four-wheel drive vehicles only.</li> <li>(2) Any vehicle with a gross vehicle weight rating (GVWR) of more than ten thousand pounds shall not travel on this road. This restriction shall not be applicable to utility, emergency or delivery vehicles providing services to business establishments and residents in Waipi'o Valley.</li> <li>(3) Vehicle shall be engaged in four-wheel drive mode.</li> <li>(4) Makai-bound vehicle shall yield to mauka-bound vehicle.</li> <li>(5) These restrictions may be lifted during emergency situations as deemed necessary by the Civil Defense Agency.</li> </ol> </li> </ul>
<b>(b) North Hilo</b>
<b>(c) South Hilo</b>
<b>(d) Ka'ū</b>
<b>(e) Kohala</b>

- Section 25-2-73. Plan approval application and processing requirements for special districts with design guidelines and/or standards.
- Section 25-2-74. Plan approval application requirements for telecommunication antennas.
- Section 25-2-75. Plan approval application requirements for agricultural tourism.
- Section 25-2-76. Action on plan approval application.
- Section 25-2-77. Review criteria and conditions of approval.
- Section 25-2-78. Construction in conformity with plan approval.
- Section 25-2-79. Appeal of a plan approval decision.

**Article 3. Establishment of Zoning Districts.**

- Section 25-3-1. Designation of districts.
- Section 25-3-2. Designation of special districts.
- Section 25-3-3. Method and effect of establishment of districts.
- Section 25-3-4. Establishment of building lines, future width lines and plan lines for future streets.
- Section 25-3-5. Application of district regulations.
- Section 25-3-6. Rules for interpretation of district boundaries.
- Section 25-3-7. District classification of streets.
- Section 25-3-8. Legal effect of establishment of building lines, future width lines, and plan line.

**Article 4. General Development Regulations.**

**Division 1. Use Regulations.**

- Section 25-4-1. Existing buildings.
- Section 25-4-2. Conditions for construction of buildings designed for human occupancy.
- Section 25-4-3. Establishment of permitted uses.
- Section 25-4-4. Uses prohibited.
- Section 25-4-5. Uses authorized by other permits.
- Section 25-4-6. Use of streets.
- Section 25-4-7. Bed and breakfast establishments.
- Section 25-4-8. Temporary real estate offices and model homes.
- Section 25-4-9. Guest houses.
- Section 25-4-10. Mobile dwellings.
- Section 25-4-11. Power lines, utility substations, public buildings.
- Section 25-4-12. Telecommunication antennas or towers.
- Section 25-4-13. Home occupations.
- Section 25-4-14. Flag lots.
- Section 25-4-15. Agricultural tourism.
- Section 25-4-16. Short-term vacation rentals.
- Section 25-4-16.1. Short-term vacation rental nonconforming use certificate.

- Section 25-4-16.2. Prima facie evidence; short-term vacation rentals.
- Section 25-4-16.3. Short-term vacation rental enforcement account.
- Section 25-4-17. Meeting facilities.
- Section 25-4-18. Household henneries.

### **Division 2. Heights.**

- Section 25-4-20. Height; general rules.
- Section 25-4-21. Basements and underground structures.
- Section 25-4-22. Exemptions from height limitations.
- Section 25-4-23. Accessory structure height limitations.

### **Division 3. Street Frontage, Lot Areas and Widths.**

- Section 25-4-30. Minimum street frontage.
- Section 25-4-31. Minimum building site area; minimum average width.
- Section 25-4-32. Reduction of building site below minimum area.
- Section 25-4-33. Effect of delinquent tax sale; recordation of land.
- Section 25-4-34. Waiver of minimum building site area for utilities.

### **Division 4. Yards and Open Space.**

- Section 25-4-40. General requirements for yards and open space.
- Section 25-4-41. Triangular or irregular building sites.
- Section 25-4-42. Corner building sites.
- Section 25-4-43. Fences and accessory structures.
- Section 25-4-44. Permitted projections into yards and open spaces.
- Section 25-4-45. Projection of porte-cocheres.
- Section 25-4-46. Projection of pools.
- Section 25-4-47. Minimum distance between main buildings on same building site.
- Section 25-4-48. Apiaries.

### **Division 5. Off-Street Parking and Loading.**

- Section 25-4-50. Off-street parking and loading: purpose.
- Section 25-4-51. Required number of parking spaces.
- Section 25-4-52. Method of determining number of parking spaces.
- Section 25-4-53. Minimum dimensions of parking spaces.
- Section 25-4-54. Standards and improvements to off-street parking spaces.
- Section 25-4-54.1. Parking for electric vehicles; electric vehicle charging systems.
- Section 25-4-54.2. Alternatives and exemptions; parking for electric vehicles; electric vehicle charging systems.
- Section 25-4-55. Parking for persons with disabilities.
- Section 25-4-56. Off-street loading requirements.
- Section 25-4-57. Method of determining number of loading spaces.
- Section 25-4-58. Dimension of loading spaces.
- Section 25-4-59. Location and improvement of loading spaces.
- Section 25-4-59.1. Director determination of parking and loading requirements.
- Section 25-4-59.2. Exceptions to the off-street parking and loading requirements.
- Section 25-4-59.3. Landscaping and screening for parking lots and loading spaces.

“Commission” means either the windward planning commission or the leeward planning commission, or both acting as a joint commission, as provided for in the Charter.

“Conforming” means in compliance with the regulations of the pertinent zoning district.

“Convenience store” means a small retail establishment intended to serve the daily or frequent needs of the surrounding neighborhood population by offering for sale pre-packaged food products, household items, newspapers and magazines, and freshly prepared foods.

“Council” means the County council.

“County environmental report” means an informational document in a form prescribed by the director in accordance with rules adopted pursuant to chapter 91, Hawai‘i Revised Statutes. The County environmental report shall contain a description of the physical, social, historical, economic, and natural resource consequences of a proposed action, including but not limited to a discussion of alternatives to the proposed action, any environmental effects which cannot be avoided should the proposal be implemented, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, any irreversible and irretrievable commitments of natural resources which would be involved in the proposed action, and an analysis of the proposed action. The term “County environmental report” does not include a State environmental impact statement prepared in compliance with chapter 343, Hawai‘i Revised Statutes. Copies of the County environmental report shall be available to the public for inspection and written comment. Public comments on the document shall be made a part of the record of the application under consideration by the director, and made available to the council.

“Crematorium” means a business that contains a crematory or a place to incinerate a decedent. It may also contain a morgue or funeral home, and may provide funeral services.

“Crop production” means agricultural and horticultural uses, including, but not limited to, production of grains, field crops, vegetables, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms.

“Day care center” means a facility which is licensed or approved by the State, pursuant to chapter 346, part IV or part VIII, Hawai‘i Revised Statutes, as amended, where persons who are not members of the family occupying the premises are cared for without overnight accommodations. This term includes day nurseries, preschools, and kindergartens which are not licensed by the State department of education and adult day care centers.

“Data processing facility” means an establishment primarily involved in the compiling, storage and maintenance of documents, records and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services.

“De minimis structure position discrepancy” means a difference between the distance from a property boundary required by the zoning code for a yard or open space and the actual distance, of not more than the following:

- (a) For property zoned Multiple-Family Residential (RM), Residential-Commercial Mixed Use (RCX), Resort-Hotel (V), Neighborhood Commercial (CN), General Commercial (CG), Village Commercial (CV), Industrial-Commercial Mixed (MCX), Limited Industrial (ML), General Industrial (MG), Downtown Hilo Commercial (CDH), or within a Planned Unit Development (PUD), Cluster Plan Development (CPD), or Project District (PD): 0.25 feet;
- (b) For property zoned Single-Family Residential (RS) or Double-Family Residential (RD): 0.5 feet;
- (c) For property zoned Residential and Agricultural (RA), Family Agricultural (FA), Agricultural (A), Intensive Agricultural (IA), or Agricultural Project District (APD): 0.75 feet.

“Density” means the number of dwelling units or rentable units for a particular unit of gross land area.

“Direct current fast charger” means an electric vehicle charger that:

- (1) Utilizes direct current electricity providing at least fifty kilowatts or greater;
- (2) Is network-capable;
- (3) Meets recognized standards and protocols, including but not limited to SAE Combined Charging System, Tesla protocol, and CHAdeMO protocol;
- (4) Is safety certified by a nationally recognized testing laboratory;
- (5) Is designed and installed in compliance with chapter 5D of the Hawai‘i County Code; and
- (6) Contains ports to support at least two industry standard charging protocols for more equitable distribution and access to charging.

“Director” means the director of the planning department.

“Duplex” and “double-family dwelling” means a building containing only two dwelling units.

“Dwelling” means a building or part thereof designed for or used for residential occupancy or both and containing one or more dwelling units, and includes double-family dwelling or duplex, mobile dwelling, multiple-family dwelling and single-family dwelling.

“Dwelling unit” means one or more rooms designed for or containing or used as the complete facilities for the cooking, sleeping and living area of a single-family only and occupied by no more than one family and containing a single kitchen.

“Electric vehicle” means:

- (1) A neighborhood electric vehicle as defined in this section;
- (2) A vehicle, with four or more wheels, that draws propulsion energy from a battery with at least four kilowatt hours of energy storage capacity that can be recharged from an external source of electricity; or
- (3) A fuel cell electric vehicle.”

“Guest ranch” means an establishment with its surrounding land which offers recreational facilities for activities such as riding, swimming and hiking, and living accommodations.

“Home improvement center” means a single establishment primarily involved in providing a large variety of goods and services directly associated with building and home improvements.

“Home occupation” means any activity intended to provide income that is carried on within a dwelling, within an accessory structure to a dwelling, or on a portion of a building site used principally for dwelling purposes.

“Hospital” means an institution in which patients or injured persons are given medical or surgical care, and unless otherwise modified, the term is limited to the care of persons only.

“Hotel” means a building or group of buildings containing six or more rooms or suites which provides transient lodging accommodations, meals, entertainment, and various personal services for compensation, whether such establishment is called a hotel, motel, motor hotel, motor lodge, inn, or otherwise.

“Household hennery” means an outdoor site on a parcel or lot that is an accessory use to a dwelling where female chickens, ducks, guinea hens, and quails are kept, raised, and maintained for the non-commercial production and consumption of eggs.

“Junkyard” means an outdoor or partially enclosed area, more than two hundred square feet in size, used for storage or keeping of junk, scrap, or nonhazardous waste materials, or for dismantling or wrecking vehicles or machinery or for storage of parts resulting therefrom.

“Kennel” means a commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. The term includes animal quarantine stations.

“Kitchen” means a room or a portion of a room designed to be used for the preparation of food and containing at least one item from both of the following categories:

- (A) Fixtures, appliances or devices for heating or cooking food; and
- (B) Fixtures, appliances or devices for washing utensils used for dining and food preparation and/or for washing and preparing food.

“Land use” means use of land, building use and use of any building.

“Livestock” means all animals generally associated with farming, which are raised or kept for food and other agricultural purposes. Such animals include: swine; cattle; horses; goats; sheep; chickens, ducks, geese, turkey, and other poultry; rabbits; and bees.

“Livestock production” means a distinct agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a principal land use. These include piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit farms, apiaries and aviaries.

“Lodge” means a building or group of buildings, under single management, containing transient lodging accommodations without individual kitchen facilities, and no more than forty guest rooms or suites, and generally located in agricultural, rural or other less populated areas.

“Lot” means a building site or a parcel of land shown as a unit on an approved subdivision map, or a survey map.

“Lot line” means any boundary of a building site or property line, and includes:

- (A) “Interior lot line” which is any lot line other than the street frontage.
- (B) “Rear lot line” which is the lot line that is generally opposite the street frontage.

“Lot width” means that figure obtained by dividing the total area of a building site by the maximum depth of the building site measured in the general direction of the side lines.

“Main building” means a building in which is conducted a principal or main use on the building site on which it is situated.

“Manufacturing, processing and packaging, general” means activities which are the main purpose of establishments primarily involved in the manufacture, processing, assembly, fabrication, refinement, alteration and/or other end products suitable for sale or trade. General manufacturing, processing and packaging establishments are those involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. Typical activities include, but are not limited to: paper and textile milling; wood millwork and the production of prefabricated structural wood products; the manufacture of soaps and detergents; rubber processing and the manufacture of rubber products; the production of plastics and other synthetic materials; primary metals processes; the manufacture of vehicles; machinery and fabricated metal products; electroplating; cement making and the production of concrete; gypsum and related products; the production of chemical products; perfumes and pharmaceuticals; and the production of paving and roofing materials. General manufacturing does not include those activities associated with petroleum processing; the manufacture of explosives and toxic chemicals; waste disposal and processing; and/or the processing of salvage, scrap and junk materials.

“Manufacturing, processing and packaging, light” means activities which are the main purpose of establishments primarily involved in the manufacture, processing, assembly, fabrication, refinement, alteration and/or other end products suitable for sale or trade. Light manufacturing, processing and packaging establishments involve activities which are non-offensive to adjacent uses; involve no open storage or other types of outdoor accessory uses other than parking and loading; do not involve processes which generate significant levels of heat, noise, odors and/or particulates; and do not involve chemicals or other substances which pose a threat to health and safety. Typical activities include, but are not limited to, the production of handcrafted goods, electronics-intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, optical and photographic equipment, and other manufacturing, processing and packaging uses meeting the criteria prescribed herein.

“Medical clinic” means an office building or group of offices for persons engaged in the practice of a medical or dental profession or occupation. A medical clinic does not have beds for overnight care of patients but can involve the treatment of outpatients. A “medical profession or occupation” is any activity involving the diagnosis, cure, treatment, mitigation or prevention of disease or which affects any bodily function. This includes massage, acupuncture, chiropractic, and other similar health service facilities.

“Meeting facility” means a new or existing facility or building site that is used for recreational, social, or multipurpose use, and may include a kitchen but has no public commercial transient accommodations. Typical uses include private clubs, union halls, cultural, community and association centers, religious facilities such as places of worship, and student centers. This does not include schools.

“Mobile dwelling” means a structure or vehicle containing one or more dwelling units designed so as to be transportable either by being carried or towed or under its own power, whether or not the wheels, skids or other devices for transportability are actually in place.

“Mortuary” means a business used to prepare a decedent before burial or cremation. It may also contain a morgue, funeral home, or crematory, and may provide funeral services.

“Multiple-family dwelling” means a building containing more than two dwelling units.

“Neighborhood electric vehicle” means a self-propelled electrically powered motor vehicle to which all of the following apply:

- (1) The vehicle is emission free;
- (2) The vehicle is designed to be and is operated at speeds of twenty-five miles per hour or less;
- (3) The vehicle has four wheels in contact with the ground;
- (4) The vehicle has a gross vehicle weight rating of less than three thousand pounds; and
- (5) The vehicle conforms to the minimum safety equipment requirements as adopted in the Federal Motor Vehicle Safety Standard No. 500, Low Speed Vehicles (49 C.F.R. 571.500).”

“Networked” refers to electric vehicle charging systems that are able to connect to the internet.

“Nonconforming building or parcel” means a building or parcel lawfully in existence on September 21, 1966 or on the date of any amendment to this chapter, but which does not comply with the regulations for the zoning district in which it is located.

“Nonconforming use” means a use lawfully in existence on September 21, 1966 or on the date of any amendment to this chapter, but which does not conform to the regulations for the zoning district in which it is located.

“Pedestrian way” means a public right-of-way through a block between lots for pedestrian traffic, which may also be used as a utility easement and which has a maximum width of twenty feet.

“Personal services establishment” means an establishment which offers specialized goods and services purchased frequently by the consumer. Included are barbershops, beauty shops, garment repair, laundry cleaning, pressing, dyeing, tailoring, shoe repair and other similar establishments.

“Piggery” means any parcel or premises where five or more weaned hogs are maintained.

“Place of public accommodation” means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the general public as customers, clients, or visitors. By way of example, but not of limitation, place of public accommodation includes facilities of the following types:

- (1) A facility providing services relating to travel or transportation;
- (2) An inn, hotel, motel, or other establishment that provides lodging to transient guests;
- (3) A restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises of a retail establishment;
- (4) A shopping center or any establishment that sells goods or services at retail;
- (5) An establishment licensed under chapter 281, Hawai‘i Revised Statutes, doing business under a class 4, 5, 7, 8, 9, 10, 11, or 12 license, as defined in section 281-31, Hawai‘i Revised Statutes;
- (6) A motion picture theater, other theater, auditorium, convention center, lecture hall, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
- (7) A barber shop, beauty shop, bathhouse, swimming pool, gymnasium, reducing or massage salon, or other establishment conducted to serve the health, appearance, or physical condition of persons;
- (8) A park, a campsite, or trailer facility, or other recreation facility;
- (9) A comfort station; or a dispensary, clinic, hospital, convalescent home, or other institution for the infirm;
- (10) A professional office of a health care provider, as defined in section 323D-2, Hawai‘i Revised Statutes, or other similar service establishment;
- (11) A mortuary or undertaking establishment; and
- (12) An establishment that is physically located within the premises of an establishment otherwise covered by this definition, or within the premises of which is physically located a covered establishment, and which holds itself out as serving patrons of the covered establishment.

“Plan approval” means the review and approval of plans for new structures and additions to existing structures, and certain uses in specified zoning districts in order to assure that the intent and purpose of this chapter are carried out.

“Plan lines for future streets” means lines established on the zoning map for the purpose of future street construction and establishing the front property line of the affected building site. The area within these lines shall be deemed to be the street right-of-way, and cannot be considered in computing the minimum yard required on any building site.

“Plug” means an accessory to an electric vehicle charging system capable of charging a single electric vehicle and compatible with alternating current Level 2 charging stations or direct current fast charger protocols.

“Special event” means a planned gathering or activity, typically requiring an invitation, registration, or ticket purchase, that exceeds the customary use of the property, including but not limited to commercial weddings and receptions, promotional functions, commercial concerts, and other large-scale or revenue-generating assemblies.

“Street” means a right-of-way for vehicle purposes and pedestrian traffic, and the placement of utilities, or a private right-of-way for vehicular purposes, which provides access to building sites.

“Street frontage” means that portion of a building site that has a common line with a street right-of-way line. The street frontage is designated as the front property line.

“Structure” means anything above existing grade constructed or erected with a fixed location on the ground, or requiring a fixed location on the ground, or attached to something having or requiring a fixed location on the ground. The term “structure” includes the term “building.”

“Surveyor” means a person duly registered as a professional land surveyor in the State.

“Telecommunication antenna” means an antenna, repeater, equipment, wireless or broadband-related infrastructure, and other accessory structures used to transmit and receive radio frequency (RF) signals for communication purposes, including those intended for specific users who must have special equipment for transmission and/or reception. This definition:

- (1) Includes:
  - (A) Broadcasting facilities, such as low power television stations, regulated by the Federal Communications Commission (FCC) under Title 47 of the Code of Federal Regulations, part 74;
  - (B) Land-mobile or two-way radio, and one-way radio paging service broadcasting; and
  - (C) Independent receiving facilities which do not qualify as accessory uses; and
- (2) Does not include:
  - (A) Portable, handheld, and vehicular transceivers or radios;
  - (B) Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission (FCC);
  - (C) Marketed consumer products, such as microwave ovens, citizens band radios, ham radios, or remote-controlled devices;
  - (D) Facilities solely for the personal reception of these transmissions, such as radio and television appliances;
  - (E) Small wireless facilities, as defined by the Hawai‘i Revised Statutes, section 206N-1; and
  - (F) Broadband services delivered through wireline technologies, such as digital subscriber line, cable, and fiber-to-the-premises.

“Telecommunication tower” or “tower” means a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower, or other structure designed and primarily used to support telecommunication antennas and any related equipment, shelters, or cabinets necessary for the operation of the antennas.

“Theater” means a facility which is used primarily for the performing arts or for the viewing of motion picture films. Included are performing arts centers, concert halls and other types of live theaters.

“Time share unit” means any multiple-family dwelling unit or hotel, which is owned, occupied or possessed, under an ownership and/or use agreement among various persons for less than a sixty-day period in any year for any occupant, and is regulated under the provisions of chapter 514E, Hawai‘i Revised Statutes, as amended.

“University” means a nationally-accredited institution of higher learning, whether classified as a “university” or a “college” and whether public or private, including community colleges, providing facilities for teaching, research and group learning and authorized to grant academic degrees.

“Use” means the purpose to which land or any structure or improvement thereon or both are or may be put. The word “use” is synonymous with terms “land use” and “use of land” unless the context clearly indicates otherwise.

“Warehousing” means the storage of raw materials, finished products, merchandise and/or other goods, within a building for subsequent delivery, transfer and/or pickup.

“Wholesaling and distribution” means the sale and/or distribution of manufactured and/or processed products, merchandise or other goods in large quantities for subsequent resale to retail establishments, and/or industrial, institutional and commercial users.

“Yard” means an open space on the same building site with a building, which open space lies between the building and the bounding lot lines, and is unoccupied and unobstructed from the ground upward except for landscaping and except for fences, walls, architectural features, pools, porte cocheres, cornices, canopies, roof overhangs, eaves, porches, balconies, terraces, fire escapes, stairs, ramps and other similar features authorized under article 4, division 4 of this chapter, and includes:

- (A) “Front yard” which is a yard lying between the street line on which the building site fronts or the future width line or the plan line for future street and a line parallel thereto which runs through the point of the building nearest to said street line, future width line or plan line. The depth of said yard is the distance between the parallel lines.
- (B) “Rear yard” which is a yard lying between the rear lot line and a line parallel thereto extended to intersect the side lot lines, which line runs through the point of a main building nearest the rear lot line. The depth of said yard is the distance between the parallel lines.
- (C) “Side yard” which is a yard lying between the front yard, the rear yard, the side lot line and a line parallel thereto which runs through the point of the building nearest to said lot line. The width of said yard is the distance between the parallel lines.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2000, ord 00-152, sec 1; am 2002, ord 02-70, sec 2; am 2007, ord 07-55, sec 1; ord 07-104, sec 2; am 2008, ord 08-155, sec 2; am 2009, ord 09-118, sec 17; am 2012, ord 12-28, sec 2; am 2018, ord 18-114, sec 3; am 2020, ord 20-61, sec 9; ord 20-94, sec 2; am 2021, ord 21-26, sec 2; 2022, ord 22-95, sec 3; am 2024, ord 24-65, secs 4 and 5; ord 24-70, secs 5 and 6; am 2025, ord 25-55, secs 2 and 3; ord 25-66, secs 2, 3, and 4; ord 25-85, sec 1.)

## ZONING

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**Article 2. Administration and Enforcement.**

**Division 1. General Administration.**

**Section 25-2-1. Duties of county officers.**

- (a) The building official shall enforce any provisions of this chapter relative to building construction and occupancy.
- (b) The director shall enforce all other provisions of this chapter pertaining to land use.
- (c) All law enforcement officers of the County shall enforce all the provisions of this chapter.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-2-2. Issuance of permits or licenses in conformance with chapter.**

All departments, officials, and public employees authorized to issue permits or licenses shall conform to the provisions of this chapter and no permit or license for any use, building, or other purpose shall be issued where the license or permit would be in conflict with the provisions of this chapter. Any permit or license, if issued in conflict with the provisions of this chapter, shall be void.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Intentionally left blank.

**Section 25-2-56. Repealed.**

(1996, ord 96-160, sec 2; ratified April 6, 1999; rep 1999, ord 99-112, sec 7.)

**Section 25-2-57. Repealed.**

(1996, ord 96-160, sec 2; ratified April 6, 1999; rep 1999, ord 99-112, sec 8.)

**Section 25-2-58. Appeals.**

- (a) If the director denies a variance application, such decision is final except, that, within thirty days after the date of the written decision, the applicant may appeal such action to the board of appeals, pursuant to the rules of practice and procedure of the board of appeals.
  - (b) Any person aggrieved by the decision of the director in the issuance of a variance decision may appeal the director's action to the board of appeals, in accordance with this chapter, within thirty days after the date of the director's written decision.
- (1999, ord 99-112, sec 6.)

**Division 6. Use Permits.****Section 25-2-60. Purpose.**

Use permits are permits for certain permitted uses in zoning districts which require special attention to insure that the uses will neither unduly burden public agencies to provide public services nor cause substantial adverse impacts upon the surrounding community.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-2-61. Applicability; use permit required.**

- (a) The following uses shall be permitted within designated County zoning districts only if a use permit is obtained for the use from the commission:
  - (1) Bed and breakfast establishments in RS, RA, FA, and A districts, provided that the property is within the state land use urban district.
  - (2) Crematoriums, funeral homes, funeral services and mortuaries in RS, RD, RM, RCX, RA, FA, A and V districts.
  - (3) Day care centers in RS, RD, RM, RA, FA and A districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, and RA districts.
  - (4) Golf courses and related golf course uses including golf driving ranges, golf maintenance buildings, and golf club houses in the RS, RD, RM, RCX, RA, FA, A, V, CG, CV, and O districts, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.

- (5) Group living facilities that exceed the criteria in subsection 25-1-5(b), paragraph (b) of the definition of “group living facility” in the RS, RD, RM, RCX, RA, FA, A, CN, CG, CV, and V districts.
  - (6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes in the RS, RD, RM, RCX, RA, FA, A, and V districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, RCX and RA districts.
  - (7) Major outdoor amusement and recreation facilities in RCX, RA, A, CN, CG, CV, MCX, ML, MG and O districts.
  - (8) Medical clinics in RS, RD, RM, RA, FA, and A districts.
  - (9) Meeting facilities, which may include special events in RS, RD, RM, RA, FA, and A districts.
  - (10) Schools in RS, RD, RM, RA, FA, A, V, MCX, ML, and MG districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, and RA districts.
  - (11) Yacht harbors and boating facilities in the RS, RD, RM, RCX, RA, V, CG, CV, MCX, ML, MG and O districts.
  - (12) Wind energy facilities in the O district; provided that the property is within the state land use agricultural district.
  - (13) Other unusual and reasonable uses which are not specifically permitted in any zoning district with the approval of the director and the concurrence of the council by resolution.
- (b) Any use which received an approval as a conditionally permitted use prior to September 25, 1984, or which received prior approval through the use permit process, is considered a legal use of the affected parcel and may be expanded or enlarged without obtaining another use permit, provided such expansion, enlargement or addition is in full compliance with this chapter and the applicable district regulations.
  - (c) A use permit shall not be required for any use described in subsection (a) above, if a special permit is obtained for that use, pursuant to section 205-6, Hawai‘i Revised Statutes.
  - (d) A use permit shall not be required for meeting facilities and/or special events operated in partnership with State or County agencies or conducted at State or County venues or facilities.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2007, ord 07-55, sec 2; am 2008, ord 08-2, sec 2; am 2010, ord 10-17, sec 2; am 2011, ord 11-25, sec 1; ord 11-26, sec 1; am 2012, ord 12-91, sec 2; ord 12-124, sec 2; am 2014, ord 14-86, sec 2; am 2019, ord 19-100, sec 2; am 2021, ord 21-26, sec 3; am 2025, ord 25-55, sec 4; ord 25-66, sec 5.)

- (d) A property owner or other person affected by the proposed revocation of a use permit ordered by the commission, may, within thirty days after the mailing of the commission's order, appeal the commission's action to the third circuit court pursuant to chapter 91, Hawai'i Revised Statutes.  
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 1999, ord 99-112, sec 11; am 2021, ord 21-24, sec 3.)

### **Division 7. Plan Approval.**

#### **Section 25-2-70. Purpose.**

Plan approval provides a method of allowing closer inspection of certain development and inspection of all development in certain districts in order to ensure conformance with the general plan, to assure that the intent and purpose of this chapter are carried out, and to ensure pertinent conditions of previous approvals related to the development have been implemented.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

#### **Section 25-2-71. Applicability; plan approval required.**

- (a) Plan approval shall be required prior to the construction or installation of any new structure or development or any addition to an existing structure or development in all districts except in the RS, RA, FA, A and IA districts, and except for the construction of one single-family dwelling and any accessory buildings per lot, unless required elsewhere in this chapter.
- (b) Plan approval shall be required in all districts prior to the change of the following uses in existing buildings:
- (1) Residential to commercial use;
  - (2) Warehouse and manufacturing to retail use.
- (c) Plan approval shall be required in all applicable districts prior to the construction or establishment of the following improvements and uses:
- (1) Meeting facilities, as permitted under section 25-4-17.
  - (2) Public uses, structures and buildings, as permitted under section 25-4-11.
  - (3) Telecommunication antennas and towers, as permitted under section 25-4-12.
  - (4) Temporary real estate offices and model homes, as permitted under section 25-4-8.
  - (5) Utility substations, as authorized under section 25-4-11.
  - (6) Special events, as defined in section 25-1-5.
- (d) Plan approval shall be required in the RA and FA district prior to the construction or installation of any new structure or development, or of any addition to an existing structure or development which is to be used for minor agricultural products processing.
- (e) Plan approval shall be required in the A district prior to the development of any trailer park or major agricultural products processing facility. The director shall determine whether an agricultural products processing facility shall be considered major or minor at the time of building permit review, or earlier at the applicant's request.

- (f) Plan approval may be required as a condition of approval of any use permit, variance, or other action relating to a specific use, in which case the use or development so conditioned may not be established until plan approval has been secured.
- (g) Plan approval shall be required for the establishment of any agricultural tourism activity, as permitted under section 25-4-15(b).
- (h) Plan approval shall be required prior to the construction or installation of any new structure or development, any enlargement of an existing structure or development, or alterations to the exterior appearance of any existing structure or development in any special district established under this chapter for which design guidelines and/or standards have been adopted and as prescribed by the applicable special district requirements, excluding any special district having adopted design guidelines and/or standards established under this chapter prior to adoption of this sub-section.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 2; am 2007, ord 07-56, sec 3; am 2008, ord 08-155, sec 3; am 2009, ord 09-16, sec 2; am 2012, ord 12-124, sec 3; am 2015, ord 15-45, sec 2; am 2025, ord 25-66, sec 6.)

**Section 25-2-72. Application for plan approval; requirements.**

An application for plan approval shall be on a form approved for such purpose by the director and shall be accompanied by:

- (1) A site plan, drawn to scale and fully dimensioned indicating clearly the following information:
  - (A) The location and dimension of the building site;
  - (B) The location, size, height, and use of all existing and proposed structures;
  - (C) All yards and open spaces;
  - (D) Location, height, and material of all fences and walls;
  - (E) The standard of improvement and location, number, and size of parking spaces, arrangement and on-site circulation of all off-street parking and loading facilities including points of access thereto from adjoining streets;
  - (F) The location, general nature, and type, and protection or shielding devices of all exterior lighting;
  - (G) All proposed landscaping and planting; and
  - (H) All proposed street dedication and improvement if any.
- (2) Any other information required by rules adopted by the director in accordance with chapter 91, Hawaii Revised Statutes.

- (3) A site drainage plan [under section 27-20] approved by the director of public works, where plan approval is required under section 25-2-71(a), (c)(2) and (c)(5), (d), (e), or (f). The site drainage plan shall comply with section 27-20(a) and (b) and section 27-24, and shall include a storm water disposal system to contain runoff caused by the proposed development, within the site boundaries, up to the expected one-hour, ten year storm event, as shown in the department of public works "Storm Drainage Standards," dated October 1970, or any approved revision, unless those standards specify a greater recurrence interval. The amount of expected runoff shall be calculated according to the department of public works "Storm Drainage Standards," dated October 1970, or any approved revision, or by any nationally-recognized method meeting with the approval of the director of public works. Runoff calculations shall include the effects of all improvements. Storm water shall be disposed into drywells, infiltration basins, or other approved infiltration methods. The development shall not alter the general drainage pattern above or below the development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2007, ord 07-56, sec 3.)

**Section 25-2-73. Plan approval application and processing requirements for special districts with design guidelines and/or standards.**

- (a) In addition to the application requirements for plan approval contained in section 25-2-72, an application for plan approval for the construction, installation, enlargement, or alteration to the exterior appearance of a building or structure that is subject to design guidelines and/or standards adopted by the council for any special district established under article 7 of this chapter shall include:
  - (1) Complete and accurate exterior elevations of all facades, drawn at a scale adequate to show clearly the appearance of all proposed buildings and structures;
  - (2) A description of exterior siding, roofing, and finish materials;
  - (3) Exterior door and window specifications;
  - (4) Description, location, and renderings for any exterior signage;
  - (5) A streetscape rendering of the project site and adjacent properties suitable for evaluating the immediate spatial relationships. Photographic images may be substituted provided those images are adequate to serve the same purpose;
  - (6) Other descriptive information as the director finds necessary to determine consistency of the proposed project with the design guidelines and/or standards adopted for the special district in which the project building site is located.
- (b) Within five days of acceptance of an application for plan approval the director shall provide the respective design review committee with a copy of the application and plans along with a request for their review and comments on the consistency of the project with the adopted design guidelines and/or standards.

- (c) The written recommendations and plans stamped “Reviewed by” with the date and signature of the chair of the respective design review committee affixed shall be submitted to the director within twenty-five calendar days of receipt by the design review committee of the director’s request for design review.
- (d) Except as otherwise provided in this section, the director shall withhold rendering a decision on a plan approval application until having received the written recommendations and stamped and signed plans from the chair of the respective design review committee for the application.
- (e) By written request to the director, the chair of the respective design review committee may request an extension of time to complete the design review and to submit the recommendations of the design review committee, which the director may grant only with the written approval of the applicant for plan approval.
- (f) In the event that no design review committee is established, or if the design review committee, for whatever reason, fails to respond within the time limit prescribed in subsection (b), the director shall provide design review against the relevant design guidelines and/or standards as adopted by the council and waive the requirements under subsection (c).

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2000, ord 00-152, sec 2; am 2015, ord 15-45, sec 3.)

**Section 25-2-74. Plan approval application requirements for telecommunication antennas.**

In addition to the application requirements for plan approval contained in section 25-2-72, an application for plan approval for a telecommunication antenna or tower shall contain a submittal checklist consistent with this section and shall contain the following information:

- (1) A plot plan showing the location on the building site of the proposed antenna or tower;
- (2) Building plans for the tower, certified by a licensed structural engineer, verifying that the tower, at full build out inclusive of all potential antennas and equipment, will have a hard survivability for sustained winds of one hundred miles per hour or meet the requirements set forth in the building code, whichever is greater;
- (3) A statement from the applicant that the proposed use will not interfere with the County’s land mobile radio system and other public emergency communications systems;
- (4) A statement from the Federal Aviation Administration that the application has not been found to be a hazard to air navigation;
- (5) A statement from the Federal Communications Commission that the application complies with the regulations of the Commission or a statement that no such compliance is necessary;
- (6) Documentation demonstrating that the National Historic Preservation Act of 1966 Section 106 review has been completed;

- (7) A report indicating whether the facility could be co-located elsewhere, which shall include:
  - (A) Documentation of efforts to install, construct, or co-locate the proposed facility on or within:
    - (i) Existing towers or feasible antenna support structures;
    - (ii) Sites that do not adversely impact significant public views, such as beaches, shorelines, oceans, and natural areas;
    - (iii) Industrial or commercial zoning districts;
    - (iv) Locations that are not highly visible from adjacent roadways, public spaces, parks, schools, greenbelts, or other visually sensitive areas; and
    - (v) Areas unserved or underserved with respect to broadband access and infrastructure;
  - (B) A map showing the sites that have been investigated with a detailed analysis on how those sites are inadequate and how the site selected is the least obtrusive;
  - (C) Maps showing the coverage areas of existing towers within a two mile radius of the proposed tower;
  - (D) A letter from the nearby tower owners indicating the tower is not feasible for co-locating antennas;
  - (E) A statement that the wireless telecommunications provider commits to allow a minimum of two other wireless telecommunications providers to co-locate antennas on its proposed tower facilities wherever structurally and technically feasible; and
  - (F) A statement providing the reason for the location, design, and height of the proposed tower or antennas;
- (8) Documentation of proactive efforts made to notify, meet with, inform, and engage adjacent landowners and the affected community regarding the proposed use;
- (9) Verification that the applicant has sent notification letters to all owners and lessees of record of properties of which any portion is within five hundred feet of any point along the perimeter boundary of the building site for the proposed telecommunication installation; provided that the notification letters must:
  - (A) Describe the nature of the proposed installation, including its dimensions and location on the building site; and
  - (B) Provide the anticipated timeline for construction;
- (10) Documentation demonstrating compliance with the Hawai'i State Fire Code and Standard No. 76, relating to the fire protection of telecommunications facilities, of the National Fire Protection Association, which documentation must be submitted to the Hawai'i fire department;
- (11) A maintenance plan detailing how the safety, functionality, and service of the proposed use will be maintained until the use is discontinued; and

- (12) A visual impact analysis, which shall include:
  - (A) Mitigation measures to minimize the visual impacts of the tower, including a description of any vegetation to be used for such purposes;
  - (B) Before and after photo simulations from various locations and/or angles from which the public would typically view the site; and
  - (C) A map depicting where the photos were taken.

The visual impact analysis shall demonstrate that less intrusive sites are not available or do not provide the necessary communication coverage to provide the service. The director may request the submission of additional materials, including but not limited to photo overlays, scaled models, renderings, or field mock-ups, to evaluate potential visual impacts. These materials should address appropriate coloration, blending, and stealth design (e.g., monopine, monopalm) to harmonize the facility with the surrounding area.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2025, ord 25-55, sec 5.)

**Section 25-2-75. Plan approval application requirements for agricultural tourism.**

In addition to the application requirements for plan approval contained in section 25-2-72, an application for plan approval for agricultural tourism operations shall include sufficient information to ensure the following provisions are met:

- (1) A statement whether the operation will allow visits by buses;
- (2) Adequate off street parking, loading/unloading, and turn-around space to accommodate all specified tour transportation modes, including buses, if they are allowed, shall be provided and shown on the site plan;
- (3) The subject property must have an existing legal access to a public highway, which may be via a private road or easement, and new driveways shall meet applicable county or state standards;
- (4) New and existing facilities to be utilized principally for the agricultural tourism activity shall be clearly indicated on the plot plan and shall not exceed one thousand square feet in total area, not including parking and vehicular accesses; and
- (5) Proof, acceptable to the director, of income from agricultural activities and/or agricultural products processing, or investment, as required under section 25-4-15(d)(1).

(2008, ord 08-155, sec 4.)

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**Section 25-2-76. Action on plan approval application.**

- (a) The director may issue plan approval subject to conditions or changes in the proposal which, in the director's opinion, are necessary to carry out and further the purposes of this chapter and the considerations contained in section 25-2-77.
- (b) The director may only issue plan approval for a telecommunication antenna or tower if the proposed use meets all of the conditions contained in sections 25-2-77 and 25-4-12, and if the applicant provides all verification required under section 25-2-74.
- (c) The director may only issue plan approval for a temporary model home or real estate office if the proposed use meets all of the conditions in section 25-2-77 and 25-4-8.
- (d) The director shall render a decision to either approve or deny a plan approval application, other than for an agricultural tourism facility, any special district with adopted design guidelines and/or standards, or any telecommunication antenna or tower, within thirty days after acceptance of the application. If the director fails to render a decision within the thirty-day period, the application shall be considered approved without further certification by the director. In addition, the following specific provisions shall apply:
  - (1) For an agricultural tourism facility, the department shall conduct a site inspection prior to issuing plan approval within sixty days after acceptance of the application. If the director fails to render a decision within the sixty-day period, the application shall be considered approved without further certification by the director.
  - (2) For any plan approval application within a special district with adopted design guidelines and/or standards, the director shall render a decision to either approve or deny the plan approval application within forty-five days after acceptance of the application. If the director fails to render a decision within the forty-five day period, the application shall be considered approved without further certification by the director.
  - (3) For a telecommunication antenna or tower, the director shall render a decision to either approve or deny the plan approval application within sixty days after acceptance of the application, in accordance with Hawai'i Revised Statutes, Chapter 46-89. If the director fails to render a decision within the time frame specified by Hawai'i Revised Statutes, Chapter 46-89, the application shall be considered approved without further certification by the director.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 5; am 2012, ord 12-124, sec 4; am 2015, ord 15-45, sec 4; am 2025, ord 25-55, sec 6.)

**Section 25-2-77. Review criteria and conditions of approval.**

- (a) In reviewing a plan approval application, the director shall consider the proposed structure, development or use in relation to the surrounding property, improvements, streets, traffic, community characteristics, natural features, and may require conditions or changes to assure:
- (1) Adequate light and air, and proper siting and arrangements are provided for all structures and improvements;
  - (2) Existing and prospective traffic movements will not be hindered;
  - (3) Proper landscaping is provided that is commensurate with the structure, development or use and its surroundings;
  - (4) Unsightly areas are properly screened or eliminated;
  - (5) Adequate off-street parking is provided to serve the structure, development or use, regardless of the otherwise minimum requirements of this chapter;
  - (6) Access to the parking areas will not create potential accident hazards;
  - (7) Within reasonable limits, any natural and man-made features of community value are preserved;
  - (8) Dust, noise, and odor impacts are mitigated; and
  - (9) Compliance with any design guidelines or standards adopted by the council.
- (b) The director shall require any conditions or changes in the proposal which, in the director's opinion, are necessary to carry out the purposes of this chapter and the considerations contained in subsection (a) above.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2007, ord 07-28, sec 2; am 2008, ord 08-155, sec 6; am 2015, ord 15-45, sec 5.)

**Section 25-2-78. Construction in conformity with plan approval.**

Every structure, development and change of use for which plan approval is issued shall be constructed and developed in accordance with the terms, specifications and conditions contained in the plan approval permit.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 7.)

**Section 25-2-79. Appeal of a plan approval decision.**

Any person aggrieved by the plan approval decision of the director may appeal the director's action to the board of appeals, in accordance with this chapter, within thirty days after date of the director's written decision.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 8.)

**Article 3. Establishment of Zoning Districts.****Section 25-3-1. Designation of districts.**

- (a) The zoning districts of the County shall consist of the following districts:
- (1) RS, single-family residential districts (article 5, division 1).
  - (2) RD, double-family residential districts (article 5, division 2).

- (3) RM, multiple-family residential districts (article 5, division 3).
  - (4) RCX, residential-commercial mixed use districts (article 5, division 4).
  - (5) RA, residential and agricultural districts (article 5, division 5).
  - (6) FA, family agricultural district (article 5, division 6).
  - (7) A, agricultural districts (article 5, division 7).
  - (8) IA, intensive agricultural districts (article 5, division 8).
  - (9) V, resort-hotel districts (article 5, division 9).
  - (10) CN, neighborhood commercial districts (article 5, division 10).
  - (11) CG, general commercial districts (article 5, division 11).
  - (12) CV, village commercial districts (article 5, division 12).
  - (13) MCX, industrial-commercial mixed use districts (article 5, division 13).
  - (14) ML, limited industrial districts (article 5, division 14).
  - (15) MG, general industrial districts (article 5, division 15).
  - (16) O, open districts (article 5, division 16).
  - (17) Special districts (articles 6 and 7).
- (b) Any building site within the commercial office (CO) district as of December 7, 1996, shall automatically be redesignated as a general commercial (CG) district, with the same minimum land area required for each building site, and any building site within the unplanned (U) district as of December 7, 1996, shall automatically be redesignated as an agricultural (A) district with a minimum lot size of five acres (A-5a). Any building site within a combining district, which combines a safety (S) district or a safety, flood hazard (SF) district with another zoning district, as of December 7, 1996, shall be redesignated so that the safety or safety, flood hazard district designation, whichever is applicable, is removed as a zoning district designation for the building site. The redesignation provided for under this subsection shall occur immediately upon adoption of this section, without any action required on the part of any landowner. The director shall cause all zone maps and the zoning map to be corrected to reflect the redesignation described in this subsection.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**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).

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-44, sec 2.)

**Section 25-3-3. Method and effect of establishment of districts.**

- (a) Any of the districts listed in sections 25-3-1 and 25-3-2 shall be established for any portion of the County by being described by metes and bounds and in map form as prepared by a licensed surveyor; except that, when deemed appropriate by the director, other means of description may be used in lieu of metes and bounds to establish any district under section 25-3-2. In case of conflict between a zoning map and metes and bounds description delineating district boundaries, the latter shall control. In case of conflict between a zoning map, and any summary of ordinances as provided by subsection (d) below on one hand, and duly enacted ordinance on the other, the provisions of the ordinance shall be authoritative. As between ordinances, the provisions of an ordinance enacted later in time shall control.
- (b) The zone maps in article 8 of this chapter, adopted by ordinance numbers 74 (1967), 109 (1967), 110 (1967), 111 (1967), 187 (1968), and 190 (1969), and any amendments to these maps by ordinance shall constitute the zoning map of the County. An up-to-date copy of the zoning map shall be kept for public display in the office of the director.
- (c) The zoning map and all notations, references, data and other information shown thereon are incorporated by reference and made a part of this chapter. The adoption of or the change in the boundary of any district shall be by ordinance and shall constitute an amendment to this chapter; provided, that nonsignificant changes to the boundary of any district may be administratively approved by the director as provided under section 25-2-45.
- (d) The contents of an ordinance or any portion thereof concerning the adoption of or a change in the boundary of any district need not be set out in full in any codification or recodification of, or supplementation to this chapter so long as a summary of the ordinance is included in this chapter or in an appropriate annex to this chapter. The summary which shall be maintained and updated by the director shall include at a minimum the following information:
- (1) Ordinance number and effective date;
  - (2) General location of land affected or tax map key;
  - (3) Original district designation; and
  - (4) Final district designation.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2025, ord 25-64, sec 1.)

**Section 25-3-4. Establishment of building lines, future width lines and plan lines for future streets.**

Building lines, future width lines and plan lines for future streets may be established and shown on any section of the zoning map as provided in sections 25-3-3 and 25-8-1 of this chapter.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

- (6) Only breakfast meals may be offered to guests. The serving of breakfast meals on the building site, for a fee to individuals other than registered guests shall be prohibited. A bed and breakfast establishment shall not operate as a food service establishment (i.e. a restaurant), unless such use is a permitted use within the zoning district and the required permits have been acquired.
- (7) One paved (with materials such as bricks, concrete, asphalt concrete surface or chip-seal, pavers, stones) off-street parking stall shall be provided for each guest bedroom, in addition to the required stall(s) for the dwelling unit, except that in the RS, RA, FA and A districts paved parking stalls shall not be required as long as the material used for the parking stalls will eliminate erosion, mud and standing water within the parking stall area.
- (8) Exterior signage which advertises the dwelling as a bed and breakfast establishment shall comply with the requirements for residential signage as set forth in chapter 3 (advertising and signs), Hawai'i County Code.
- (c) Any bed and breakfast establishment which has not received the required permits shall be considered illegal under this chapter, unless otherwise noted herein.
- (d) Any bed and breakfast establishment existing as of the effective date of this section and conforming to the standards contained in section 25-4-7(b) which has not received the permits required under section 25-4-7(a) may continue such use for twelve months following the effective date of this section. After this date, continued use without having submitted the necessary permit applications shall be considered illegal under this chapter.
- (e) The conditions contained in any use permit issued for a bed and breakfast establishment prior to the adoption of this section shall continue to apply to the bed and breakfast establishment, notwithstanding provisions to the contrary contained in this section.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2000, ord 00-152, sec 3; am 2012, ord 12-124, sec 5.)

**Section 25-4-8. Temporary real estate offices and model homes.**

- (a) Temporary real estate offices for new developments shall be permitted in all districts except for the A, IA and O districts, and model homes for new developments shall be permitted in all districts except for the A, IA, MCX, ML, MG and O districts, provided that final subdivision approval of the development has been granted by the director and plan approval for any temporary real estate office and/or model home is secured from the director prior to the establishment of such use.
- (b) A temporary real estate office and model home shall also be subject to the following conditions:
  - (1) The development in which the temporary real estate office and/or model home is proposed to be situated must consist of six or more lots and/or units.
  - (2) The temporary real estate office and/or model home shall not be used for a period longer than twenty-four months from the date of plan approval by the director; provided that extensions may be granted by the director.

- (3) If the temporary real estate office is established in a structure not otherwise permitted in the particular zoning district, the structure shall be removed co-terminus with the expiration of the temporary real estate office use.
  - (4) The temporary real estate office and/or model home shall be used exclusively for marketing of lots and/or units located within the development in which it is to be located. In multi-phased developments, a temporary real estate office or model home may be allowed for each development phase for a period not to exceed twenty-four months. Time extensions may be granted by the director.
  - (5) Parking for the temporary real estate office use shall be based on a minimum of one parking stall for each employee and a minimum of one parking stall for each four hundred square feet of gross floor area. The parking requirement may be satisfied off-site, provided that approval is secured from the director.
  - (6) The temporary real estate office and/or model home shall comply with the minimum setback and height requirements of the particular zoning district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-9. Guest houses.**

One guest house may only be established on a building site that is at least seven thousand five hundred square feet in area. A guest house shall not exceed five hundred square feet in gross floor area, shall not be more than twenty feet in height, and shall not have a kitchen.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-10. Mobile dwellings.**

All mobile dwellings shall conform to the County construction code, including chapters 5 and 5A through 5F, and the Public Health Housing Code (chapter 2 of the State public health regulations), except:

- (1) When parked in a licensed mobile home park; or
- (2) When occupied for dwelling or sleeping purposes outside of a licensed mobile home park for less than thirty days in any one location.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2020, ord 20-61, sec 10.)

**Section 25-4-11. Power lines, utility substations, public buildings.**

- (a) Communication, transmission, and power lines of public and private utilities and governmental agencies are permitted uses within any district.
- (b) Any substation used by a public or private utility for the purpose of furnishing telephone, gas, electricity, water, sewer, radio, or television shall be a permitted use in any district provided that the use is not hazardous or dangerous to the surrounding area and the director has issued plan approval for such use.
- (c) Public uses, structures and buildings are permitted uses in any district, provided that the director has issued plan approval for such use.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2006, ord 06-86, sec 2; am 2025, ord 25-66, sec 7.)

**Section 25-4-12. Telecommunication antennas or towers.**

- (a) A telecommunication antenna or tower shall be permitted in all zoning districts; provided that the antenna, tower, and its use are not hazardous or dangerous to the surrounding area and the director has issued plan approval for such use. Co-location of antennas upon an existing privately owned tower and expansion of related support equipment within the project site is permitted provided, the director issued plan approval or other relevant approval for the existing tower, base station, or other antenna support structure. The ground lease areas of co-locating carriers must be adjacent to the existing ground lease area and not located within the open yard setback areas, and the co-location must not result in a 'substantial change', as defined in Title 47 of the Code of Federal Regulations, section 1.6100. Co-location that results in a 'substantial change' to the tower height or ground lease area, as defined by the Federal Communication Commission, requires issuance of a new plan approval.
- (b) Telecommunication facilities developed by government agencies primarily to protect public health, safety, and welfare, including but not limited to facilities for police, fire, ambulance, and other emergency dispatch services, shall be exempt from the telecommunication antenna and tower requirements provided in this chapter.
- (c) The minimum lot size requirements for telecommunication towers are as follows:
  - (1) The minimum lot size for the placement of any telecommunication tower within the A, FA, IA and O zoning districts shall be five acres.
  - (2) The minimum lot size for the placement of any telecommunication tower within a RS, RD, RM and RA zoning districts shall be one acre.
  - (3) No minimum lot size shall be required for the placement of telecommunication towers within the V, CN, CG, CV, MCX, ML, MG and CDH zoning districts.

The minimum lot size may be reduced, upon finding that the issuance of a variance by the director will not result in adverse impacts, including but not limited to noise, light, glare, visual, drainage, or other detrimental effects to adjacent properties.
- (d) Except when located within the V, CN, CG, CV, MCX, ML, MG, or CDH districts, a telecommunication tower shall be set back from every property line by a distance not less than one hundred and twenty percent of the tower height as measured from the ground level and not less than six hundred feet from any residence or school.
- (e) Fencing and Safety Measures. Telecommunication towers must be enclosed by fencing a minimum of six feet in height, and towers must be equipped with an anti-climbing device.
- (f) The tower, together with the initial antennas or other equipment proposed to be installed thereon, shall:
  - (1) Comply with the building code; and
  - (2) Where feasible, be equipped with:
    - (A) A redundant power supply capable of providing sufficient power for no less than twenty-four hours; and
    - (B) Secondary data transmission capabilities that can support mass notification messaging during a disaster.

- (g) The telecommunication antennas and tower shall comply with all applicable rules, regulations and requirements of affected agencies, including the Federal Aviation Administration and Federal Communications Commission. All exterior lighting, except safety beacons required by the FAA, shall be:
  - (1) Fully shielded so that the bulb is not visible from any point above the height of the bulb; and
  - (2) Turned off when human activity is not occurring in the lighted area.
- (h) Should any state or federally listed or endangered species be found on the subject property, the applicant shall comply with all applicable requirements of Department of Land and Natural Resources-Division of Forestry and Wildlife and/or the United States Fish and Wildlife Service.
- (i) Within one hundred twenty days of the permanent abandonment of the tower, the applicant shall remove the tower and its antenna and accessory structures (including the equipment building and the fence), down to, but not including the concrete foundation. The applicant shall immediately provide written notification to the director of the termination of the telecommunication tower and related improvements and the removal of all structures.
- (j) The director may require any conditions or changes in the location and design of telecommunication antennas and towers necessary to carry out the purposes of this chapter and the natural beauty chapter of the general plan. These conditions or changes may include but not be limited to requiring stealth design (e.g., monopine, monopalm) in order to reduce visual impacts to surrounding properties. If the proposed site is located within an area of natural beauty as designated by the general plan or is located along a roadway, bikeway, trail, or park used by the public, the director may require an on-site or off-site relocation of the telecommunication tower to mitigate visual impacts.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2010, ord 10-17, sec 3; am 2011, ord 11-25, sec 2; am 2025, ord 25-55, sec 7.)

**Section 25-4-13. Home occupations.**

- (a) A home occupation shall be permitted as incidental and subordinate to the use of a dwelling in any district in which a dwelling is located, provided that the home occupation does not change the character and external appearance of the dwelling.
- (b) All home occupations shall comply with the following standards:
  - (1) The home occupation shall be conducted either entirely within the dwelling or, if outside the dwelling, the activity shall be screened from public view.
  - (2) No exterior signs, symbols, displays or advertisements relating to the home occupation shall be displayed, nor shall any interior signs be visible from the public view.
  - (3) Any materials, supplies or products relating to the home occupation which are stored outside of the dwelling or other fully enclosed building shall be screened from the public view.
  - (4) Articles sold on the premises shall be limited to those produced by the home occupation, or to instructional materials pertinent to the home occupation, or to services provided by the home occupation.

- (5) Only one employee shall be permitted in addition to household members under the home occupation.
  - (6) A minimum of one parking space shall be provided on the building site in addition to parking required for the dwelling use or other permitted uses if the home occupation involves customer or client visits or meetings. The director may require additional parking spaces where the director finds that such additional parking spaces may be reasonably necessary to avoid off-site or inappropriate parking locations. Any resident of a multiple-family dwelling may fulfill the parking requirement by the use of guest parking with the written approval of the building owner, manager or condominium association.
- (c) A person desiring to engage in a home occupation that involves any of the following activities, shall file with the director, a declaration in the form designated by the director, verifying that the home occupation will comply with all of the conditions contained in subsection (b) and will not involve any of the activities listed under subsection (e):
- (1) Frequent customer or client visits;
  - (2) Frequent deliveries or pickups;
  - (3) Storage of materials, supplies or products related to the home occupation outside of the dwelling or other fully enclosed building;
  - (4) Activities conducted outside of the dwelling; or
  - (5) Group instruction.
- (d) A special permit shall be obtained for any home occupation on a building site that is situated within either the State land use rural or agricultural district.
- (e) The following activities shall not be permitted as home occupations:
- (1) Contractor storage yards, including without limitation, the storage, use, repair or fabrication of equipment designed or intended for use in land excavation or in the construction of buildings or other structures or other similar heavy equipment.
  - (2) Repair, fabrication or painting of automobiles or other motorized vehicles, except those owned by household members and which are not sold or made available for sale within one year of such activity regarding any particular vehicle.
  - (3) Care, treatment or boarding of animals in exchange for money, goods, services or other consideration.
  - (4) Any activities and uses which are only permitted in industrial districts.
- (f) Any home occupation existing as of December 7, 1996, which involves any of the activities listed under subsection (c) may continue as a nonconforming use until September 30, 1997, at which time any such continued use without the filing of a declaration, as provided under subsection (c) shall be considered illegal under this chapter. Prior to September 30, 1997, any person may file a declaration for any home occupation existing as of December 7, 1996, which involves any of the activities listed under subsection (c), and upon the filing of such declaration, the use shall be considered a permitted use.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

HAWAII COUNTY CODE

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- (2) Within thirty days after the receipt of a notice of denial, the owner may appeal to the board of appeals as provided by section 6-9.2, County Charter and sections 25-2-20 through 25-2-24.
- (g) Display. Current short-term vacation rental nonconforming use certificates shall be displayed in a conspicuous place on the premises that is readily visible to an inspector. In the event that a single address is associated with numerous nonconforming use certificates, a listing of all units at that address holding current certificates may be displayed in a conspicuous, readily visible common area instead. (2018, ord 08-114, sec 2.)

**Section 25-4-16.2. Prima facie evidence; short-term vacation rentals.**

Advertising of any sort that offers a property as a short-term vacation rental shall constitute prima facie evidence that a short-term vacation rental is operating on that property. The burden of proof shall be on the owner or operator to establish either that the property is not being used as a short-term vacation rental or that it is being used for such purpose legally. (2018, ord 08-114, sec 2.)

**Section 25-4-16.3 Short-term vacation rental enforcement account.**

- (a) Pursuant to section 10-12, Hawai'i County Charter, a special fund to be known as the "short-term vacation rental enforcement fund" is created. This fund shall be administered by the director.
- (b) The purpose of the fund is to support efforts to enforce the County's short-term vacation rental law.
- (c) This account shall be funded by all fees and fines collected in connection with the administration and enforcement of the County's short-term vacation rental law.
- (d) The funds in this account shall be utilized to pay for expenses that facilitate enforcement of the County's short-term vacation rental enforcement law. (2018, ord 08-114, sec 2.)

**Section 25-4-17. Meeting facilities.**

- (a) A meeting facility may be used for organizations operating on a membership basis for the promotion of members' mutual interests or may be primarily intended for community purposes.
- (b) Meeting facilities, which may include special events, are permitted:
- (1) In the RCX, V, CN, CG, CV, MCX, ML, MG, and CDH 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.

- (c) In the RS, RD, and RM districts:
  - (1) Gatherings within a dwelling for social, charitable, religious, political, fundraising, cultural, or civic purposes that are incidental accessory uses to the residential use of the property are permitted and considered a home-based assembly, provided they occur no more than three times per week and each gathering includes no more than twenty-five individuals, exclusive of the family members of a person residing in the dwelling;
  - (2) Gatherings that exceed these limits shall be deemed a meeting facility and shall require plan approval, including compliance with all requirements of plan approval, such as parking; and
  - (3) A meeting facility may be used for a special event, provided that a use permit is obtained for the special event.
- (d) A meeting facility shall be subject to technical review by the department of public works, Hawai'i fire department, department of water supply, and State department of health for compliance with current code and rule requirements.  
(2025, ord 25-66, sec 8.)

**Section 25-4-18. Household henneries.**

Household henneries are permitted in the RS, RD, RM, RCX, and RA districts, subject to the following regulations:

- (1) Except as otherwise approved by the director, hens must be confined to a coop, cage, hutch, hen house, or fully enclosed area at all times:
  - (A) No closer than twenty feet from any residential district other than RA; and
  - (B) Complying with the yard requirements of the zoning district;
- (2) The number of hens may not exceed:
  - (A) Four hens for the first five thousand square feet of the building site area; and
  - (B) One more hen for each one thousand square feet of area greater than three thousand square feet;
- (3) Roosters may not be kept on a household henneries;
- (4) The commercial sale of hens or eggs from a household henneries is prohibited; and
- (5) Household henneries shall be maintained in accordance with applicable best management practices established or adopted by the State department of health, the State department of agriculture and biosecurity, and the United States Department of Agriculture to minimize nuisances such as odor, waste, and vectors in residential areas.  
(2025, ord 25-85, sec 2.)

**Division 2. Heights.****Section 25-4-20. Height; general rules.**

- (a) No building or structure hereafter erected shall exceed the established zoning district height limit, except as hereinafter permitted or otherwise regulated.
  - (b) If any existing structure exceeds the established zoning district height limits, it shall not be further increased in height.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-21. Basements and underground structures.**

In all districts, any number of floors below ground may be permitted.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

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**Section 25-4-22. Exemptions from height limitations.**

The following structures are exempt from zoning district height limits under the specified restrictions:

- (a) Chimneys, spires, belfries, water tanks, monuments, steeples, antennae, flag poles, vent pipes, fans, structures housing or screening elevator machinery and other similar features, not to exceed ten feet above the governing height limit.
- (b) Safety railings not to exceed forty-two inches above the governing height limit.
- (c) Utility poles and lines and telecommunication antennas not to exceed five hundred feet from existing grade.
- (d) One antenna for an amateur radio station operation per building site, not to exceed ninety feet above existing grade.
- (e) Wind machines, where permitted, provided that each machine shall be set back from all property lines one foot for each foot of height, measured from the highest vertical extension of the system.
- (f) Any energy savings device, including heat pumps and solar collectors, not to exceed eight feet above the governing height limit.
- (g) Nonresidential agricultural structures in the A and IA districts, not to exceed one hundred feet, as approved by the director upon finding that the additional height above forty-five feet is necessary.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-23. Accessory structure height limitations.**

An accessory structure shall not exceed twenty feet in height, unless otherwise specified in this chapter.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Division 3. Street Frontage, Lot Areas and Widths.****Section 25-4-30. Minimum street frontage.**

The following minimum street frontage standards apply to every building site:

- (a) Fifty percent of the required building site average width for any building site in a zoning district providing for a minimum building site of one acre or less, except for flag lots, any building site located at the end of a cul-de-sac, and any building site where the access to the building site is by means of a roadway easement.
- (b) One hundred feet for any building site in a zoning district providing for a minimum building site of over one acre, except for flag lots, any building site located at the end of a cul-de-sac, and any building site where the access to the building site is by means of a roadway easement.
- (c) The width of the pole or fifteen feet for any flag lot.
- (d) Fifteen feet for any building site located at the end of a cul-de-sac.
- (e) No street frontage shall be required for any building site where access to the building site is by means of a roadway easement.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

## ZONING

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**Section 25-4-51. Required number of parking spaces.**

- (a) The number of parking spaces for each use shall be as follows:
- (1) Agricultural tourism: one for each three hundred square feet of gross floor area used principally for the agricultural tourism activity, but not fewer than three spaces, plus bus parking if buses are allowed.
  - (2) Bed and breakfast establishments: one for each guest bedroom, in addition to one for the dwelling unit.
  - (3) Bowling alleys: four for each alley.
  - (4) Commercial uses, including retail and office uses in RS, RD, RM, RCX, CN, CG, CV, MCX, V, RA, FA, A and IA districts: one for each three hundred square feet of gross floor area.
  - (5) Day care centers: one for each ten care recipients of design capacity or one for every two hundred square feet of gross floor area, whichever is greater.
  - (6) Dwellings, multiple-family: one and one quarter for each unit. In the CDH district, one for each unit on a property maintaining a unit density higher than one thousand square feet of land area per rentable unit or dwelling unit.
  - (7) Dwellings, single-family and double-family or duplex: two for each dwelling unit. In the CDH district, one for each unit on a property maintaining a unit density higher than one thousand square feet of land area per rentable unit or dwelling unit.
  - (8) Dwellings, single-family and double-family or duplex that are occupied for any period of less than one hundred eighty days: one space for each rented bedroom in addition to one space for the dwelling unit if rooms in the dwelling unit are rented individually, or two spaces if the dwelling unit is rented as a whole.
  - (9) Funeral homes, funeral services, mortuaries, and crematoriums: one for each seventy-five square feet of gross floor area.
  - (10) Golf courses: four for every hole.
  - (11) Hospitals: one for each bed.
  - (12) Hotels and lodges:
    - (A) For hotel guest units without a kitchen, one for every three units;
    - (B) For hotel guest units with a kitchen, one and one quarter for each unit.
  - (13) Industrial uses in ML, MG, MCX, RA, FA, A and IA districts: one for each four hundred square feet of gross floor area.
  - (14) Laundromats, cleaners (coin operated): one for every four machines.
  - (15) Major outdoor amusement and recreation facilities: one for each two hundred square feet of gross floor area within enclosed buildings, plus one for every three persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
  - (16) Meeting facilities: one for each one hundred fifty square feet of gross floor area or seven people, whichever is greater.
  - (17) Nursing homes, convalescent homes, rest homes and homes for the elderly: one for every two beds.
  - (18) Parks: as determined by the director.
  - (19) Recreation facilities, outdoor or indoor, other than herein specified: one for each two hundred square feet of gross floor area, plus three per court (racquetball, tennis or similar activities).

- (20) Rooming and lodging houses, religious, fraternal or social orders having sleeping accommodations: one for each two beds.
  - (21) Schools (elementary and intermediate): one for each twenty students of design capacity, plus one for each four hundred square feet of office floor space.
  - (22) Schools (high, language, vocational, business, technical and trade, college): one for each ten students of design capacity, plus one for each four hundred square feet of office floor space.
  - (23) Special events: one for every one hundred fifty square feet of gross floor area within enclosed buildings, plus one for every three persons for outdoor venues, or as otherwise approved by the director.
  - (24) Sports arenas, auditoriums, theaters, assembly halls: one for every four seats.
  - (25) Swimming pools (community): one for each forty square feet of pool area.
  - (26) Warehouse and bulk storage establishments where there is no trade or retail traffic: one for each one thousand square feet of gross floor area.
- (b) No additional parking is required for any change of use in a building as long as the previous use of the building had the required number of parking stalls for that use; provided, that additional parking may be required for a change of use in any building where the building is converted from residential to commercial use or from warehouse and manufacturing use to retail or commercial use.
- (c) Where uses and activities do not occur simultaneously, parking space requirements may be shared, provided that:
- (1) The utilization of the combined parking is shown to the satisfaction of the director to be noncompeting as to time of use;
  - (2) The number of parking spaces is based on the largest parking requirement of those respective facilities;
  - (3) The parking areas are not more than one thousand feet from any of the buildings housing the activities; and
  - (4) The parking areas are encumbered for that use for the life of the facilities being served.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 10; am 2012, ord 12-91, sec 3; am 2013, ord 13-95, sec 1; am 2014, ord 14-85, sec 2; am 2017, ord 17-31, sec 2; am 2021, ord 21-26, sec 4; am 2025, ord 25-66, sec 9.)

**Section 25-4-52. Method of determining number of parking spaces.**

- (a) When computation of required parking spaces results in a fractional number, the number of spaces required shall be the next highest whole number.
- (b) In stadiums, sports arenas, meeting facilities, and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-four inches of width shall be counted as a seat for the purpose of determining requirements for off-street parking.
- (c) If bicycle parking stalls are constructed on any building site, the total number of required parking spaces shall be reduced by one parking space for every five bicycle parking stalls constructed.
- (d) At least sixty-seven percent of the required parking shall be standard-sized parking spaces, and thirty-three percent may be compact spaces.

- (e) The director may increase the required number of parking spaces for any use during plan approval if the director reviews the proposed use and its impact to the immediate area and finds that the increase will further the public safety, convenience and welfare.
  - (f) If there is any doubt as to the requirements for off-street parking for any use not specifically mentioned or for any other reason, the director shall determine the required number of parking spaces for such use.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-53. Minimum dimensions of parking spaces.**

- (a) Standard-sized automobile parking spaces shall be at least eighteen feet in length and eight feet six inches in width, with curbside parallel spaces at least twenty-two feet in length.
- (b) Compact spaces shall be at least sixteen feet in length and seven feet six inches in width, with curbside parallel spaces at least eighteen feet in length.
- (c) Minimum aisle widths for parking bays shall be provided in accordance with the following:

Angle of Parking to Curb	Minimum Width
to 0° (parallel)	12'
to 45°	14'
to 60°	18'
to 90° (perpendicular)	24'

- (d) Parking spaces may have a three-foot unpaved car overhang area.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-54. Standards and improvements to off-street parking spaces.**

- (a) All parking spaces shall be arranged so as to be individually accessible.
- (b) Except for one duplex dwelling or two single-family dwellings on any single building site, access to any individual parking space shall not be directly from or to a street but must be reached from an on-site access driveway of proper design and width to allow for passage of vehicles and necessary turning movements.
- (c) In V, CN, CG, CV, MCX, ML, MG, RD, RM and RCX districts, parking spaces shall be paved.
- (d) For any permitted use in the RS, RA, FA, A or IA districts, the pavement of parking spaces is not required, and any material may be used for the parking spaces that will eliminate erosion, mud and standing water.
- (e) For any parking space containing a building column, that column may intrude six inches into the required width, provided that the building column shall not be located at the entry of the parking space. A wall shall not be considered a building column.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-68. Grounds for approval or denial.**

The director shall approve an application for recognition of a de minimis structure position discrepancy unless:

- (a) The discrepancy is greater than the difference as allowed by the de minimis structure position discrepancy definition, or
- (b) The director finds that the improvement was placed with knowledge that it would violate the minimum yard or open space requirements; or
- (c) The improvement could be moved, or the discrepancy otherwise corrected, without significant expense, difficulty, or hardship to the applicant.

(2002, ord 02-70, sec 3.)

**Section 25-4-69. Recognition of de minimis structure position discrepancy.**

If the director accepts the application for recognition of de minimis structure position discrepancy, the director shall notify the applicant in writing that the discrepancy is not a violation of the zoning code and that it may remain in place without a variance.

(2002, ord 02-70, sec 3.)

**Section 25-4-70. Disclosure.**

A de minimis structure position discrepancy shall be disclosed by the owner to subsequent purchasers of the property in question.

(2002, ord 02-70, sec 3.)

**Section 25-4-71. Appeals.**

The director's decision with respect to a de minimis structure position discrepancy is appealable to the board of appeals.

(2002, ord 02-70, sec 3.)

**Article 5. Zoning District Regulations.****Division 1. RS, Single-Family Residential Districts.****Section 25-5-1. Purpose and applicability.**

The RS (single-family residential) district provides for lower or low and medium density residential use, for urban and suburban family life. It applies to areas having facilities, and to carry out the above stated purpose.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-2. Designation of RS districts.**

Each RS (single-family residential) district shall be designated on the zoning map by the symbol "RS" followed by a number which specifies the required minimum building site area in thousands of square feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-3. Permitted uses.**

- (a) The following uses shall be permitted in the RS district:
- (1) Adult day care homes.
  - (2) Apiaries.
  - (3) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (4) Crop production.
  - (5) Dwellings, single-family.
  - (6) Family child care homes.
  - (7) Group living facilities.
  - (8) Home occupations, as permitted under section 25-4-13.
  - (9) Household henneries, as permitted under section 25-4-18.
  - (10) Meeting facilities, as permitted under section 25-4-17.
  - (11) Model homes, as permitted under section 25-4-8.
  - (12) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (13) Public uses and structures, as permitted under section 25-4-11.
  - (14) Short-term vacation rentals situated in the general plan resort and resort node areas.
  - (15) Telecommunication antenna and towers, as permitted under section 25-4-12.
  - (16) Temporary real estate offices, as permitted under section 25-4-8.
  - (17) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RS district, provided that a use permit is issued for each use:
- (1) Bed and breakfast establishments as permitted under section 25-4-7.
  - (2) Care homes.
  - (3) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (4) Day care centers.
  - (5) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (7) Medical clinics.
  - (8) Schools.
  - (9) Special events.
  - (10) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the RS district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 3; am 2014, ord 14-86, sec 3; am 2018, ord 18-114, sec 5; am 2019, ord 19-100, sec 3; am 2021, ord 21-26, sec 5; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, secs 8 and 9; ord 25-66, sec 10; ord 25-85, sec 3.)

**Section 25-5-4. Height limit.**

The height limit in the RS district shall be thirty-five feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-5. Minimum building site area.**

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

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-6. Minimum building site average width.**

Each building site in the RS district shall have a minimum average width of sixty feet, plus two feet for each five hundred square feet of required building site area in excess of seven thousand five hundred square feet, except that no building site shall be required to have an average width of more than one hundred fifty feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-7. Minimum yards.**

The minimum yards in the RS district shall be as follows:

- (1) On a building site with a required area of seven thousand five hundred square feet to and including nine thousand nine hundred ninety-nine square feet:
  - (A) Front and rear yards, fifteen feet; and
  - (B) Side yards, eight feet.
- (2) On a building site with a required area of ten thousand square feet to and including nineteen thousand nine hundred ninety-nine square feet:
  - (A) Front and rear yards, twenty feet; and
  - (B) Side yards, ten feet.
- (3) On a building site with a required area of twenty thousand square feet or more:
  - (A) Front and rear yards, twenty-five feet; and
  - (B) Side yards, fifteen feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 1997, ord 97-88, sec 1.)

**Section 25-5-8. Other regulations.**

- (a) There may be more than one single-family dwelling on each building site in an RS district provided there is not less than the required minimum building site area for each dwelling.
- (b) One guest house, in addition to a single-family dwelling, may be located on any building site in the RS district.
- (c) An accessory dwelling unit may be located on any building site in the RS district, as permitted under article 6, division 3 of this chapter.
- (d) If a legal building site in the RS district has less area or average width than is required, then the yard requirements for the building site shall be the same as in the RS district having the largest requirements for which the building site can comply.
- (e) Exceptions to the regulations for the RS district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development, or by the director within a cluster plan development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 3; am 2024, ord 24-70, sec 8.)

**Division 2. RD, Double-Family Residential Districts.****Section 25-5-20. Purpose and applicability.**

The RD (double-family residential) district provides for moderate density use characterized by the establishment of single or double-family dwellings on each building site. It applies to areas with developed community facilities. It may occupy a transitional area between RS districts and those districts having a more intense use of land.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-21. Designation and density of RD districts.**

Each RD (double-family residential district) shall be designated on the zoning map by the symbol "RD" followed by the number "3.75" which requires that the minimum land area for each dwelling unit shall be three thousand seven hundred fifty square feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-22. Permitted uses.**

(a) The following uses shall be permitted in the RD district:

- (1) Adult day care homes.
- (2) Apiaries.
- (3) Bed and breakfast establishments as permitted under section 25-4-7.
- (4) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (5) Crop production.
- (6) Dwellings, double-family or duplex.
- (7) Dwellings, single-family.
- (8) Family child care homes.
- (9) Group living facilities.
- (10) Home occupations, as permitted under section 25-4-13.
- (11) Household henneries, as permitted under section 25-4-18.
- (12) Meeting facilities, as permitted under section 25-4-17.
- (13) Model homes, as permitted under section 25-4-8.
- (14) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (15) Public uses and structures, as permitted under section 25-4-11.
- (16) Short-term vacation rentals situated in the general plan resort and resort node areas.
- (17) Telecommunication antenna and towers, as permitted under section 25-4-12.
- (18) Temporary real estate offices, as permitted under section 25-4-8.
- (19) Utility substations, as permitted under section 25-4-11.

(b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RD district, provided that a use permit is issued for each use:

- (1) Care homes.
- (2) Crematoriums, funeral homes, funeral services, and mortuaries.

- (3) Day care centers.
  - (4) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (5) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (6) Medical clinics.
  - (7) Schools.
  - (8) Special events.
  - (9) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted under this section shall also be permitted in the RD district.  
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 4; am 2014, ord 14-86, sec 4; am 2018, ord 18-114, sec 6; am 2019, ord 19-100, sec 4; am 2021, ord 21-26, sec 6; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, secs 8 and 9; ord 25-66, sec 11; ord 25-85, sec 3.)

**Section 25-5-23. Height limit.**

The height limit in the RD district shall be thirty-five feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-24. Minimum building site area.**

The minimum building site area in the RD district shall be seven thousand five hundred square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-25. Minimum building site average width.**

Each building site in the RD district shall have a minimum average width of sixty feet, plus two feet for each five hundred square feet of required building site area in excess of seven thousand five hundred square feet, except that no building site shall be required to have an average width of more than one hundred fifty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-26. Minimum yards.**

The minimum yards in the RD district shall be as follows:

- (1) On a building site with a required area of seven thousand five hundred square feet to and including nine thousand nine hundred ninety-nine square feet:
  - (A) Front and rear yards, fifteen feet; and
  - (B) Side yards, eight feet.
- (2) On a building site with a required area of ten thousand square feet to and including nineteen thousand nine hundred ninety-nine square feet:
  - (A) Front and rear yards, twenty feet; and
  - (B) Side yards, ten feet.

(3) On a building site with a required area of twenty thousand square feet or more:

(A) Front and rear yards, twenty-five feet; and

(B) Side yards, fifteen feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 1997, ord 97-88, sec 2.)

**Section 25-5-27. Other regulations.**

- (a) There may be more than one double-family dwelling or more than two single-family dwellings or any combination thereof on each building site in the RD district; provided that the minimum land area requirement for each dwelling unit is met.
- (b) There shall be at least fifteen feet between the exterior walls of each main structure on the same building site in the RD district.
- (c) Plan approval shall be required for all new buildings and additions to existing buildings in the RD district, except for construction of one single-family dwelling and any accessory buildings per lot.
- (d) An accessory dwelling unit may be located on any building site in the RD district, as permitted under article 6, division 3 of this chapter.
- (e) Exceptions to the regulations for the RD district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 3; am 2015, ord 15-33, sec 4; am 2024, ord 24-70, sec 9.)

**Division 3. RM, Multiple-Family Residential Districts.**

**Section 25-5-30. Purpose and applicability.**

The RM (multiple-family residential) district provides for medium and high density residential use. It covers areas with full community facilities and services. It may occupy transition areas between commercial or industrial areas and other districts of less intense land use.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-31. Designation and density of RM districts.**

- (a) Each RM (multiple-family residential) district shall be designated on the zoning map by the symbol "RM" followed by a number which indicates the required land area, in thousands of square feet, for each dwelling unit or for each separate rentable unit in the case of boarding, rooming, or lodging houses, fraternity or sorority houses.
- (b) In case any of the permitted uses have dormitories, two beds shall be equivalent to one separate rentable unit for purposes related to the required land area in the RM district.
- (c) The maximum density designation in the RM district shall be .75 or seven hundred fifty square feet of land area per dwelling unit or separate rentable unit.
- (d) In the RM district the following density designations shall be used: .75, 1, 1.5, 2, 2.5, 3, 3.5, 4 and upward in 0.5 increments.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-32. Permitted uses.**

- (a) The following uses shall be permitted in the RM district:
- (1) Adult day care homes.
  - (2) Apiaries.
  - (3) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (4) Boarding facilities, rooming, or lodging houses.
  - (5) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (6) Commercial or personal service uses, on a small scale, as approved by the director, provided that the total gross floor area does not exceed one thousand two hundred square feet and a maximum of five employees.
  - (7) Crop production.
  - (8) Dwellings, double-family or duplex.
  - (9) Dwellings, multiple-family.
  - (10) Dwellings, single-family.
  - (11) Family child care homes.
  - (12) Group living facilities.
  - (13) Home occupations, as permitted under section 25-4-13.
  - (14) Household henneries, as permitted under section 25-4-18.
  - (15) Meeting facilities, as permitted under section 25-4-17.
  - (16) Model homes, as permitted under section 25-4-8.
  - (17) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (18) Public uses and structures, as permitted under section 25-4-11.
  - (19) Short-term vacation rentals situated in any of the following:
    - (A) General plan resort and resort node areas.
    - (B) Outside the general plan resort and resort node areas, in multiple family dwellings within a condominium property regime as defined and governed by chapters 514A or 514B, Hawai'i Revised Statutes.
  - (20) Telecommunication antenna and towers, as permitted under section 25-4-12.
  - (21) Temporary real estate offices, as permitted under section 25-4-8.
  - (22) Time share units situated in any of the following:
    - (A) Areas designated as resort under the general plan land use pattern allocation guide (LUPAG) map.
    - (B) Areas determined by the director to be within resort areas identified by the general plan land use element, except for retreat resort areas.
    - (C) Areas determined for such use by the council, by resolution.
  - (23) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RM district, provided that a use permit is issued for each use:
- (1) Care homes.
  - (2) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (3) Day care centers.

- (4) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (5) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (6) Medical clinics.
  - (7) Schools.
  - (8) Special events.
  - (9) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the RM district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 5; am 2014, ord 14-86, sec 5; am 2018, ord 18-114, sec 7; am 2019, ord 19-100, sec 5; am 2021, ord 21-26, sec 7; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, secs 8 and 9; ord 25-66, sec 12; ord 25-85, sec 3.)

**Section 25-5-33. Height limit.**

- (a) In areas in the County outside of the City of Hilo, the height limit in the RM district shall be forty-five feet.
  - (b) In the City of Hilo, the height limit in the RM district shall be one hundred twenty feet.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-34. Minimum building site area.**

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

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-35. Minimum building site average width.**

Each building site in the RM district shall have a minimum average width of sixty feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-36. Minimum yards.**

Minimum yards in the RM district shall be as follows:

- (1) Front and rear yards, twenty feet; and
  - (2) Side yards, eight feet for a one-story building, plus an additional two feet for each additional story.
- (1996, ord 96-160, sec 2; ratified 1999, ord 96-160, sec 1.)

**Section 25-5-37. Landscaping.**

Landscaping shall be provided on a minimum of twenty percent of the total land area of any building site in the RM district, except for lots containing only one single-family dwelling and accessory buildings. Parking areas shall not be included within the area required for landscaping on any building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999, am 2005, ord 05-155, sec 4.)

**Section 25-5-38. Other regulations.**

- (a) There may be more than one main building on any building site in the RM district.
- (b) Distance between main buildings on the same building site in the RM district shall be at least fifteen feet.
- (c) Plan approval shall be required for all new buildings and additions to existing buildings in the RM district, except for construction of one single-family dwelling and any accessory buildings per lot.
- (d) Exceptions to the regulations for the RM district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 5; am 2015, ord 15-33, sec 4.)

**Division 4. RCX, Residential-Commercial Mixed Use Districts.****Section 25-5-40. Purpose and applicability.**

The RCX (residential-commercial mixed use) district provides for the mixing of some small-scale service type commercial uses in a district that is primarily residential in character. The intent of this district is to allow a residential area to have certain convenience type of commercial uses so as to provide more of a neighborhood character to the residential area.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-41. Designation and density of RCX districts.**

- (a) Each RCX (residential-commercial mixed use) district shall be designated on the zoning map by the symbol "RCX" followed by a number which indicates the required land area, in thousands of square feet for each dwelling unit, or for each separate rentable unit in the case of boarding, rooming, or lodging houses, fraternity or sorority houses, or for each commercial unit.
- (b) In case any of the permitted uses have dormitories, two beds shall be equivalent to one separate rentable unit for purposes related to the required land area in the RCX district.
- (c) The maximum density designation in the RCX district shall be .75 which means seven hundred fifty square feet of land area per dwelling unit or separate rentable unit.
- (d) In the RCX district the following density designations shall be used: .75, 1, 1.5, 2, 2.5, 3, 3.5, 4 and upward in 0.5 increments.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-42. Permitted uses.**

- (a) The following uses shall be permitted in the RCX district:
  - (1) Adult day care homes.
  - (2) Apiaries.
  - (3) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (4) Boarding facilities, rooming, or lodging houses.

- (5) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (6) Commercial or personal service uses, on a small scale, as approved by the director.
  - (7) Convenience stores.
  - (8) Crop production.
  - (9) Day care centers.
  - (10) Dwellings, double-family or duplex.
  - (11) Dwellings, multiple-family.
  - (12) Dwellings, single-family.
  - (13) Family child care homes.
  - (14) Group living facilities.
  - (15) Home occupations, as permitted under section 25-4-13.
  - (16) Household henneries, as permitted under section 25-4-18.
  - (17) Medical clinics.
  - (18) Meeting facilities, including special events, as permitted under section 25-4-17.
  - (19) Model homes, as permitted under section 25-4-8.
  - (20) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (21) Public uses and structures, as permitted under section 25-4-11.
  - (22) Restaurants.
  - (23) Schools.
  - (24) Short-term vacation rentals situated in the general plan resort and resort node areas.
  - (25) Special events.
  - (26) Telecommunication antenna and towers, as permitted under section 25-4-12.
  - (27) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RCX district, provided that a use permit is issued for each use:
- (1) Care homes.
  - (2) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (3) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (5) Major outdoor amusement and recreation facilities.
  - (6) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the above uses shall also be permitted in the RCX district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 6; am 2014, ord 14-86, sec 6; am 2018, ord 18-114, sec 8; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, secs 8 and 9; ord 25-66, sec 13; ord 25-85, sec 3.)

- (11) Family child care homes.
  - (12) Group living facilities.
  - (13) Household henneries, as permitted under section 25-4-18.
  - (14) Kennels, provided that the building site is a minimum of five acres in area and the structures are located at least one hundred feet away from any lot line.
  - (15) Livestock production (excluding pigs), provided that:
    - (A) The requirements of the department of health are met;
    - (B) Approval of the director is obtained; and
    - (C) Any feed or water area, salt lick, corral, run, barn, shed, stable, house, hutch, or other enclosure for the keeping of any permitted animal shall be located at least seventy-five feet from any lot line.
  - (16) Parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities.
  - (17) Public uses and structures, as permitted under section 25-4-11.
  - (18) Roadside stands for the sale of agricultural products grown on the premises.
  - (19) Stables, commercial or boarding, provided that the building site is a minimum of five acres in area and the structures are located at least one hundred feet away from any lot line.
  - (20) Telecommunication antenna and towers, as permitted under section 25-4-12.
  - (21) Utility substations, as permitted under section 25-4-11.
  - (22) Veterinary establishments.
- (b) The following uses may be permitted in the RA district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
- (c) The following uses may be permitted in the RA district, provided that if a building site is located within the State land use rural district, the following uses may be permitted if a special permit is obtained for such use:
- (1) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (2) Country clubs, tennis clubs and other similar recreational facilities which include buildings or indoor recreational features.
  - (3) Drive-in theaters.
  - (4) Guest ranches.
  - (5) Home occupations, as permitted under section 25-4-13.
  - (6) Lodges.
  - (7) Model homes, as permitted under section 25-4-8.
  - (8) Temporary real estate offices, as permitted under section 25-4-8.
  - (9) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai'i Revised Statutes.

- (d) The following uses may be permitted in the RA district, provided that either a use permit is issued for each use if the building site is within the State land use urban district or a special permit is issued for each use if the building site is within the State land use rural district:
- (1) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (2) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (3) Day care centers.
  - (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (5) Major outdoor amusement and recreation facilities, includes stadiums, sports arenas, and other similar open air recreational uses.
  - (6) Medical Clinics.
  - (7) Meeting facilities, including special events, as permitted under section 25-4-17.
  - (8) Schools.
  - (9) Special events.
  - (10) Yacht harbors and boating facilities.
- (e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the RA district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 11; am 2010, ord 10-17, sec 4; am 2012, ord 12-28, sec 7; ord 12-124, sec 6; am 2014, ord 14-86, sec 7; am 2021, ord 21-26, sec 8; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, secs 8 and 9; ord 25-66, sec 14; ord 25-85, sec 3.)

**Section 25-5-53. Height limit.**

The height limit in the RA district shall be thirty-five feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-54. Minimum building site area.**

The minimum building site area in the RA district shall be one-half acre. RA districts having larger areas may be designated in increments of one-half acre up to a recommended maximum of three acres. The recommended maximum does not specify an absolute upper limit for any building site in the RA district.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-55. Minimum building site average width.**

Each building site in the RA district shall have a minimum average width of one hundred feet for the first one-half acre of required area, plus twenty feet for each additional one-half acre of required area; provided that no building site shall be required to have an average width greater than three hundred feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-56. Minimum yards.**

Minimum yards in the RA district shall be as follows:

- (1) Front and rear yards, twenty-five feet; and
- (2) Side yards, fifteen feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-57. Other regulations.**

- (a) If any legal building site in the RA district has an area less than one-half acre, then the yard and height requirements for the building site shall be the same as the yard requirements for the RS district.
  - (b) Plan approval shall be required prior to the construction or installation of any new structure or development, or of any addition to an existing structure or development which is used for minor agricultural products processing.
  - (c) An accessory dwelling unit may be located on any building site in the RA district, as permitted under article 6, division 3 of this chapter.
  - (d) Exceptions to the regulations for the RA district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development pursuant to article 6, division 1 of this chapter.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4; am 2024, ord 24-70, sec 8.)

**Division 6. FA, Family Agricultural Districts.****Section 25-5-60. Purpose and applicability.**

The FA (family agricultural) district provides for a blend of small-scale agricultural operations associated with residential activities and which may be characterized by farm estates, small acreage farms, or subsistence lots. The FA district is intended to be in areas designated as being within the State land use agricultural district, where public services and infrastructure are appropriate to support the very low density residential needs of a rural community and where substantial number of parcels are less than five acres in size, and where a mix of uses will not conflict with or be detrimental to existing agricultural uses in the surrounding area.

In addition, this district is intended to be primarily comprised of agricultural lands less than five acres in area, which are not classified as A or B lands under the land study bureau's master productivity rating, or classified as prime, unique, or other important agricultural lands. Provided, that this district may include lands so classified if the lands are situated within an urban expansion or other urban designation under the general plan land use pattern allocation guide (LUPAG) map.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-61. Designation of FA districts.**

Each FA (family agricultural) district shall be designated on the zoning map by the symbol "FA" followed by a number and the lower case letter "a" which indicates the required number of acres for each building site. For example, FA-1a means a family agricultural district with a minimum building site area of one acre.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-62. Permitted uses.**

- (a) The following uses shall be permitted in FA districts:
- (1) Agricultural products processing, minor, provided that the area or buildings used for such processing, shall be located at least seventy-five feet from any street.
  - (2) Agricultural tourism as permitted under section 25-4-15.
  - (3) Animal hospitals.
  - (4) Apiaries.
  - (5) Aquaculture.
  - (6) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
  - (7) Campgrounds, parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities, where none of the recreational features are entirely enclosed in a building.
  - (8) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (9) Crop production.
  - (10) Dwelling, single-family, as permitted under chapter 205, Hawai'i Revised Statutes and as permitted under section 25-5-67(b).
  - (11) Farm dwellings, as permitted under section 25-5-67(b) and (c).
  - (12) Game and fish propagation.
  - (13) Group living facilities.
  - (14) Kennels.
  - (15) Livestock, grazing; provided that any feed or water area, salt lick, corral, run, barn, shed, stable, house, hutch, or other enclosure for the keeping of any permitted animals shall be located at least seventy-five feet from any lot line.
  - (16) Public uses and structures, necessary for agricultural practices.
  - (17) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest.
  - (18) Riding academies, and rental or boarding stables.
  - (19) Roadside stands for the sale of agricultural products grown on the premises.
  - (20) Telecommunication antenna and towers, as permitted under section 25-4-12.
  - (21) Utility substations, as permitted under section 25-4-11.
  - (22) Vehicle and equipment storage areas that are directly accessory to aquaculture, crop production, game and fish propagation, and livestock grazing.
  - (23) Veterinary establishments.
- (b) The following uses may be permitted in the FA district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.

- (c) The following uses may be permitted in the FA district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:
- (1) Adult day care homes.
  - (2) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (3) Family child care homes.
  - (4) Home occupations, as permitted under section 25-4-13.
  - (5) Model homes, as permitted under section 25-4-8.
  - (6) Public uses and structures, other than those necessary for agricultural practices, as provided under section 25-4-11.
  - (7) Temporary real estate offices, as permitted under section 25-4-8.
  - (8) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai'i Revised Statutes.
- (d) The following uses may be permitted in the FA district, provided that either a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:
- (1) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (2) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (3) Day care centers.
  - (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (5) Major outdoor amusement and recreation facilities, includes stadiums, sports arenas, and other similar open air recreational uses.
  - (6) Medical clinics.
  - (7) Meeting facilities, including special events, as permitted under section 25-4-17.
  - (8) Schools.
  - (9) Special events.
- (e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the FA district.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 12; am 2010, ord 10-17, sec 5; am 2012, ord 12-28, sec 8; ord 12-124, sec 7; am 2014, ord 14-86, sec 8; am 2021, ord 21-26, sec 9; am 2021, ord 21-52, sec 8; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, secs 8 and 9; ord 25-66, sec 15.)

**Section 25-5-63. Height limits.**

The height limit in FA districts shall be thirty-five feet for any residential structure, including any single-family dwelling or farm dwelling, and forty-five feet for all other structures.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-64. Minimum building site area.**

The minimum building site area in the FA district shall be one acre. Other FA districts having larger areas may be designated in increments of one acre up to a recommended maximum of five acres.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-65. Minimum building site average width.**

Each building site in the FA district must have a minimum average width of one hundred twenty feet for the initial one acre of required area plus twenty feet for each additional acre of required area; provided that no building site shall be required to have an average width greater than three hundred feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-66. Minimum yards.**

- (a) Except as otherwise provided in this section, the minimum yards in the FA district shall be thirty feet for front and rear yards and twenty feet for side yards.
- (b) In the FA district, accessory buildings and enclosures (other than fences under eight feet high) for the shelter and confinement of any livestock shall be at least thirty feet from the side and rear property lines.
- (c) Appropriate additional setbacks from adjacent residential zoned lands may be required by the director for those facilities and uses which may include more frequently used machinery and equipment in order to minimize potential lighting, odor, vector and air and water quality impacts.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-67. Other regulations.**

- (a) If any legal building site in an FA district has an area of less than one acre, then the yard and height requirements for the building site shall be the same as the yard and height requirements in the RA district.
- (b) One single-family dwelling or one farm dwelling shall be permitted on any building site in the FA district. A farm dwelling is a single-family dwelling located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling.
- (c) Additional farm dwellings may be permitted in the FA district only upon the following conditions:
  - (1) A farm dwelling agreement for each additional farm dwelling, on a form prepared by the director, shall be executed between the owner of the building site, any lessee having a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement, and the County. The agreement shall require the dwelling to be used for farm-related purposes.
  - (2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant's continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.
- (d) An accessory dwelling unit may be located on any building site in the FA district, as permitted under article 6, division 3 of this chapter.

- (e) Exceptions to the regulations for the FA district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
  - (f) Plan approval shall be required prior to the construction or installation of any new structure or development, or of any addition to an existing structure or development which is used for minor agricultural products processing.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4; am 2024, ord 24-70, sec 8.)

### **Division 7. A, Agricultural Districts.**

#### **Section 25-5-70. Purpose and applicability.**

The A (agricultural) district provides for agricultural and very low density agriculturally-based residential use, encompassing rural areas of good to marginal agricultural and grazing land, forest land, game habitats, and areas where urbanization is not found to be appropriate.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

#### **Section 25-5-71. Designation of A districts.**

Each A (agricultural) district shall be designated on the zoning map by the symbol “A” followed by a number together with the lower case letter “a” which indicates the required or minimum number of acres for each building site. For example, A-10a means an agricultural district with a minimum building site area of ten acres.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

#### **Section 25-5-72. Permitted uses.**

- (a) The following uses shall be permitted in the A district:
  - (1) Agricultural parks.
  - (2) Agricultural products processing, major and minor.
  - (3) Agricultural tourism as permitted under section 25-4-15.
  - (4) Animal hospitals.
  - (5) Apiaries.
  - (6) Aquaculture.
  - (7) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants.
  - (8) Campgrounds, parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities, where none of the recreational features are entirely enclosed in a building.
  - (9) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (10) Crop production.
  - (11) Dwelling, single-family, as permitted under chapter 205, Hawai‘i Revised Statutes and as permitted under section 25-5-77(b).
  - (12) Farm dwellings, as permitted under section 25-5-77(b) and (c).

- (13) Fertilizer yards utilizing only manure and soil, for commercial use.
  - (14) Forestry.
  - (15) Game and fish propagation.
  - (16) Group living facilities.
  - (17) Kennels.
  - (18) Livestock production, provided that piggeries and pen feeding of livestock shall only be located on sites approved by the State department of health and the director, and must be located no closer than one thousand feet away from any major public street or from any other zoning district.
  - (19) Public uses and structures which are necessary for agricultural practices.
  - (20) Retention, restoration, rehabilitation, or improvement of building or sites of historic or scenic interest.
  - (21) Riding academies, and rental or boarding stables.
  - (22) Roadside stands for the sale of agricultural products grown on the premises.
  - (23) Telecommunication antenna and towers, as permitted under section 25-4-12.
  - (24) Utility substations, as permitted under section 25-4-11.
  - (25) Vehicle and equipment storage areas that are directly accessory to aquaculture, crop production, game and fish propagation, livestock grazing and livestock production.
  - (26) Veterinary establishments.
  - (27) Wind energy facilities.
- (b) The following uses may be permitted in the A district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf course driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
- (c) The following uses may be permitted in the A district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:
- (1) Adult day care homes.
  - (2) Airfields, heliports, and private landing strips.
  - (3) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (4) Excavation or removal of natural building material or minerals, for commercial use.
  - (5) Family child care homes.
  - (6) Guest ranches.
  - (7) Home occupations, as permitted under section 25-4-13.
  - (8) Lodges.
  - (9) Model homes, as permitted under section 25-4-8.
  - (10) Public dumps.

- (11) Public uses and structures, other than those necessary for agricultural practices, as provided under section 25-4-11.
  - (12) Temporary real estate offices, as permitted under section 25-4-8.
  - (13) Trailer parks with density of three thousand five hundred square feet of land area per trailer, provided that plan approval is secured prior to commencing such use.
  - (14) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai'i Revised Statutes.
- (d) The following uses may be permitted in the A district, provided that either a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:
- (1) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (2) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (3) Day care centers.
  - (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (5) Major outdoor amusement and recreation facilities.
  - (6) Medical clinics.
  - (7) Meeting facilities, including special events, as permitted under section 25-4-17.
  - (8) Schools.
  - (9) Special events.
- (e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the A district.
- (f) No building site shall be established after December 1, 1996 which shall in any way restrict or limit aquaculture, horticulture, production of crops, keeping of livestock, game and fish propagation, or the processing, sale or other commercial use of the products of such uses.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 13; am 2010, ord 10-17, sec 6; am 2012, ord 12-28, sec 9; ord 12-124, sec 8; am 2014, ord 14-86, sec 9; am 2021, ord 21-26, sec 10; am 2024, ord 24-65, secs 7, 8, and 10; am 2025, ord 25-55, secs 8 and 9; ord 25-66, sec 16.)

**Section 25-5-73. Height limit.**

The height limit in the A district shall be thirty-five feet for any residential structure, including any single-family dwelling, or farm dwelling, and forty-five feet for all other structures. The director may, however, permit by plan approval, any nonresidential agricultural structures to be constructed to a height of one hundred feet, if the director determines that the additional height above the forty-five foot height limit is necessary.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-74. Minimum building site area.**

The minimum building site area in the A district shall be five acres.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-75. Minimum building site average width.**

Each building site in the A district shall have a minimum average width of two hundred feet for the first five acres of required area plus twenty feet for each additional acre of required area. Provided that no building site shall be required to have an average width greater than one thousand feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-76. Minimum yards.**

- (a) Except as otherwise provided in this section, the minimum yards in the A district shall be thirty feet for front and rear yards, and twenty feet for side yards.
- (b) For accessory uses such as shade cloth structures used in controlling the amount of sunlight in the raising of plants and flowers, rear, side and front yards in the A district shall be at least ten feet, except where the A district shares common boundaries with urban zones and main government roads.
- (c) For accessory uses such as plastic roofed and shade cloth wooden or metal framed structures used in controlling the amount of sunlight, rainfall, wind and other elements of nature in the raising of fruits, vegetables and similar agricultural products, rear, side and front yards shall be at least ten feet except where:
  - (1) Exterior walls of any type other than shade cloth are added to the wooden or metal framed structure;
  - (2) The specific use allowed is abandoned; and
  - (3) The A district shares common boundaries with urban zones and main government roads.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 1999, ord 99-110, sec 1.)

**Section 25-5-77. Other regulations.**

- (a) If any legal building site in the A district has an area of less than five acres, then the yard, minimum building site average width and height requirements for the building site shall be the same as the yard and height requirements in the FA district.
- (b) One single-family dwelling or one farm dwelling shall be permitted on any building site in the A district. A farm dwelling is a single-family dwelling that is located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling.
- (c) Additional farm dwellings may be permitted in the A district only upon the following conditions:
  - (1) A farm dwelling agreement for each additional farm dwelling, on a form prepared by the director, shall be executed between the owner of the building site, any lessee having a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement, and the County. The agreement shall require the dwelling to be used for farm-related purposes.

- (2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant's continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.
  - (d) An accessory dwelling unit may be located on any building site in the A district, as permitted under article 6, division 3 of this chapter.
  - (e) Exceptions to the regulations for the A district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4; am 2024, ord 24-70, sec 8.)

### **Division 8. IA, Intensive Agricultural Districts.**

#### **Section 25-5-80. Purpose and applicability.**

The IA (intensive agricultural) district provides for the preservation of important agricultural lands as provided for in the general plan and characterized by a mix of small and large scale commercial farms and other agricultural operations which may include residential use in the form of farm dwellings closely tied to intensive agricultural use. The lands in the IA district are those lands which have the soil, quality, growing season, and moisture supply needed to sustain high yields of crops generally or of specific crops of statewide or local importance when managed according to modern farming methods. All IA districts shall be located within the State land use agricultural or conservation district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

#### **Section 25-5-81. Designation of IA districts.**

The IA (intensive agricultural) district shall be designated by the symbol "IA" followed by a number together with the lower case letter "a" which indicates the required or minimum number of acres for each building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

#### **Section 25-5-82. Permitted uses.**

- (a) The following uses shall be permitted in the IA district:
  - (1) Agricultural parks.
  - (2) Agricultural products processing, major and minor.
  - (3) Agricultural tourism as permitted under section 25-4-15.
  - (4) Apiaries.
  - (5) Aquaculture.
  - (6) Cemeteries, as permitted under chapter 6, article 1 of this Code.
  - (7) Crop production.
  - (8) Farm dwellings, as permitted under sections 25-5-87(b) and (c).
  - (9) Forestry.

- (10) Livestock production, provided that piggeries, apiaries and pen feeding of livestock shall not be closer than one thousand feet to any major road or to any district other than the A district on building sites approved by the State department of health and the director.
  - (11) Public uses and structures which are necessary for agricultural practices.
  - (12) Telecommunication antennas and towers, as permitted under section 25-4-12.
  - (13) Utility substations, as permitted under section 25-4-11.
  - (b) The following uses may be permitted in the IA districts, provided that a special permit is obtained for such use:
    - (1) Crematoriums, funeral homes, funeral services, and mortuaries.
    - (2) Day care centers.
    - (3) Hospitals.
    - (4) Meeting facilities, including special events, as permitted under section 25-4-17.
    - (5) Public uses and structures, other than those necessary for agricultural purposes, as permitted under section 25-4-11.
    - (6) Uses other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawaii Revised Statutes.
  - (c) In IA districts in areas with over thirty percent slope, in gullies, and where rough terrain discourages intensive agricultural uses, the director may approve any other uses which are permitted in the RA, FA, or A districts.
  - (d) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the IA district.
  - (e) No building site shall be established in the IA district which shall in any way restrict or limit the uses permitted under this section.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 14; am 2010, ord 10-17, sec 7; am 2012, ord 12-28, sec 10; am 2024, ord 24-65, secs 7, 9, and 10; am 2025, ord 25-55, sec 10; ord 25-66, sec 17.)

**Section 25-5-83. Height limit.**

The height limit in the IA district shall be thirty-five feet for any residential structure, including any farm dwelling, and forty-five feet for all other structures. The director may, however, permit by plan approval, any nonresidential agricultural structures to be constructed to a height of one hundred feet, if the director determines that the additional height above the forty-five foot height limit is necessary.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-84. Minimum building site area.**

The minimum building site area in the IA district shall be five acres.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

- (7) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (8) Business services.
  - (9) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (10) Commercial parking lots and garages.
  - (11) Day care centers.
  - (12) Dwellings, double-family or duplex.
  - (13) Dwellings, multiple-family.
  - (14) Dwellings, single-family.
  - (15) Family child care homes.
  - (16) Financial institutions.
  - (17) Group living facilities.
  - (18) Home occupations, as permitted under section 25-4-13.
  - (19) Hotels.
  - (20) Lodges.
  - (21) Medical clinics.
  - (22) Meeting facilities, including special events, as permitted under section 25-4-17.
  - (23) Major outdoor amusement and recreation facilities.
  - (24) Model homes, as permitted under section 25-4-8.
  - (25) Parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities.
  - (26) Personal services.
  - (27) Photography studios.
  - (28) Public uses and structures, as permitted under section 25-4-11.
  - (29) Restaurants.
  - (30) Retail establishments.
  - (31) Short-term vacation rentals.
  - (32) Special events.
  - (33) Telecommunication antennas and towers, as permitted under section 25-4-12.
  - (34) Temporary real estate offices, as permitted under section 25-4-8.
  - (35) Theaters.
  - (36) Time share units.
  - (37) Utility substations, as permitted under section 25-4-11.
  - (38) Visitor information centers.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the V district, provided that a use permit is issued for each use:
- (1) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (2) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.

- (3) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (4) Schools.
  - (5) Yacht harbors and boating facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the V district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2011, ord 11-26, sec 2; am 2012, ord 12-28, sec 11; am 2014, ord 14-86, sec 10; am 2018, ord 18-114, sec 9; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, sec 12; ord 25-66, sec 18.)

**Section 25-5-93. Height limit.**

- (a) The height limit in the V district shall be forty-five feet, except in those areas designated in subsections (b) and (c) below.
  - (b) The height limit in the V district in the City of Hilo shall be one hundred twenty feet.
  - (c) The height limit in the V district at Keauhou Bay and Kahaluu Bay shall be ninety feet.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-94. Minimum building site area.**

The minimum building site in the V district shall be fifteen thousand square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-95. Minimum building site average width.**

Each building site in the V district shall have a minimum average width of ninety feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-96. Minimum yards.**

The minimum yards in the V district shall be as follows:

- (1) Front and rear yards, twenty feet; and
- (2) Side yards, eight feet for one story, and an additional two feet for each additional story.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-97. Landscaping.**

Landscaping shall be provided on a minimum of twenty percent of the total land area of any building site in the V district, except for lots containing only one single-family dwelling and accessory buildings. Parking areas shall not be included within the area required for landscaping on any building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 8.)

**Section 25-5-98. Other regulations.**

- (a) More than one main building may be situated on any building site in the V district.
- (b) The distance between main buildings on one building site in the V district shall be at least fifteen feet.

- (c) Plan approval shall be required for all new structures and additions to existing structures in the V district, except for construction of one single-family dwelling and any accessory buildings per lot.
  - (d) Exceptions to the regulations for the V district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 9; am 2015, ord 15-33, sec 4.)

### **Division 10. CN, Neighborhood Commercial Districts.**

#### **Section 25-5-100. Purpose and applicability.**

The CN (neighborhood commercial) district applies to strategically located centers suitable for commercial activities which shall be of such size and shape as will accommodate a compact shopping center which supplies goods and services to a residential or working population on a frequent need or convenience basis. This district is distinguished from a central commercial district which provides general business and broad services to a city or region.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

#### **Section 25-5-101. Designation of CN districts.**

Each CN (neighborhood commercial) district shall be designated by the symbol "CN" followed by a number which indicates the minimum land area, in thousands of square feet, required for each building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

#### **Section 25-5-102. Permitted uses.**

- (a) The following uses shall be permitted in the CN district:
  - (1) Adult day care homes.
  - (2) Amusement and recreation facilities, indoor.
  - (3) Apiaries.
  - (4) Automobile service stations.
  - (5) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (6) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (7) Business services.
  - (8) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (9) Convenience stores.
  - (10) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (11) Crop production.
  - (12) Day care centers.
  - (13) Dwellings, double-family or duplex, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.

- (14) Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (15) Dwellings, single-family.
  - (16) Family child care homes.
  - (17) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
  - (18) Financial institutions.
  - (19) Group living facilities.
  - (20) Home occupations, as permitted under section 25-4-13.
  - (21) Medical clinics.
  - (22) Meeting facilities, including special events, as permitted under section 25-4-17.
  - (23) Model homes, as permitted under section 25-4-8.
  - (24) Museums.
  - (25) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (26) Offices.
  - (27) Personal services.
  - (28) Photography studios.
  - (29) Public uses and structures, as permitted under section 25-4-11.
  - (30) Repair establishments, minor.
  - (31) Restaurants.
  - (32) Retail establishments.
  - (33) Schools.
  - (34) Short-term vacation rentals situated in the general plan resort and resort node areas.
  - (35) Special events.
  - (36) Telecommunication antennas and towers, as permitted under section 25-4-12.
  - (37) Theaters.
  - (38) Utility substations as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the CN district, provided that a use permit is issued for each use:
- (1) Major outdoor amusement and recreation facilities.
- (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the CN district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 12; am 2018, ord 18-114, sec 10; am 2019, ord 19-100, sec 6; am 2019, ord 19-100, secs 6 and 7; am 2020, ord 20-3, sec 1; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, sec 12; ord 25-66, sec 19.)

**Section 25-5-103. Height limit.**

The height limit in the CN district shall be forty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-104. Minimum building site area.**

The minimum building site area in the CN district shall be seven thousand five hundred square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-105. Minimum building site average width.**

Each building site in the CN district shall have a minimum average width of sixty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-106. Minimum yards.**

The minimum yards in the CN district shall be as follows:

- (1) Front and rear yards, fifteen feet; and
- (2) Side yards, none, except where the adjoining building site is in an RS, RD, RM, RCX or V district. Where the side yard adjoins the side yard of a building site in an RS, RD, RM, RCX or V district, there shall be a side yard which conforms to the side yard requirements for dwelling use of the adjoining district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-107. Landscaping of yards.**

- (a) All front yards in the CN district shall be landscaped, except for necessary access drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
- (b) Where any required side or rear yard in the CN district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 10.)

**Section 25-5-108. Other regulations.**

- (a) In conjunction with plan approval, the director may require the construction of a continuous eave overhanging the front property line in the CN district. The director may also require that the eave be of similar height and design in any one block of the CN district.
- (b) Plan approval shall be required for all new structures and additions to existing structures in the CN district, except for construction of one single-family dwelling and any accessory buildings per lot.

- (c) Exceptions to the regulations for the CN district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.  
(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 11; am 2015, ord 15-33, sec 4.)

### **Division 11. CG, General Commercial Districts.**

#### **Section 25-5-110. Purpose and applicability.**

- (a) The CG (general commercial) district applies to an area suitable for commercial uses and services on a broad basis to serve as the central shopping or principal downtown area for a city or a region.
- (b) No CG district shall be established until there is a demonstrated need for such action and no two CG districts shall be established in such relationship to each other that they cannot act as one center and yet are too close together to serve two distinct regions.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

#### **Section 25-5-111. Designation of CG districts.**

Each CG (general commercial) district shall be designated by the symbol "CG" followed by a number which indicates the minimum land area, in thousands of square feet, required for each building site.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

#### **Section 25-5-112. Permitted uses.**

- (a) The following uses shall be permitted uses in the CG district:
- (1) Adult day care homes.
  - (2) Amusement and recreation facilities, indoor.
  - (3) Apiaries.
  - (4) Art galleries, museums.
  - (5) Art studios.
  - (6) Automobile sales and rentals.
  - (7) Automobile service stations.
  - (8) Bars, nightclubs and cabarets.
  - (9) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (10) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (11) Broadcasting stations.
  - (12) Business services.
  - (13) Car washing, provided that if it is mechanized, sound attenuated structures or sound attenuated walls shall be erected and maintained on the property lines.
  - (14) Catering establishments.

- (15) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (16) Cleaning plants using only nonflammable hydrocarbons in a sealed unit as the cleansing agent.
- (17) Commercial parking lots and garages.
- (18) Convenience stores.
- (19) Crematoriums, funeral homes, funeral services, and mortuaries.
- (20) Crop production.
- (21) Day care centers.
- (22) Display rooms for products sold elsewhere.
- (23) Dwellings, double-family or duplex, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
- (24) Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
- (25) Dwellings, single-family.
- (26) Equipment sales and rental yards, and other yards where retail products are displayed in the open.
- (27) Family child care homes.
- (28) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
- (29) Financial institutions.
- (30) Group living facilities.
- (31) Home occupations, as permitted under section 25-4-13.
- (32) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
- (33) Hotels.
- (34) Ice storage and dispensing facilities.
- (35) Laboratories, medical and research.
- (36) Laundries.
- (37) Light manufacturing, processing and packaging, where the only retail sales outlet for products produced is on the premises where produced.
- (38) Medical clinics.
- (39) Meeting facilities, including special events, as permitted under section 25-4-17.
- (40) Model homes, as permitted under section 25-4-8.
- (41) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (42) Offices.

- (43) Personal services.
  - (44) Photography studios.
  - (45) Public uses and structures, as permitted under section 25-4-11.
  - (46) Printing shops, cartographing and duplicating processes such as blueprinting or photostating shops.
  - (47) Repair establishments, minor.
  - (48) Restaurants.
  - (49) Retail establishments.
  - (50) Schools.
  - (51) Short-term vacation rentals.
  - (52) Special events.
  - (53) Telecommunication antennas and towers, as permitted under section 25-4-12.
  - (54) Theaters.
  - (55) Time share units.
  - (56) Utility substations, as permitted under section 25-4-11.
  - (57) Veterinary establishments.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the CG district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (2) Major outdoor amusement and recreation facilities.
  - (3) Yacht harbors and boating facilities.
- (c) Residential uses in connection with the operation of any permitted use shall be permitted in the CG district.
- (d) Buildings and uses normally considered accessory to the uses permitted in this section shall also be permitted in the CG district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 13; am 2014, ord 14-86, sec 11; am 2018, ord 18-114, sec 11; am 2021, ord 21-26, sec 11; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, sec 12; ord 25-66, sec 20.)

**Section 25-5-113. Height limit.**

- (a) The height limit in the CG district shall be forty-five feet, except in those areas designated in subsection (b) below.
  - (b) The height limit in the City of Hilo shall be one hundred twenty feet.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2002, ord 02-88, sec 2.)

**Section 25-5-114. Minimum building site area.**

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

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-115. Minimum building site average width.**

Each building site in the CG district shall have a minimum building site average width of sixty feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-116. Minimum yards.**

The minimum yards in the CG district shall be as follows:

- (1) Front or rear yards, fifteen feet; and
- (2) Side yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side yard adjoins the side yard of a building site in an RS, RD, RM or RCX district, there shall be a side yard which conforms to the side yard requirements for dwelling use of the adjoining district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-117. Landscaping of yards.**

- (a) All front yards in the CG district shall be landscaped, except for necessary access drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
- (b) Where any required side or rear yard in the CG district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 12.)

**Section 25-5-118. Other regulations.**

- (a) Plan approval shall be required for all new structures and additions to existing structures in the CG district, except for construction of one single-family dwelling and any accessory buildings per lot.
- (b) Exceptions to the regulations for the CG district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 13; am 2015, ord 15-33, sec 4.)

**Division 12. CV, Village Commercial Districts.****Section 25-5-120. Purpose and applicability.**

The CV (village commercial) district provides for a broad range or variety of commercial and light industrial uses that are necessary to serve the population in rural areas where the supplementary support of the general business uses and activities of a central commercial district is not readily available.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-121. Designation of CV districts.**

Each CV (village commercial) district shall be designated by the symbol "CV" followed by a number which indicates the minimum land area, in number of thousands of square feet, required for each building site.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-122. Permitted uses.**

- (a) The following uses shall be permitted in the CV district:
- (1) Adult day care homes.
  - (2) Amusement and recreation facilities, indoor.
  - (3) Apiaries.
  - (4) Art galleries, museums.
  - (5) Automobile sales and rentals.
  - (6) Automobile service stations.
  - (7) Bars.
  - (8) Bed and breakfast establishments, as permitted under section 25-4-7.
  - (9) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (10) Business services.
  - (11) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (12) Commercial parking lots and garages.
  - (13) Convenience stores.
  - (14) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (15) Crop production.
  - (16) Day care centers.
  - (17) Dwellings, double-family or duplex, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (18) Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
  - (19) Dwellings, single-family.
  - (20) Family child care homes.
  - (21) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
  - (22) Financial institutions.

- (23) Group living facilities.
  - (24) Home occupations, as permitted under section 25-4-13.
  - (25) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
  - (26) Hotels, when the design and use conform to the character of the area, as approved by the director.
  - (27) Laboratories, medical and research.
  - (28) Lodges.
  - (29) Manufacturing, processing and packaging light and general, except for concrete or asphalt products, where the products are distributed to retail establishments located in the immediate community, as approved by the director.
  - (30) Medical clinics.
  - (31) Meeting facilities, including special events, as permitted under section 25-4-17.
  - (32) Model homes, as permitted under section 25-4-8.
  - (33) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
  - (34) Offices.
  - (35) Personal services.
  - (36) Photography studios.
  - (37) Public uses and structures, as permitted under section 25-4-11.
  - (38) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops, which are designed to primarily serve the local area.
  - (39) Repair establishments, major, when there are not more than five employees, as approved by the director.
  - (40) Repair establishments, minor.
  - (41) Restaurants.
  - (42) Retail establishments.
  - (43) Schools.
  - (44) Short-term vacation rentals.
  - (45) Special events.
  - (46) Telecommunication antennas and towers, as permitted under section 25-4-12.
  - (47) Temporary real estate offices, as permitted under section 25-4-8.
  - (48) Theaters.
  - (49) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the CV district, provided that a use permit is issued for each use:
- (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
  - (2) Major outdoor amusement and recreation facilities.
  - (3) Yacht harbors and boating facilities.

- (c) Residential uses in connection with the operation of any permitted uses shall be permitted in the CV district.
  - (d) Buildings and uses similar to the permitted uses listed in subsection (a) above shall be permitted in the CV district, as approved by the director.
  - (e) Buildings and uses normally considered accessory to the uses permitted in this section shall also be permitted in the CV district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 14; am 2014, ord 14-86, sec 12; am 2018, ord 18-114, sec 12; am 2021, ord 21-26, sec 12; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, sec 12; ord 25-66, sec 21.)

**Section 25-5-123. Height limit.**

The height limit in the CV district shall be thirty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-124. Minimum building site area.**

The minimum building site area in the CV district shall be seven thousand five hundred square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-125. Minimum building site average width.**

Each building site in the CV district shall have a minimum building site average width of sixty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-126. Minimum yards.**

The minimum yards in the CV district shall be as follows:

- (1) Front or rear yards, fifteen feet; and
- (2) Side yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side yard adjoins the side yard of a building site in an RS, RD, RM or RCX district, there shall be a side yard which conforms to the side yard requirements for dwelling use of the adjoining district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-127. Landscaping of yards.**

- (a) All front yards in the CV district shall be landscaped, except for necessary access drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
- (b) Where any required side or rear yard in the CV district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 14.)

**Section 25-5-128. Other regulations.**

- (a) Plan approval shall be required for all new structures and additions to existing structures in the CV district, except for construction of one single-family dwelling and any accessory buildings per lot.
  - (b) Exceptions to the regulations for the CV district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 15; am 2015, ord 15-33, sec 4.)

**Division 13. MCX, Industrial-Commercial Mixed Districts.****Section 25-5-130. Purpose and applicability.**

The purpose of the MCX (industrial-commercial mixed use) district is to allow mixing of some industrial uses with commercial uses. The intent of this district is to provide for areas of diversified businesses and employment opportunities by permitting a broad range of uses, without exposing nonindustrial uses to unsafe and unhealthy environments. This district is intended to promote and maintain a viable mix of light industrial and commercial uses.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-131. Designation of MCX districts.**

Each MCX (industrial-commercial mixed use) district shall be designated by the symbol "MCX" followed by a number which indicates the minimum land area, in number of thousands of square feet, required for each building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-132. Permitted uses.**

- (a) The following uses shall be permitted in the MCX district:
  - (1) Agricultural products processing, minor.
  - (2) Amusement and recreation facilities, indoor.
  - (3) Apiaries.
  - (4) Art galleries, museums.
  - (5) Art studios.
  - (6) Automobile sales and rentals.
  - (7) Automobile service stations.
  - (8) Bars, nightclubs and cabarets.
  - (9) Broadcasting stations.
  - (10) Business services.
  - (11) Car washing.
  - (12) Catering establishments.
  - (13) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.

- (14) Cleaning plants using only nonflammable hydrocarbons in a sealed unit as the cleaning agent.
- (15) Commercial parking lots and garages.
- (16) Convenience stores.
- (17) Crematoriums, funeral homes, funeral services, and mortuaries.
- (18) Data processing facilities.
- (19) Display rooms for products sold elsewhere.
- (20) Equipment sales and rental yards.
- (21) Farmers markets.
- (22) Financial institutions.
- (23) Food manufacturing and processing.
- (24) Home improvement centers.
- (25) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
- (26) Ice storage and dispensing facilities.
- (27) Kennels in sound-attenuated buildings.
- (28) Laboratories, medical and research.
- (29) Laundries.
- (30) Manufacturing, processing and packaging establishments, light.
- (31) Medical clinics.
- (32) Meeting facilities, including special events, as permitted under section 25-4-17.
- (33) Model homes.
- (34) Motion picture and television production studios.
- (35) Offices.
- (36) Personal services.
- (37) Photographic processing.
- (38) Photography studios.
- (39) Plant nurseries.
- (40) Public uses and structures, as permitted under section 25-4-11.
- (41) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
- (42) Repair establishments, minor.
- (43) Restaurants.
- (44) Retail establishments.
- (45) Sales and service of machinery used in agricultural production.
- (46) Schools, business.
- (47) Schools, photography, art, music and dance.
- (48) Schools, vocational.
- (49) Self-storage facilities.
- (50) Special events.
- (51) Telecommunication antenna and towers, as permitted under section 25-4-12.
- (52) Temporary real estate offices, as permitted under section 25-4-8.
- (53) Theaters.
- (54) Utility substations, as permitted under section 25-4-11.

- (55) Veterinary establishments in sound-attenuated buildings.
  - (56) Warehousing.
  - (57) Wholesaling and distribution operations.
  - (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the MCX district, provided that a use permit is issued for each use:
    - (1) Major outdoor amusement and recreation facilities.
    - (2) Schools.
    - (3) Yacht harbors and boating facilities.
  - (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the MCX district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2003, ord 03-113, sec 1; am 2011, ord 11-26, sec 3; am 2012, ord 12-28, sec 15; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-28, sec 2; ord 25-55, sec 13; ord 25-66, sec 22.)

**Section 25-5-133. Height limit.**

The height limit in the MCX district shall be forty-five feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-134. Minimum building site area.**

The minimum building site area in the MCX district shall be twenty thousand square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-135. Minimum building site average width.**

Each building site in the MCX district shall have a minimum building site average width of ninety feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-136. Minimum yards.**

The minimum yards in the MCX district shall be as follows:

- (1) Front yards, twenty feet; and
- (2) Side and rear yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side or rear property line adjoins the side or rear yard of a building site in an RS, RD, RM or RCX zoned district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-137. Landscaping of yards.**

- (a) All front yards in the MCX district shall be landscaped, except for necessary access drives and walkways.
  - (b) Any required side or rear yard in the MCX district adjoining a building site in an RS, RD, RM or RCX district, shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-138. Other regulations.**

- (a) Plan approval shall be required for all new structures and additions to existing structures in the MCX district.
- (b) Exceptions to the regulations for the MCX district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4.)

**Division 14. ML, Limited Industrial Districts.****Section 25-5-140. Purpose and applicability.**

The ML (limited industrial) district applies to areas for business and industrial uses which are generally in support of but not necessarily compatible with those permissible activities and uses in other commercial districts.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-141. Designation of ML districts.**

Each ML (limited industrial) district shall be designated by the symbol "ML" followed by a number which indicates the minimum land area, in thousands of square feet, required for each building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-142. Permitted uses.**

- (a) The following uses shall be permitted in the ML district:
  - (1) Agricultural products processing, minor.
  - (2) Airfields, heliports and private landing strips.
  - (3) Amusement and recreation facilities, indoor.
  - (4) Animal hospitals.
  - (5) Animal quarantine stations.
  - (6) Apiaries.
  - (7) Aquaculture activities.
  - (8) Automobile and truck sales and rentals.
  - (9) Automobile and truck storage facilities.
  - (10) Automobile service stations.
  - (11) Bakeries.
  - (12) Bars.
  - (13) Broadcasting stations.
  - (14) Car washing.
  - (15) Carpentry, hardwood products and furniture manufacturing and storage establishments.
  - (16) Catering establishments.
  - (17) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (18) Cleaning and dyeing plants.
  - (19) Commercial parking lots and garages.

- (20) Contractors' yards for equipment, material, and vehicle storage, repair, or maintenance.
- (21) Crematoriums, funeral homes, funeral services, and mortuaries.
- (22) Day care centers.
- (23) Financial institutions.
- (24) Food manufacturing and processing facilities.
- (25) Greenhouses, plant nurseries.
- (26) Heavy equipment sales, service and rental.
- (27) Home improvement centers.
- (28) Junkyards, provided that the building site is not less than one acre in area.
- (29) Laboratories, medical and research.
- (30) Laundries.
- (31) Lumberyards and building material yards, but not including concrete or asphalt mixing and the fabrication by riveting or welding of steel building frames.
- (32) Manufacturing, processing and packaging establishments, light.
- (33) Meeting facilities, including special events, as permitted under section 25-4-17.
- (34) Motion picture and television production studios.
- (35) Photographic processing.
- (36) Plumbing, electrical, air conditioning and heating establishments.
- (37) Primary airports, provided that plan approval is secured from the director.
- (38) Public uses and structures, as permitted under section 25-4-11.
- (39) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
- (40) Recycling centers, which do not involve the processing of recyclable materials.
- (41) Repair establishments, minor.
- (42) Restaurants.
- (43) Self storage facilities.
- (44) Special events.
- (45) Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
- (46) Telecommunication antennas and towers, as permitted under section 25-4-12.
- (47) Temporary real estate offices, as permitted under section 25-4-8.
- (48) Transportation and tour terminals.
- (49) Truck, freight and draying terminals.
- (50) Utility facilities, public and private, including offices or yards for equipment, material, vehicle storage, repair or maintenance.
- (51) Utility substations, as permitted under section 25-4-11.
- (52) Veterinary establishments.
- (53) Vocational schools.
- (54) Warehousing, which does not include retail sales or discount houses or establishments open to the general public or defined members.
- (55) Wholesaling and distribution, including the storage of incidental materials and equipment, except for highly flammable or explosive products.

- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the ML district, provided that a use permit is issued for each use:
- (1) Major outdoor amusement and recreation facilities.
  - (2) Schools.
  - (3) Yacht harbors and boating facilities.
- (c) The following uses may be permitted in the ML district as incidental and subordinate to any permitted use:
- (1) Living quarters for watchmen or custodians in connection with the operation of any permitted use.
  - (2) Retail sales.
  - (3) Services for persons working in an ML district which are conducted within an integral part of a main structure with entrances from the interior of the building and which have no display or advertising visible from the street.
- (d) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the ML district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2011, ord 11-26, sec 4; am 2012, ord 12-28, sec 16; am 2019, ord 19-100, sec 8; am 2020, ord 20-94, sec 3; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, sec 12; ord 25-66, sec 23.)

**Section 25-5-143. Height limit.**

The height limit in the ML district shall be forty-five feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-144. Minimum building site area.**

The minimum building site area in the ML district shall be ten thousand square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-145. Minimum building site average width.**

Each building site in the ML district shall have a minimum building site average width of seventy-five feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-146. Minimum yards.**

Minimum yards in the ML district shall be as follows:

- (1) Front yard, fifteen feet; and
- (2) Side and rear yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side or rear property line adjoins the side or rear yard of a building site in an RS, RD, RM or RCX district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-147. Other regulations.**

- (a) All front yards in the ML district shall be landscaped, except for drives and walkways.
- (b) Where any required side or rear yard in the ML district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard shall be landscaped with a screening hedge not less than forty-two inches in height, along the side or rear property lines so adjoining, except for necessary drives and walkways.
- (c) Plan approval shall be required for all new structures and additions to existing structures in the ML district.
- (d) Exceptions to the regulations for the ML district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4.)

**Division 15. MG, General Industrial Districts.****Section 25-5-150. Purpose and applicability.**

The MG (general industrial) district applies to areas for uses that are generally considered to be offensive or have some element of danger.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-151. Designation of MG districts.**

Each MG (general industrial) district shall be designated by the symbol "MG" followed by a number which indicates the minimum land area, in number of thousands of square feet, required for each building site, or if the number is followed by the symbol "a," by the minimum number of acres required for each building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-152. Permitted uses.**

- (a) The following uses shall be permitted in the MG district:
  - (1) Agricultural products processing, major and minor.
  - (2) Airfields, heliports and private landing strips.
  - (3) Amusement and recreation facilities, indoor.
  - (4) Animal hospitals.
  - (5) Animal quarantine stations.
  - (6) Animal sales, stock, and feed yards.
  - (7) Apiaries.
  - (8) Aquaculture activities and facilities.
  - (9) Automobile and truck storage facilities.
  - (10) Automobile body and fender establishments.
  - (11) Automobile service stations.
  - (12) Bakeries.
  - (13) Bars.
  - (14) Breweries, distilleries, and alcohol manufacturing facilities.
  - (15) Broadcasting stations.

- (16) Bulk storage of flammable products and bulk storage of explosive products.
- (17) Car washing.
- (18) Catering establishments.
- (19) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (20) Cleaning and dyeing plants.
- (21) Commercial parking lots and garages.
- (22) Concrete or asphalt batching and mixing plants and yards.
- (23) Contractors' yards for equipment, material, and vehicle storage, repair, or maintenance.
- (24) Crematoriums, funeral homes, funeral services, and mortuaries.
- (25) Day care centers.
- (26) Dumping, disposal, incineration, or reduction of refuse or waste matter.
- (27) Expansion of an existing commercial excavation operation, provided that plan approval is secured from the director.
- (28) Fabricating establishments.
- (29) Fertilizer manufacturing plants.
- (30) Financial institutions.
- (31) Food manufacturing and processing facilities.
- (32) Freight movers.
- (33) Greenhouses, plant nurseries.
- (34) Heavy equipment sales, service and rental.
- (35) Home improvement centers.
- (36) Junkyards.
- (37) Kennels.
- (38) Laboratories, medical and research.
- (39) Laundries.
- (40) Lava rock or stone cutting or shaping facilities.
- (41) Lumberyards and building material yards.
- (42) Machine, welding, sheet metal, and metal plating and treating establishments.
- (43) Manufacturing, processing and packaging establishments, light and general.
- (44) Marine railways, drydocks, and ship or boat yards.
- (45) Meeting facilities, as permitted under section 25-4-17.
- (46) Motion picture and television production studios.
- (47) Photographic processing.
- (48) Primary airports, provided that plan approval is secured from the director.
- (49) Public dumps.
- (50) Public uses and structures, as permitted under section 25-4-11.
- (51) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
- (52) Recycling centers.
- (53) Reduction, refining, smelting, or alloying of metals, petroleum products or ores.
- (54) Repair establishments, major and minor.

- (55) Restaurants.
  - (56) Saw mills.
  - (57) Self storage facilities.
  - (58) Slaughterhouses.
  - (59) Special events.
  - (60) Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
  - (61) Storage, curing, or tanning of raw, green, or salted hides or skins.
  - (62) Telecommunication antennas and towers, as permitted under section 25-4-12.
  - (63) Temporary real estate offices, as permitted under section 25-4-8.
  - (64) Transportation and tour terminals.
  - (65) Truck, freight and draying terminals.
  - (66) Utility facilities, public and private, including power plants, offices or yards for equipment, material, vehicle storage, repair or maintenance.
  - (67) Utility substations, as permitted under section 25-4-11.
  - (68) Veterinary establishments.
  - (69) Warehousing.
  - (70) Wholesaling and distribution, including the storage of incidental materials and equipment.
  - (71) Yacht harbors and boating facilities.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the MG district, provided that a use permit is issued for each use:
- (1) Commercial excavation.
  - (2) Major outdoor amusement and recreation facilities.
  - (3) Schools.
- (c) Any other use not otherwise permitted in subsection (a) that relates to the manufacturing, transportation, processing, assembling, distributing, repairing, and storage of goods, products, or materials, shall be permitted in the MG district.
- (d) The following uses shall be permitted in the MG district as incidental and subordinate to any permitted use:
- (1) Living quarters for watchmen or custodians in connection with the operation of any permitted use.
  - (2) Retail sales.
  - (3) Services for persons working in an MG district which are conducted within an integral part of a main structure with entrances from the interior of the building and which have no display or advertising visible from the street.
- (e) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the MG district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-68, sec 2; am 2011, ord 11-26, sec 5; am 2012, ord 12-28, sec 17; am 2019, ord 19-100, sec 9; am 2020, ord 20-94, sec 4; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, sec 12; ord 25-66, sec 24.)

**Section 25-5-153. Height limit.**

The height limit in the MG district shall be fifty feet. An industrial structure may be built to a height of one hundred feet, provided the extra height is determined by the director to be functionally necessary.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-154. Minimum building site area.**

The minimum lot area in the MG district shall be twenty thousand square feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-155. Minimum building site average width.**

Each building site in the MG district shall have a minimum building site average width of one hundred feet.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-156. Minimum yards.**

The minimum yards in the MG district shall be as follows:

- (1) Front yard, twenty feet; and
- (2) Side and rear yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side or rear property line adjoins the side or rear yard of a building site in an RS, RD, RM or RCX district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-157. Other regulations.**

- (a) All front yards in the MG district shall be landscaped, except for drives and walkways.
- (b) Where any required side or rear yard in the MG district adjoins a building site in an RS, RD, RM or RCX district, a solid wall six feet in height shall be erected and maintained along the side and rear property lines so adjoining.
- (c) Plan approval shall be required for all new structures and additions to existing structures in the MG district.
- (d) Exceptions to the regulations for the MG district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4.)

**Division 16. O, Open Districts.****Section 25-5-160. Purpose and applicability.**

The O (open) district applies to areas that contribute to the general welfare, the full enjoyment, or the economic well-being of open land type use which has been established, or is proposed. The object of this district is to encourage development around it such as a golf course and park, and to protect investments which have been or shall be made in reliance upon the retention of such open type use, to buffer an otherwise incompatible land use or district, to preserve a valuable scenic vista or an area of special historical significance, or to protect and preserve submerged land, fishing ponds, and lakes (natural or artificial tide lands).

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-161. Designation of O districts.**

Each O (open) district shall be designated by the symbol "O."  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-162. Permitted uses.**

- (a) The following uses shall be permitted in the O district:
- (1) Apiaries.
  - (2) Aquaculture activities and facilities.
  - (3) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
  - (4) Existing churches and temples of historical significance.
  - (5) Forestry.
  - (6) Game preserves.
  - (7) Growing of plants provided such growth does not impair a view intended to be preserved in the O district.
  - (8) Heiaus, historical areas, structures, and monuments.
  - (9) Natural features, phenomena, and vistas as tourist attractions.
  - (10) Private recreational uses involving no aboveground structure except dressing rooms and comfort stations.
  - (11) Public parks.
  - (12) Public uses and structures, as permitted under section 25-4-11.
  - (13) Telecommunication antenna and towers, as permitted under section 25-4-12.
  - (14) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the O district, provided that a use permit is issued for each use:
- (1) Crematoriums, funeral homes, funeral services, and mortuaries.
  - (2) Golf courses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.

- (3) Yacht harbors and boating facilities; provided that the use, in its entirety, is compatible with the stated purpose of the O district.
  - (4) Wind energy facilities; provided that the property is within the state land use agricultural district.
  - (c) Uses considered directly accessory to the uses permitted in this section shall also be permitted in the O district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-2, sec 3; ord 08-46, sec 1; am 2011, ord 11-25, secs 3 and 4; am 2012, ord 12-28, sec 18; am 2014, ord 14-86, sec 13; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, sec 11; ord 25-66, sec 25.)

**Section 25-5-163. Height limit.**

There shall be no height limit in the O district, except as specified as a condition of approval attached to any use permit or plan approval. For this purpose, the height limit in the adjoining districts shall be used as guides.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-164. Minimum building site area.**

There shall be no minimum building site area in the O district, except as a condition of approval attached to any plan approval. For this purpose, the minimum building site area regulations in the adjoining districts shall be used as guides.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-165. Minimum building site average width.**

There shall be no minimum building site average width in the O district, except as specified as a condition of approval attached to any plan approval. For this purpose the minimum building site average width regulations in the adjoining districts shall be used as guides.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-166. Minimum yards.**

There shall be no minimum yards in the O district, except as specified as a condition of approval attached to any plan approval. For this purpose, the minimum yard regulations in the adjoining districts shall be used as guides.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-5-167. Other regulations.**

Plan approval shall be required for all new structures and additions to existing structures in the O district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

- (5) Automobile service stations or garages, excluding body and fenderworks, electric tire rebuilding or battery rebuilding and provided that all work is conducted wholly within a completely enclosed building.
- (6) Bakeries.
- (7) Bars, cocktail lounges and night clubs.
- (8) Bed and breakfast establishments, as permitted under section 25-4-7.
- (9) Boarding facilities, rooming, or lodging houses.
- (10) Broadcasting stations or studios (radio and television).
- (11) Business services.
- (12) Car washing, provided that the facilities are not detrimental to the character of the district.
- (13) Commercial parking lots and garages.
- (14) Crop production.
- (15) Display rooms for products sold elsewhere.
- (16) Dwellings, double-family or duplex, with a maximum density of five hundred square feet of land area per rentable unit or dwelling unit.
- (17) Dwellings, multiple-family, with a maximum density of five hundred square feet of land area per rentable unit or dwelling unit.
- (18) Dwellings, single-family.
- (19) Family child care homes.
- (20) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
- (21) Financial institutions.
- (22) Group living facilities.
- (23) Home occupations, as permitted under section 25-4-13.
- (24) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
- (25) Hotels and apartment hotels with a maximum density of five hundred square feet of land area per rentable unit.
- (26) Laundries other than those utilizing steam cleaning equipment, provided that the facilities are not detrimental to the character of the district.
- (27) Manufacturing, processing and packaging, light, provided that the activities are not detrimental to the character of the district.
- (28) Medical clinics.
- (29) Meeting facilities, including special events, as permitted under section 25-4-17.
- (30) Model homes, as permitted under section 25-4-8.
- (31) Modeling agencies.
- (32) Museums and libraries.
- (33) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.

- (34) Offices.
  - (35) Personal services.
  - (36) Photography and artist studios.
  - (37) Public uses and structures, as permitted under section 25-4-11.
  - (38) Publishing plants for newspapers, books and magazines, printing shops, cartographing and duplicating processes such as blueprinting or photostating.
  - (39) Repair establishments, minor.
  - (40) Restaurants.
  - (41) Retail establishments, provided that they are not detrimental to the character of the district.
  - (42) Schools, business.
  - (43) Schools, photography, art, music, dance or other similar studios or academies.
  - (44) Schools, vocational.
  - (45) Special events.
  - (46) Telecommunication antennas and towers, as permitted under section 25-4-12.
  - (47) Temporary real estate offices, as permitted under section 25-4-8.
  - (48) Theaters, auditoriums and indoor sports arenas.
  - (49) Utility substations, as permitted under section 25-4-11.
  - (b) Residential use in connection with the operation of any permitted use shall be permitted in the CDH district.
  - (c) Buildings and uses normally considered accessory to the above uses shall also be permitted in the CDH district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2013, ord 13-95, sec 3; am 2021, ord 21-26, sec 13; am 2024, ord 24-65, secs 7 and 10; am 2025, ord 25-55, sec 12; ord 25-66, sec 26.)

**Section 25-7-23. Height limit.**

The height limit in the CDH district shall be one hundred twenty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-7-24. Minimum building site area.**

The minimum building site area in the CDH district shall be seven thousand five hundred square feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

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

Each building site in the CDH district shall have a minimum building site average width of sixty feet.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-7-26. Minimum yards.**

Front, rear and sides: none, except as required by plan approval.  
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

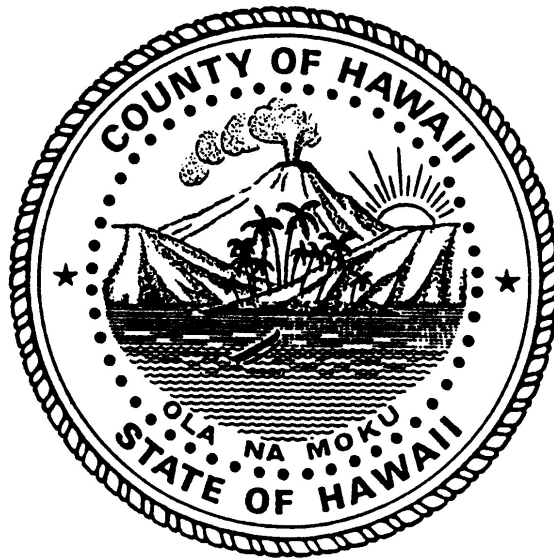
Paragraph	Ord. No.	Effective Date	General Location	TMK of Parcel Affected	Original Zoning	Final Zoning	1975 C.C.
(450)	23-105	12-29-23	Hilo, South Hilo	2-4-079:002	A-3a	RS-20	
(451)	24-35	06-19-24	Hilo, South Hilo	2-2-036:076	RS-10	MCX-20	
(452)	24-64	09-03-24	Waiākea, South Hilo	2-2-038:017	(Repeals Ord. 12-132) (Effective Date 10-25-12)		
(453)	25-7	01-27-25	City of Hilo, South Hilo	2-4-080:017	A-3a	RS-15	
(454)	25-19	03-03-25	City of Hilo, South Hilo	2-2-036:065	RS-10	MCX-20	
(455)	25-23	03-04-25	Waiākea House Lots, 1st Series, South Hilo	2-2-034:066, 078, and 079	(Amends Ord. 16-85, that amended Ord. 06-114) (Effective Date 8-18-16)		
(456)	25-30	03-24-25	Ponahawai, South Hilo	2-3-036:018 (Por)	(Amends Ord. 06-28) (Effective Date 02-24-06)		
(457)	25-36	04-16-25	Waiākea, South Hilo	2-2-036:113	RS-10	CN-10	
(458)	25-42	06-04-25	Pana'ewa, Hilo	2-2-048:013 (Por)	A-10a	A-5a	
(459)	25-67	09-22-25	Waiākea, South Hilo	2-2-022:022	RS-10	CG-10	
(460)	25-69	09-22-25	Waiākea, South Hilo	2-4-011:153	RS-15	RS-10	
(461)	25-81	11-24-25	Kūkūau 1st, South Hilo	2-4-025:048, 053 and 080	(Amends Ord. 21-17, that amended Ord. 10-32) (Effective Date 3-1-21)		

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# THE HAWAI‘I COUNTY CODE

## 1983 (2016 Edition, as amended)

Update to include: Supplement 19 (1-2026)  
Contains ordinances effective through: 12-31-2025



A CODIFICATION OF THE GENERAL ORDINANCES  
OF THE COUNTY OF HAWAI‘I  
STATE OF HAWAI‘I

Office of the County Clerk  
County of Hawai‘i  
25 Aupuni Street  
Hilo, Hawai‘i 96720  
(808) 961-8255

# Volume Three



**CIGARETTES AND TOBACCO**

See also SMOKING  
County business license to sell,  
not required 6-30  
Posted signs required 14-139  
Tobacco products, distribution of  
14-138

**CIVIL DEFENSE ADMINISTRATOR**

See also CIVIL DEFENSE AGENCY  
Duties 7-1-2  
Under supervision of managing director  
2-7

**CIVIL DEFENSE AGENCY**

See also CIVIL DEFENSE  
ADMINISTRATOR  
Duties 7-1-4  
Emergency management plans 7-1-5  
Emergency powers 7-1-7  
Mayor, head of agency 7-1-2  
Under supervision of managing director  
2-7

**CLAIMS**

Against officers, employees 2-188  
For tax exemptions  
See REAL PROPERTY TAXES  
Settlement, corporation  
counsel 2-9

**CLUSTER PLAN DEVELOPMENT**

See ZONING

**CODE OF ETHICS**

See also BOARD OF ETHICS  
Applicability 2-81  
Campaign mass mailings 2-80.1  
Confidentiality 2-90, 2-91.6  
Conflicts of interest 2-84  
Contracts 2-85, 2-85.1  
Discipline 2-91  
Disclosures of interest 2-91.1  
Fair treatment 2-83  
Financial disclosures 2-91.1  
Gifts 2-91.4, 2-91.5

Interpretation 2-80  
Lobbyist registration 2-91.3  
Nepotism prohibited 2-91.7  
Opinions  
disposition after issuance of formal  
opinion 2-88  
formal 2-87  
informal advisory 2-86  
Post employment disclosure, etc. 2-91.2  
Purpose 2-79

**COMFORT STATIONS**

Park area sanitation regulations 15-30

**COMMERCIAL BICYCLE TOURS**

Annual registration 6-10  
Authority to restrict 6-11  
Penalties 6-13  
Prohibited on certain highways 6-12

**COMMERCIAL SPONSORSHIP OF  
COUNTY ASSETS**

Authority  
exclusions 2-240  
generally 2-239  
General requirements 2-243  
Sponsorships  
agreement 2-241  
recognition 2-242

**COMMISSIONS**

See BOARDS, COMMITTEES, AND  
COMMISSIONS

**COMMITTEES**

See BOARDS, COMMITTEES, AND  
COMMISSIONS

**COMMUNITY DEVELOPMENT PLAN  
ACTION COMMITTEES**

See also COMMUNITY  
DEVELOPMENT PLANS  
Duties, responsibilities 16-6  
Membership, tenure 16-5  
Purpose 16-4

**COMMUNITY DEVELOPMENT  
PLANS**

**COMMUNITY DEVELOPMENT PLANS**

See also **COMMUNITY  
DEVELOPMENT PLAN  
ACTION COMMITTEES**  
Adoption and incorporation by reference  
of community development plans  
16-2  
Review, amendment 16-3

**COMMUNITY FACILITIES DISTRICTS,  
SPECIAL IMPROVEMENT FINANCING**

Annexation of territory  
authority 32-46  
notice of hearing 32-49  
ordinance of annexation 32-47,  
32-48  
protests 32-50, 32-51  
Bonds  
general obligation bonds 32-71  
levy of amount of special taxes 32-62  
ordinance 32-57  
refunding 32-65  
sale 32-63  
Changes  
authorization to change 32-36  
facilities, elimination of 32-35  
financing limited to facilities  
specified in ordinance 32-33  
notice of hearing 32-40  
ordinance for changes 32-39  
petition for 32-37, 32-38  
protests 32-42  
special tax, levy of 32-34  
District establishment procedures  
district boundaries 32-31  
institution of procedures 32-18  
notice of hearing 32-22, 32-23  
waiver of notice and hearing  
32-24  
ordinance of formation 32-29  
petition requesting institution 32-19  
protests 32-26  
reports of facilities 32-21  
resolution of intention 32-20

special tax  
apportionment 32-30  
levy 32-32  
General provisions  
advances of funds or work in-kind  
32-13  
contribution by County 32-12  
payment for property acquired by  
County or other public entity  
32-17  
payment of existing assessments or  
debt service 32-8  
provision of alternate method of  
financing 32-2  
revolving fund 32-11  
special levy 32-10  
transfer from other funds 32-9  
types of special improvements 32-7  
Levy of special tax 32-53, 32-54

**CONDEMNATION**

See also **CORPORATION COUNSEL,  
OFFICE OF**  
Land acquisition, condemnation 12-21  
Taxes, remission 19-35

**CONFLICT OF INTEREST**

See **CODE OF ETHICS;  
NONPROFIT ORGANIZATIONS**

**CONSTRUCTION ADMINISTRATIVE  
CODE**

See also  
**BOARD OF APPEALS;  
BUILDING CODE;  
BUILDING CODE, EXISTING;  
BUILDING CODE, RESIDENTIAL;  
ELECTRICAL CODE;  
ENERGY CONSERVATION CODE;  
PLUMBING CODE**  
Appeals regarding alternative materials,  
design, and methods of construction  
5-11-2  
Certificate of occupancy 5-8-22

**DEFECATION**

Dogs, small domesticated animals 4-3-6  
 Park and recreational areas 15-30

**DEFINITIONS**

Abandoned vehicle 20-01-03  
 Acceptable level of service 25-2-46  
 Accessible to a sewer 21-2  
 Accessory building 25-1-5  
 Accessory dwelling unit 19-2, 25-1-5  
 Accessory structure 5-1-5, 5A-1-6,  
 5B-1-6, 5C-1-6, 5F-1-6  
 Accessory use 25-1-5, 27-12  
 Address 14-80  
 Africanized honeybee 4-5-3  
 Adjusted assessment base 33-2  
 Adjustment rate 33-2  
 Administrative action 2-91.3  
 Administrative agency 2-91.3  
 Administrative head 2-238  
 Administrator 7-1-1  
 Adult 14-98  
 Adult day care home 25-1-5  
 Adult dog 15-78  
 Adult personal use 14-98  
 Aerial device 17-2-2  
 Aerial sign 3-3  
 Aesthetic areas 15-66  
 Affected assessment unit 12-1  
 Affordable housing 11-3  
 Affordable housing developer 2-110  
 Affordable housing income guidelines  
 11-3  
 Affordable rental housing 19-2  
 Affordable rental rate 19-2  
 Affordable unit or affordable housing  
 unit 11-3  
 Agency 1-4, 2-82, 11-3, 14-7  
 Aggressive manner 14-74  
 Agricultural activities 25-1-5  
 Agricultural building 5-1-5, 5A-1-6  
 Agricultural/open district 3-3  
 Agricultural products processing, major  
 25-1-5

Agricultural products processing, minor  
 25-1-5  
 Agricultural tourism 25-1-5  
 Agriculture 23-113  
 Agriculture use value 19-2  
 Air-conditioning equipment 24-130  
 Alerting organization 7-1-1  
 Alley 23-3, 24-3, 25-1-5  
 Alternate energy improvement 19-82  
 Alternating current level 2 charging  
 station 25-1-5  
 Amusement and recreation facility,  
 indoor 25-1-5  
 Amusement and recreation facility,  
 major outdoor 25-1-5  
 And/or 1-4  
 Animal control officer 4-1-1  
 Animals 4-1-1  
 Annex 17-1-4  
 Another 3-3, 22-1.2  
 Apartment 23-122  
 Apartment house 25-1-5  
 Apiary 4-5-3, 25-1-5  
 Appeal 27-12  
 Applicant 2-5  
 Appointing authority 2-143  
 Approval 8-2, 34-3  
 Approved development 25-2-46  
 Aquaculture 25-1-5  
 Architect 5-1-5  
 Area coordinator 14-67  
 Area mitigation 25-2-46  
 Area of shallow flooding 27-12  
 Arterial 23-3  
 Arterial street 24-3  
 Article 5D-1-6  
 Articles pyrotechnic 17-2-2  
 Assessed value of real property 35-1  
 Assessment base 33-2  
 Assessment increment 33-2  
 Assessment unit 12-1  
 At large 4-1-1  
 Attack 4-1-1  
 Auction 6-32  
 Auctioneer 6-32

## DEFINITIONS

Authority having jurisdiction  
5-1-5, 5A-1-6, 5B-1-6, 5B-2-1, 5C-1-6,  
5D-1-6, 5E-1-6, 5F-1-6, 17-1-4

Authorized association 35-60

Authorized association-installed 35-60

Authorized emergency vehicle 24-3

Authorized person 2-26, 7-1-1, 15-3

Authorized personnel 25-1-5

Automated sign 3-3

Automobile service station 25-1-5

B.O.D. (biochemical oxygen demand)  
21-2

Backfill 27-12

Banner 3-3

Banner permits 3-9

Bar 6-40, 14-20

Base flood 27-12

Base flood elevation 5A-4-2, 5B-4-2,  
5C-4-2, 5D-3-2, 5F-3-2, 27-12

Basement 27-12

Beach park 15-3

Bed and breakfast establishment 25-1-5

Bee 4-5-3

Beekeeper 4-5-3

Beginning of construction 25-1-5

Bicycle 6-8, 24-3

Bicycle lane 24-3

Bicycle path 24-3

Bicycle route 24-3

Bicycle/walk path 24-3

Bikeway 24-3

Bizarre council district shape 36-1

Blight 33-2

Blind 19-75

Blue light content 14-51

Board 2-82, 17-3-1

Bodily injury 4-1-1

Bond ordinance 35-1

Bonds 1-4, 32-16, 35-1

Borrow 10-1

Bowling alley 14-20

Breakaway walls 27-12

Building 1-4, 3-3, 5-1-5, 5A-2-1, 5B-1-6,  
5B-2-1, 5C-1-6, 5C-2-1, 5E-1-6,  
5F-1-6, 14-20, 14-80, 22-1.2, 25-1-5

Building drain 5F-2-1

Building, enclosed 5B-2-1

Building height 25-1-5

Building line 23-3, 25-1-5

Building official 5A-2-1(d),  
5B-2-1(d), 5B-3-22, 5D-1-6, 14-51

Building, open 5B-2-1

Building or house sewer 21-2

Building, partially enclosed 5B-2-1

Building site 25-1-5

Building site average width 25-1-5

Building work 5-1-5, 5A-1-6, 5B-1-6,  
5C-1-6

Bureau of conveyances 23-3

Bus 24-3

Business 1-4, 2-82, 3-3, 6-8, 14-20,  
20-1-03

Business district 24-3

Business establishment 3-3

Business improvement district 22-1.2,  
35-1

Business or industrial street 23-3

Business service 25-1-5

Camper 15-3

Camping 15-3

Camping units 15-3

Candidate 2-91.1, 2-121

Cannabis 14-98

Capital costs 2-235

Care home 25-1-5

Carport 5A-2-1(d), 5B-2-1(d)

Carrier 18-1

Cash sponsorship 2-238

Catering establishment 25-1-5

Certificate of disability 24-242

Certification of rental rate 19-2

Certified hale builder 5A-3-26

Certified medical gas installer 5F-1-6

Certified medical gas verifier 5F-1-6

Cesspool 21-2

Chapter 5A-1-6, 5B-1-6, 5C-1-6, 5D-1-6

Charter 1-4

Chief of police 14-7, 14-67, 14-115,  
18-31, 22-1.2, 24-202.4

City 1-4

City of Hilo 23-3, 25-1-5

## DEFINITIONS

- Civil defense agency 7-1-1
- Civil defense siren 25-2-46
- Class I lighting 14-51
- Class II lighting 14-51
- Class III lighting 14-51
- Clerk 1-4, 32-16
- Coastal high hazard area 27-12
- This code 5A-1-6, 5B-1-6, 5C-1-6, 5D-1-6, 5E-1-6, 5E-2-1(b), 5F-1-6
- Code official 5C-2-1(d), 5E-2-1(b)
- Collector street 23-3
- Colony 4-5-3
- Commercial 3-3
- Commercial activity 34-12
- Commercial agricultural activities 19-2
- Commercial agricultural use dedication 19-2
- Commercial bicycle tour 6-8
- Commercial building 14-20
- Commercial excavation 25-1-5
- Commercial interests 3-3
- Commercial parking lot and garage 25-1-5
- Commercial/industrial district 3-3
- Commercially viable agricultural operation 19-2
- Commission 2-198, 18-1, 18-31, 20-1-3, 21-2, 25-1-5, 36-1
- Commissioner 36-1
- Committee 2-121
- Common driveway approach 22-1.2
- Common element 23-122
- Community facilities district 32-16
- Community food sustainability use 19-2
- Community of interest or community of common interest 36-1
- Community storm shelter 5A-3-24
- Compensation 2-82
- Completion 25-6-31
- Compostable 20-1-3
- Comprehensive emergency management plan 7-1-1
- Condominium 23-122
- Condominium property regime 23-122
- Condominium unit 12-1
- Conflict of interest 2-136
- Conforming 23-3, 25-1-5
- Connection 21-2
- Consolidation 12-30, 23-3
- Construction code 5-1-5, 5A-1-6, 5B-1-6, 5C-1-6, 5E-1-6, 5F-1-6
- Consumer fireworks 17-2-2
- Continuity of operations plan 7-1-1
- Continuous and regular basis 19-2
- Contribution 2-91.3, 2-238
- Controlled access highway 24-3
- Controlling interest 2-82
- Convenience store 25-1-5
- Cool roof 5E-2-1(b)
- Cooperating department 12-1
- Corporation counsel 22-1.2
- Cost 2-5, 12-1, 32-16
- Costs of supplemental improvements 35-1
- Costs of supplemental services and improvements 35-1
- Council 1-4, 2-136, 2-225, 3-3, 18-31, 25-1-5, 31-2, 32-16, 33-2
- Council district deviation 36-1
- County 1-4, 2-167, 2-225, 14-160, 19-2, 30-3, 32-16, 33-2, 35-1
- County asset 2-238
- County building code 17-2-2
- County clerk 35-1
- County engineer 24-3
- County environmental report 25-1-5
- County facility 20-1-3
- County facility users 20-1-3
- County fire code 17-2-2, 17-3-1
- County general plan 23-3
- County highway 14-67
- County park and recreational facility 15-91
- Cracking 36-1
- Crematorium 25-1-5
- Critical road area 25-2-46
- Crop production 25-1-5
- Crosswalk 24-3
- Cruise or cruising 18-31

## DEFINITIONS

- Cul-de-sac 23-3  
Cultural 17-2-2  
Customer 20-1-3  
Cut 10-1  
Damage to the road 24-157  
Dangerous dog 4-1-1, 15-78  
Data processing facility 25-1-5  
Date of classification 19-2  
Day care center 25-1-5  
DBEDT 31-2  
De minimis structure position  
    discrepancy 25-1-5  
Dead-end street 23-3  
Deaf 19-75  
Debt 32-16  
Declaration 23-122  
Dedicated lands 19-2  
Dedication 34-3  
Default 21-38  
Density 25-1-5  
Department 2-136, 2-198, 2-225, 3-3,  
    14-120, 14-137, 14-160, 15-3, 17-2-2,  
    20-1-3, 24-221  
Deputies 2-143  
Derelict vehicle 20-1-3  
Design commission 3-3  
Designated agency 30-3  
Designated bank 21-38  
Designated costs of issuing the  
    refunding bonds 32-69, 35-56  
Designated historic and archaeological  
    sites 10-1  
Designee 1-4  
Developer 23-122  
Development 27-12  
Development agreement 30-3  
Devices 14-7  
Direct current fast charger 25-1-5  
Director 2-136, 2-198, 2-225, 2-247, 2-  
    260, 3-3, 5-1-5, 5F-1-6, 6-32, 8-2, 14-  
    80, 14-120, 14-160, 15-3, 18-31, 19-2,  
    20-1-3, 21-2, 22-1.2, 23-3, 25-1-5,  
    32-16, 33-2, 34-3, 35-60  
Director of finance 18-1  
Director of transportation 23-3  
Directory sign 3-3  
Disaster 7-1-1  
Disaster relief 2-247  
Disaster relief funds 2-247  
Disease 4-5-3  
Disorderly conduct 15-9  
Display 17-2-2  
Display case 3-3  
Display fireworks 17-2-2  
Disposable food service ware 20-1-3  
Distribute 14-137  
District 1-4, 3-3, 8-2, 22-1.2, 32-16, 35-1,  
    35-60  
District association 22-1.2, 35-1  
District board 35-1  
District engineer 23-3, 24-3  
District-wide publication  
    dispensing rack permit 22-1.2  
Diversified agriculture 19-2  
Divided highway 24-3  
Dog park 15-78  
Donations 2-161  
Drainage facility 27-12  
Drilling operation 14-120  
Driver 18-56  
Driveway 22-1.2  
Driveway approach 22-1.2  
Duplex and double-family dwelling  
    19-2, 25-1-5  
Dwelling 5-1-5, 5A-1-6, 5B-1-6, 5C-1-6,  
    5D-1-6, 5E-1-6, 5F-1-6, 25-1-5  
Dwelling unit 5-1-5, 5D-1-6, 5E-1-6, 5F-  
    1-6, 8-2, 19-2, 25-1-5  
Easement 23-3, 34-3  
Economic benefit 19-77  
Egress roof access window 5B-3-3  
Elective 2-91.1  
Electric vehicle 24-245.4, 25-1-5  
Electric vehicle charging station  
    24-245.4, 25-1-5  
Electrical utility 5D-1-6  
Electrical wiring 5-1-5, 5D-1-6  
Electrical work 5-1-5, 5D-1-6  
Electronic smoking devices 14-20  
Eligible buyer 11-3  
Emergency 7-1-1, 15-91, 24-3

## DEFINITIONS

- Emergency management 7-1-1  
Emergency responders 24-167.1  
Employee 1-4, 2-82, 14-7  
Enclosed or partially enclosed area(s)  
14-20  
Encroachment 27-12  
Encumbrance 2-12.1  
Energy-saving device 25-1-5  
Enforcement officer 15-78, 24-242  
Engineer 5-1-5, 5E-1-6, 5F-1-6, 10-1,  
22-1.2, 23-3  
Engineer's soils report 10-1  
Environmental impact statement 25-1-5  
Equipment 2-238  
Equivalent population 21-2  
Erected 25-1-5  
Erosion 10-1  
Excavation 10-1  
Exceptional trees 14-57  
Executive agency 1-4  
Existing building 5-1-5, 5A-2-1(d),  
5B-1-6, 5C-1-6, 5E-1-6, 5F-1-6  
Existing manufactured home park or  
subdivision 27-12  
Existing structure 5-1-5, 5B-1-6, 5C-1-6,  
5F-1-6  
Expansion to an existing manufactured  
home park or subdivision 27-12  
Expenditure 2-91.3  
Expressive activities 15-35  
Extension 21-2  
Extra inspection 5-7-5  
Facilities, improvements or special  
improvements 32-16  
Facility 2-238  
Factory-built home 5-1-5  
Factory-built housing 5B-3-22  
Fair market value 8-2  
Family 5A-2-1(d), 5B-2-1(d), 5C-2-1(d),  
25-1-5  
Family child care home 25-1-5  
Farm 25-1-5  
Farm animals 4-1-1  
Farm dwelling 19-2, 25-1-5  
Farm equipment 19-2  
Farm plan 19-2  
Farm subdivision 23-113  
Farmers market 25-1-5  
Federal credit union 19-89.2  
Feed crops and fast rotation forestry  
19-2  
Fertilizers 19-2  
Fifteen mile radius 11-3  
Fill 10-1, 27-12  
Fill material 27-12  
Finance director 22-1.2  
Financial interest 2-82  
Financing supplemental services and  
improvements by a district or  
financing supplemental services and  
improvements 35-1  
Fire chief 17-1-4, 17-2-2, 17-3-1  
Fire code 5A-2-1(d), 5B-2-1(d)  
Fire department 17-1-4  
Firecrackers 17-2-2  
Fireworks 17-2-2  
Fireworks code 17-3-1  
First user 5B-3-22  
Fiscal impact statement 2-12.7  
Flag lot 25-1-5  
Flood elevation determination 27-12  
Flood elevation study or flood study  
27-12  
Flood, flooding, or flood water 27-12  
Flood insurance rate map (FIRM) 27-12  
Flood insurance study 27-12  
Flood or flooding 5B-4-2, 5C-4-2, 5D-3-2,  
5F-3-2  
Flood protection system 27-12  
Floodplain administrator 27-12  
Floodplain management 27-12  
Floodplain management regulations  
27-12  
Floodplain or flood-prone area 27-12  
Floodproofing 27-12  
Floodway fringe 27-12  
Floodway or regulatory floodway 27-12  
Floor area, gross 25-1-5

## DEFINITIONS

Floor area, net 25-1-5  
Flyover barrier 4-5-3  
Food manufacturing and processing facility 25-1-5  
Food packaging 20-1-3  
Food providers 20-1-3  
For nonprofit purposes 19-77  
Fracturing or cracking 36-1  
Fraud and victimization 27-12  
Freeboard 27-12  
Front yard 25-1-5  
Frontage 25-1-5  
Fuel cell electric vehicle 24-245.4, 25-1-5  
Fully shielded 14-51  
Functional forests 19-59  
Functionally dependent use 27-12  
Funeral home or funeral parlor 25-1-5  
Funeral services 25-1-5  
Future width lines 25-1-5  
Gang cesspool 21-2  
Garage 5B-2-1(d)  
Garbage 21-2  
Garbage, properly shredded 21-2  
General floodplain 27-12  
Genetic engineering 14-91  
Genetically engineered 14-129  
Gerrymander 36-1  
Gifts 2-161  
Golf cart 24-176  
Golf cart crossing 24-176  
Golf course maintenance vehicle 24-176  
Governmental entity or agency 30-3  
Grading 10-1  
Grant 2-136  
Graphic design 3-3  
Grease 21-2  
Grease traps 21-2  
Gross negligence 2-167  
Ground sign 3-3  
Group living facility 25-1-5  
Group of structures 5A-3-26  
Grubbing 10-1  
Guaranteed borrower 21-38  
Guest house 25-1-5  
Guest ranch 25-1-5  
Guided bicycle tour 6-8  
Gun 14-7  
Habitable space 5E-2-1(b)  
Half street 23-3  
Handbill 14-141  
Handicapped 18-1  
Handler 15-78  
Hardship 27-12  
Health officer 5F-2-1(c)  
Highest adjacent grade 27-12  
Highway 24-3  
Historic preservation 2-225  
Historic properties 2-225  
Historic structure 27-12  
Hive 4-5-3  
Home improvement center 25-1-5  
Home occupation 25-1-5  
Homeownership counselor 11-3  
Honeybee 4-5-3  
Hospital 25-1-5  
Hotel 8-2, 14-20, 25-1-5  
Household henery 25-1-5  
Housing infrastructure costs 2-235  
Humane society 4-1-1  
Hurricane-prone regions 5A-3-25  
Hydraulic fracturing 14-120  
IAPMO 5F-1-6  
IBC 5A-1-6  
ICC 5A-1-6, 5B-1-6, 5C-1-6, 5E-1-6  
ICC section 5E-1-6  
Ideal council district's population 36-1  
IECC 5E-1-6  
Illuminated sign 3-3  
Immediate family member 2-82  
Immediate vicinity of a project 25-2-46  
Import 17-2-2  
Improvement area 32-16  
Improvement district 12-1  
In-kind sponsorship 2-238  
Incidental expense 32-16  
Incidental expenses of a district 35-1  
Incidentals 12-1  
Income 2-91.1  
Increment 21-38  
Indigenous Hawaiian architecture structures 5A-3-26  
Indirect lighting 3-3  
Individual 14-51

## DEFINITIONS

Industrial wastes 21-2  
Infiltration 21-2  
Inflow 21-2  
Insert 35-60  
Insignia of approval 5B-3-22  
Inspection 2-5  
Install 35-60  
Installation 5B-3-22  
Integrated preparedness plan 7-1-1  
Integrated solid waste management (ISWM) 20-1-3  
Intensive agriculture 19-2  
Intentionally 1-11, 14-74  
Interior lot line 25-1-5  
International building code 5-1-5  
Intersection 24-3  
Intoxicating liquor 13-8  
Inundation level 5D-1-6  
Issuing agency 24-242  
Junkyard 25-1-5  
Kailua Industrial Subdivision 3-3  
Kailua Village core 3-3  
Kennel 25-1-5  
Kitchen 25-1-5  
Knowingly 14-74  
Kuleana land 19-89.5  
Land mobile radio system 7-1-1  
Land or parcel of land 35-1  
Land surveyor 10-1  
Land use 25-1-5  
Landing platform 5B-3-3  
Landowner or owner of land 32-16, 35-1  
Landscaping 19-80  
Lateral 21-2  
Law enforcement officer 14-115  
Lease 2-110  
Legislative action 2-91.3  
Levee 27-12  
Levee system 27-12  
Level of service 25-2-46  
License 17-2-2  
Limited common element 23-122  
Litter 14-141, 24-161  
Livestock 4-1-1, 25-1-5  
Livestock production 25-1-5  
Lobbying 2-91.3  
Lobbyist 2-91.3  
Local mitigation 25-2-46  
Location 35-60  
Lodge 25-1-5  
Lodging unit 8-2  
Loft 5B-3-3  
Loitering 7-1-1  
Long-term commercial agricultural use dedication 19-2  
Long-term resilience 2-247  
Lot 3-3, 23-3, 25-1-5, 34-3  
Lot line 25-1-5  
Lot width 25-1-5  
Lower-income household 2-75  
Lowest floor 27-12  
Lowest law enforcement priority 14-98  
Machine or device for reproducing sound 14-17  
Main 21-2  
Main building 25-1-5  
Major disaster 5-7-3  
Majority 35-1  
Manager 23-3  
Manufacture 5B-3-22  
Manufactured home 27-12  
Manufactured home park or subdivision 27-12  
Manufacturing, processing and packaging, general 25-1-5  
Manufacturing, processing and packaging, light 25-1-5  
Marginal access street or service road 23-3  
Marijuana 14-98  
Market value 19-2, 27-12  
Marquee 3-3  
Marquee sign 3-3  
Materials 20-1-3  
May 1-4  
Mayor 1-4, 2-225  
Mean sea level 27-12  
Medical clinic 25-1-5

## DEFINITIONS

Meeting facility 25-1-5  
Minimum building site area 23-122  
Minimum necessary 27-12  
Minimum risk products and methods 15-91  
Minor 13-8  
Minor street 23-3  
Minority population 36-1  
Mitigation 7-1-1, 25-2-46  
Mobile dwelling 25-1-5  
Mobile electronic device 24-167.1  
Mobile home 6-25  
Mobile home park 6-25  
Mobility device 15-78  
Moderate-income household 2-75  
Monetary gain 19-77  
Month 1-4  
Moped 24-3  
Mortuary 25-1-5  
Motor vehicle 24-3  
Motorcycle 24-3  
Moterscooter 24-3  
Mountain 34-3  
Movie or television production 17-2-2  
Multi-hazard mitigation plan 7-1-1  
Multifamily dwelling 5-1-5, 14-20  
Multiple loading 18-31  
Multiple-family development or development 34-3  
Multiple-family dwelling 25-1-5  
Must 1-4  
Naloxone 6-40  
Native forests 19-59  
Natural outlet 21-2  
NEC 5D-1-6  
Negligently 4-1-1  
Neighborhood electric vehicle 24-245.4, 25-1-5  
Neighborhood watch 14-67  
Neighborhood watch sign 14-67  
Nepotism 2-136  
Net free vent area 5-84  
Net taxable buildings 19-90  
Net taxable lands 19-90  
Net taxable real property 19-90  
Networked 25-1-5  
New construction 17-1-4, 27-12  
New manufactured home park or subdivision 27-12  
Newspaper 14-141  
NFPA 5D-1-6, 17-1-4  
Nightclub 14-20  
Non-mineral sunscreen 14-30  
Nonconforming building or parcel 25-1-5  
Nonconforming use 25-1-5  
Nondedicated agricultural use assessment 19-2  
Nonprofit or limited distribution mortgager 19-87  
Nonprofit organization 2-110, 2-136, 2-247  
Oath 1-4  
Obnoxious substance 14-7  
Obstruction 27-12  
Occupancy 25-2-46  
Occupant 1-4  
Occupation 24-221  
Occupiable space 5E-2-1(b)  
Off-leash area 15-78  
Office of Housing and Community Development (OHCD) 11-3  
Officer 1-4, 2-82  
Official act 2-82, 24-3  
Official action 2-82  
Official authority 2-82  
Official County street name 22-1.2  
Official traffic-control device 24-3  
On-leash area 15-78  
One-hundred-year flood 27-12  
One-hundred-year floodplain 27-12  
One mile 14-113  
One person, one vote 36-1  
Open air 14-129  
Open areas 15-66  
Open spaces 19-80  
Open to the public 14-20  
Operate 1-4

## DEFINITIONS

Remnant 2-110  
Removable windshield placard 24-242  
Rentable unit 25-1-5  
Repair establishment, major 25-1-5  
Repair establishment, minor 25-1-5  
Repetitive loss structure 27-12  
Rescue operation 2-167  
Reserve strip 23-3  
Residence 14-113  
Resident population 8-2  
Residential care/assisted living facilities  
5A-2-1(d)  
Residential district 3-3, 24-3  
Residential tier one property 19-90  
Residential tier two property 19-90  
Response 7-1-1  
Responsible department 12-1  
Responsible director or manager 12-1  
Responsible party 5-1-5  
Resort area 25-1-5  
Resort subdivision 23-3  
Restaurant 14-20, 25-1-5  
Retail establishment 25-1-5  
Retail tobacco store 14-20  
Reversed corner lot 23-3  
Reversed frontage lot 23-3  
Rider 18-94  
Right-of-way 23-3, 24-3  
Riverine 27-12  
Road taxi stand 18-31  
Road tractor 24-3  
Roadway 22-1.2, 23-3, 24-3  
Roof sign 3-3  
Safety glass 18-1  
Safety zone 24-3  
Sand dunes 27-12  
Sanitary engineer 23-3  
Sanitary landfill 20-01-03  
Sanitary sewer 21-2  
School 25-1-5  
School bus 18-56, 24-3  
School bus operator 18-56  
Section 5A-1-6, 5E-1-6, 5F-1-6  
Sedimentation 10-1  
Self-directed revocable living trust  
21-38  
Self-storage facility 25-1-5  
Semi-trailer 24-3  
Senior citizen 18-1  
Separation 5A-3-26  
Serious bodily injury 4-1-1  
Serious injury 4-1-1  
Service bureau 2-121  
Service business or calling 31-2  
Setback 5A-3-26  
Sewage 21-2  
Sewage treatment plant 21-2  
Sewage works, sewer system, or sewer  
21-2  
Sewer system improvement district 12-1  
Shall 1-4  
Shared-ride taxi 18-31  
Shared-use or multi-use park 15-78  
Sheet flow area 27-12  
Shell, cartridge, or bomb 14-7  
Shipper 17-2-2  
Shoreline 34-3  
Short-term commercial agricultural use  
dedication 19-2  
Short-term vacation rental 25-1-5  
Side yard 25-1-5  
Sidewalk 1-4, 22-1.2, 23-3, 24-3, 35-60  
Sidewalk use permits 22-3.1  
Sign 3-3  
Single-family dwelling 19-2, 25-1-5  
Single stack vent system 5F-2-1(c)  
Siren 24-3  
Site 5B-3-22  
Sleeping unit 5B-2-1(d)  
Smoke or smoking 14-20  
Socio-economic group 36-1  
Soil amendments 19-2  
Soil and water conservation districts  
10-1  
Solar water heater 19-2  
Soliciting 14-74  
Solid tire 24-3  
Solid waste 20-01-03

## DEFINITIONS

Solid waste management 20-01-03  
Special activity permits 22-3.1  
Special duty 2-171  
Special event 25-1-5  
Special flood hazard area 5A-4-2,  
5B-4-2, 5C-4-2, 5D-3-2, 5F-3-2, 27-12  
Special hazard vehicle 24-3  
Special improvement, improvement, the  
making of a special improvement,  
make any special improvement 12-1  
Special inspection 5-1-5  
Special interest areas 15-66  
Special license plates 24-242  
Special mobile equipment 24-3  
Specially constructed vehicle 24-3  
Speed hump 14-160, 22-1.2  
Speed limit 24-3  
Sponsor 2-238  
Sponsorship 2-238  
Sponsorship agreement 2-238  
Sponsorship recognition 2-238  
Stakeholder preparedness review 7-1-1  
Stand or standing 24-3  
Standard of fairness principles 36-1  
Start of construction 27-12  
State 1-4, 2-225, 20-01-03, 27-12  
State credit union 19-89.2  
State fire code 17-2-2  
State of disaster or emergency 7-1-1  
Statutes 1-4  
Sterilized dog 4-1-1  
Stockpiling 10-1  
Stop (when required) 24-3  
Stop or stopping (when prohibited) 24-3  
Store 14-45, 17-2-2  
Storm drainage facility 12-1  
Stray 4-1-1  
Street 1-4, 3-3, 14-80, 22-1.2, 23-3, 24-3,  
25-1-5  
Street frontage 3-3, 25-1-5  
Street plug 23-3  
Structural observation 5A-2-1(d)  
Structure 5-1-5, 25-1-5, 27-12  
Structures 15-66  
Student 18-1  
Subdivided land 23-3  
Subdivider 8-2, 23-3  
Subdivision 8-2, 21-2, 34-3  
Subject roads 14-160  
Substantial bodily injury 4-1-1  
Substantial damage 5-3-3, 27-12  
Substantial improvement 27-12  
Successional forests 19-59  
Sunscreen 14-30  
Supplemental improvements 35-1  
Supplemental services and improvement  
area 35-1  
Supplemental services and  
improvements 35-1  
Surveyor 23-3, 25-1-5  
Suspended solids 21-2  
SWD 20-01-03  
SWD facility 20-01-03  
Swill 14-149  
Table 5A-1-6  
Targeted area 33-2  
Tax increment 33-2  
Tax increment bonds 33-2  
Tax increment district or district 33-2  
Tax increment financing plan or  
financing plan 33-2  
Tax increment fund or fund 33-2  
Tax year 19-47  
Taxi or taxicab 18-1  
Taxicab 18-1, 18-31, 24-3  
Taxicab company 18-31  
Taxicab driver 18-31  
Telecommunication antenna 25-1-5  
Telecommunication tower or tower  
25-1-5  
Temporary fireworks storage building or  
structure 17-2-2  
Temporary painted window sign 3-3  
Temporary removable windshield  
placard 24-242  
Temporary sign 3-3  
Tenant 1-4  
Theater 25-1-5  
Threat and hazard identification and  
risk assessment 7-1-1  
Through highway 24-3  
Through lot 23-3  
Time share unit 25-1-5

**HAWAII COUNTY CODE**

- Citation 1-1
- Form of ordinances to amend 2-152
- Publication 2-153
- Revision, supplementation of Code 2-153
- Rules of construction 1-2, 1-3, 1-5
- Severability of unconstitutional or invalid parts of code 1-9

**HAWAII COUNTY CULTURAL RESOURCES COMMISSION**

- Members, tenure 2-226
- Nominations to Hawai'i or national register of historic places 2-230
- Powers, duties 2-229

**HAWAII COUNTY WATER USE AND DEVELOPMENT PLAN**

- Adoption 29-2
- Amendments 29-3
- Plan review 29-4

**HAWAIIAN ARCHITECTURE**

- See BUILDING CODE, INDIGENOUS HAWAIIAN ARCHITECTURE STRUCTURES

**HAWAIIAN LANGUAGE**

- Spelling 2-5.1

**HELE-ON BUS**

- See PUBLIC TRANSPORTATION

**HELE-ON KAKO'O PARATRANSIT SERVICE**

- See PUBLIC TRANSPORTATION

**HIGHWAYS**

- See DEPARTMENT OF PUBLIC WORKS; STREETS AND SIDEWALKS

**HITCHHIKING**

- Certain acts by pedestrians prohibited 24-249
- Prohibited in park and recreational areas
- See PARKS AND RECREATIONAL FACILITIES, HITCHHIKING

**HOUSING ADMINISTRATOR**

- See also OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT
- Duties 2-71
- Established 2-69
- Powers 2-70
- Reports to council 11-19
- Under supervision of managing director 2-7

**HOUSING, AFFORDABLE HOUSING POLICY**

- Buyer of finished lots 11-10
- Credits
  - earning affordable housing credits 11-5
  - transfer of credits 11-15
- Density bonus 11-8
- Eligibility criteria 11-13
- Housing policy objectives 11-2
- Rental price of units 11-11
- Requirements
  - affordable housing 11-4
  - satisfaction of 11-5
- Sales
  - lots and units 11-9
  - resale restrictions 11-14
  - sales price 11-7
- Section 201G, HRS, projects 11-16

**HOUSING AGENCY**

- Council members 2-66
- Created, scope of authority 2-66
- Powers 2-68

**HOUSING, FUNDS AND  
CONTRACTS**

**HOUSING, FUNDS AND CONTRACTS**

See also COUNTY HOUSING  
PROGRAM REVOLVING  
FUND

Generally

contracts, signing 2-73  
federal funds 2-72  
special funds 2-75.1

Revolving fund

created 2-74  
use 2-75

**HYDRAULIC FRACTURING POLICY**

Enforcement 14-125, 14-126

Prohibited 14-121

Violation 14-123

-- I --

**IMPROVEMENT DISTRICTS**

See BUSINESS IMPROVEMENT  
DISTRICTS;  
COMMUNITY FACILITIES  
DISTRICTS, SPECIAL  
IMPROVEMENT FINANCING;  
IMPROVEMENTS BY  
ASSESSMENT;  
TAX INCREMENT DISTRICTS

**IMPROVEMENTS BY ASSESSMENT**

Assessments

amendments upon consolidation  
or subdivision 12-30  
application for reduction 12-29  
bonds 12-37  
certificate of balance 12-42  
due date 12-33  
fixed by ordinance 12-29  
installment payments  
advance payments 12-35  
collection expense 12-36  
election to pay by installment  
12-33  
failure to pay 12-38

owner of undivided interest 12-39

payment of installments 12-34

purchase at sale 12-41

sale for default 12-40

sale of land by director; terms  
12-43

Finance and payment

contents of bonds 12-45

errors in computation of amount  
due 12-57

execution, payment 12-46

General obligation bonds

exemption from certain  
requirements 12-48

improvement bonds, authorized  
12-44

issuance 12-47

not chargeable against general  
revenue 12-56

payment due upon maturity 12-54

payment to contractors 12-53

place to pay 12-52

reserve fund 12-50

special assessment revolving fund  
12-47

special fund for administrative,  
pre-formation costs, and bond  
payment 12-49

surplus, use of 12-49

tax exemptions 12-55.1

General provisions

authority to issue bond 12-2

costs advanced and borne by owners  
and County 12-7

council powers 12-6

improvements outside of designated  
districts 12-4

lands exempt from taxation 12-5

lawsuits, limitation on time to  
sue 12-8

method 12-2

ratification and validation 12-9

taxation, land exempt from, costs  
12-5

## LEGISLATIVE HISTORY TABLE

Ordinances are listed by the Code chapter affected.

**Abbreviations:**

- A = Amended or repealed section(s) of the chapter, or added new section(s)
- R = Repealed and replaced chapter in its entirety
- C = Created new chapter
- X = Repealed the chapter

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
1	General Provisions								
2	Administration	23-33A, 23-56A, 23-64A	24-8A, 24-52A, 24-59A	24-1A, 25-34A, 25-38A					
3	Signs								
4	Animals	23-33A	24-26A, 24-46A, 24-65A		25-63A (Eff: 1-1-26)				
5	Construction Administrative Code	23-87A, 23-88A	24-45A, 24-93A						
5A	Building Code								
5B	Residential Building Code		24-17A						
5C	Existing Building Code								
5D	Electrical Code			25-22A					
5E	Energy Conservation Code								
5F	Plumbing Code								

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
6	Businesses	23-29A	24-51A, 24-98A	25-35A, 25-50A, 25-68A	25-92A (Amends Ord 25-50 Eff 7/1/26)				
7	Disaster and Emergency Management			25-90A					
8	Dedication of Land								
9	Reserved								
10	Erosion and Sedimentation Control								
11	Housing	23-20A, 23-77A	24-18A						
12	Improvements by Assessments								
13	Minors								
14	General Welfare		24-16A, 24-96A	24-1A, 25-49A					
15	Parks and Recreation	23-11A, 23-12A, 23-13A, 23-14A, 23-19A	24-3A, 24-23A, 24-58A, 24-81A	25-60A, 25-80A, 25-88A					
16	Planning		24-62A						
17	Fire	23-8C							

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
18	Public Transportation			25-71A					
19	Real Property Taxes	23-55A, 23-59A, 23-60A	23-28A, 23-54A, 23-65A, 24-70A, 24-72A, 24-73A	24-61A, 25-48A, 25-52A	24-69A (Eff: 1-1-26), 25-47A (Eff: 1-1-26), 25-70A (Eff: 1-1-26)				
20	Integrated Solid Waste Management		24-57A						
21	Sewers								
22	County Streets		24-82A	25-33A					
23	Subdivisions		24-70A						
24	Vehicles and Traffic		24-86A	25-78A					
24	Traffic Schedules	23-58A, 23-98A, 23-99A	24-4A, 24-15A, 24-20A, 24-30A, 24-53A, 24-66A, 24-67A, 24-77A, 24-88A, 24-89A	25-79A					

CHAPTER NO.	CHAPTER TITLE	2023	2024	2025	2026	2027	2028	2029	2030
25	Zoning	23-38A	24-65A, 24-70A, 24-71A, 24-87A	25-28A, 25-55A, 25-64A, 25-66A, 25-85A					
25	Zoning Annex	23-2A, 23-23A, 23-34A, 23-52A, 23-57A, 23-69A, 23-96A, 23-97A, 23-105A	24-35A, 24-36A, 24-37A, 24-38A, 24-55A, 24-64A, 24-90A	25-1A, 25-2A, 25-4A, 25-6A, 25-7A, 25-8A, 25-19A, 25-23A, 25-25A, 25-30A, 25-36A, 25-42A, 25-67A, 25-69A, 25-81A					
26	Reserved	23-8R							
27	Flood Control								

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<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
25-45	07-01-25	Operating budget FY 2025-2026	--
25-46	07-01-25	Capital improvements budget FY 2025-2026	--
25-47	01-01-26	Affordable rental housing real property tax classification	19-2, 19-53
25-48	06-23-25	Exemptions for certain Hawaiian Homes property, and other agencies	19-89
25-49	06-23-25	Designated exceptional trees	14-65
25-50	12-20-25	Transient accommodations	6-40 to 6-53
25-51	06-23-25	Operating budget	--
25-52	06-23-25	Real property taxes, residential tax rate tiers	19-90
25-53	06-23-25	Operating budget	--
25-54	06-23-25	Operating budget	--
25-55	07-07-25	Telecommunication antennas and towers	25-1-5, 25-2-61, 25-2-74, 25-2-76, 25-4-12, 25-5-3, 25-5-22, 25-5-32, 25-5-42, 25-5-52, 25-5-62, 25-5-72, 25-5-82, 25-5-92, 25-5-102, 25-5-112, 25-5-122, 25-5-132, 25-5-142, 25-5-152, 25-5-162, 25-7-22
25-56	07-07-25	Capital improvements budget	--
25-57	07-07-25	Operating budget	--
25-58	07-07-25	Operating budget	--
25-59	07-07-25	Operating budget	--
25-60	08-06-25	Renames Kaūmana Lani Park as “Yet Sung Chang Park” in honor of Yet Sung Chang	15-68.1
25-61	08-12-25	Improvement District No 21 - Iki Place Water System Improvements	--
25-62	08-12-25	Operating budget	--
25-63	01-01-26	Prohibits animal feeding on County properties	4-3-7
25-64	09-05-25	Establishment of zoning districts	25-3-3

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
25-65	09-05-25	General Obligation Bond (Not to exceed \$275,000 – Water System Improvement District for the purpose of undertaking and financing the costs of a project consisting of the construction, acquisition, and installation of a public water system to serve Iki Place, Kohanaiki Homesteads, North Kona)	--
25-66	09-22-25	Zoning district regulations for meeting facilities, churches, temples, synagogues, and community buildings	25-1-5, 25-2-61, 25-2-71, 25-4-11, 25-4-17 (new section), 25-4-51, 25-5-3, 25-5-22, 25-5-32, 25-5-42, 25-5-52, 25-5-62, 25-5-72, 25-5-82, 25-5-92, 25-5-102, 25-5-112, 25-5-122, 25-5-132, 25-5-142, 25-5-152, 25-5-162, 25-7-22
25-67	09-22-25	City of Hilo Zone Map	ZA
25-68	09-22-25	Naloxone requirement in bars	Adds new article to chapter 6 6-40, 6-41, 6-42, 6-43
25-69	09-22-25	City of Hilo Zone Map	ZA
25-70	01-01-26	Real property tax credits	19-104, 19-105, adds new sections
25-71	10-24-25	Fares for public transportation	18-90
25-72	10-24-25	Operating budget	--
25-73	10-24-25	Operating budget	--
25-74	10-24-25	Capital improvements budget	--
25-75	10-24-25	Capital improvements budget	--
25-76	11-17-25	Operating budget	--
25-77	11-17-25	Operating budget	--
25-78	11-18-25	Certain acts by pedestrians prohibited	24-249
25-79	11-24-25	Parking meter zones	24-292
25-80	11-24-25	Parks and recreational facility schedule	15-68.1
25-81	11-24-25	City of Hilo Zone Map	ZA

<b>ORD. NO.</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>
25-82	11-24-25	Capital improvements budget	--
25-83	11-24-25	Capital improvements budget	--
25-84	11-24-25	Operating budget	--
25-85	12-09-25	Household henneries	25-1-5, 25-4-18, 25-5-3, 25-5-22, 25-5-32, 25-5-42, 25-5-52
25-86	12-09-25	Operating budget	--
25-87	12-09-25	Operating budget	--
25-88	12-09-25	Veterans advisory committee	15-62
25-89	12-24-25	Capital improvements budget	--
25-90	12-24-25	Appointment of the civil defense administrator	7-1-2 to 7-1-7
25-91	12-24-25	Operating budget	--
25-92	12-24-25	Transient accommodations (Amends Ord 25-50 Eff 07-01-26)	--
25-93	12-24-25	Operating budget	--
25-94	12-24-25	Operating budget	--
25-95	12-24-25	Operating budget	--
25-96	12-24-25	Operating budget	--

