

# ISSUES AND RECOMMENDATIONS: DEVELOPMENT REGULATIONS

DEVELOPMENT REGULATION ISSUES IDENTIFIED THROUGH PUBLIC INPUT AND ZONING AND SUBDIVISION CODE AUDIT.	DEVELOPMENT REGULATION RECOMMENDATIONS	AGREE <i>(Using dot stickers, vote here if you agree with the issue and recommendation)</i>	DISAGREE <i>(Using dot stickers, vote here if you disagree with the issue and recommendation)</i>	PRIORITY <i>(Using dot stickers, vote for your top 3 priorities below)</i>	NOTES <i>(Please add any additional thoughts you may have such as suggested edits or revisions.)</i>
Existing parking lot design standards are minimal and do not promote on-site stormwater management or low impact development.	Update parking standards to incorporate best practices.	Vote Here	Vote Here	Vote Here	
Existing parking standards and requirements are outdated.	Reorganize parking standards into a table and consider using ITE (Institute of Transportation Engineers) and Hawai'i County's Street Design Manual for baseline parking requirements with adjustments based on Hawai'i specific conditions.	Vote Here	Vote Here	Vote Here	
There is nothing to promote cycling or other modes of transportation.	Enhance bicycle parking standards and incentivize. Consider using as an incentive to reduce parking spaces if bicycle parking is installed.	Vote Here	Vote Here	Vote Here	
Transportation network is not planned at a high level, it is piecemealed. There are access issues on certain sites.	Develop circulation and access standards for the subdivision code.	Vote Here	Vote Here	Vote Here	
We need to manage traffic congestion on the island.	Incorporate electronic vehicle parking stations, TOD/park and ride concepts, and other transit and ride-sharing incentives into the zoning and subdivision codes.	Vote Here	Vote Here	Vote Here	

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<p>There is very little difference between light and heavy industry. We have a lot of heavy commercial uses in light industrial areas in the community.</p>	<p>Redefine light and heavy industry use groups to provide clarification and distinction.</p>	<p><i>Vote Here</i></p>	<p><i>Vote Here</i></p>	<p><i>Vote Here</i></p>	
<p>The development regulations are not always clear.</p>	<p>Develop and use graphics and illustrations in exchange for words wherever possible to convey elements of site design (e.g. parking and landscaping requirements, setbacks, etc.)</p> <p>Reorganize development regulations section to be more clear and intuitive.</p>	<p><i>Vote Here</i></p>	<p><i>Vote Here</i></p>	<p><i>Vote Here</i></p>	

# BEST PRACTICES: DEVELOPMENT REGULATIONS

- Keep illustrations with standards
- Develop illustrations to show concepts or how regulations are meant to be interpreted

ZONING

§ 25-4-31

**Section 25-4-31. Minimum building site area; minimum average width.**

- (a) Unless otherwise specified in this chapter, each main building must be located on a building site having not less than the established zoning district minimum building site area.
  - (b) Any building site which has less area or width than that required by the established zoning district, may be used as a legal building site; provided that the owner of the building site owns no adjoining property at the same time.
  - (c) A building site shall be deemed to conform to the requirements for building site average width if any portion of the building site considered separately has the minimum building site area with the minimum average width.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-32. Reduction of building site below minimum area.**

- (a) A building site may not be reduced below the established zoning district minimum building site area, and an existing building site, which is below the minimum building site area, may not be further reduced in area, except as provided under section 25-3-5.
  - (b) Any legal building site reduced in area or average width by not more than twenty percent, by reason of the establishment of future width lines or plan lines for future streets or by the acquisition by a public agency for public purposes, shall be deemed to be a legal building site as to the remainder of the building site.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-33. Effect of delinquent tax sale; recordation of land.**

Any parcel of land that is not otherwise a legal building site does not become a legal building site by virtue of being sold at a delinquent tax sale, or by reason of recordation of the parcel of land at the State bureau of conveyances.

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

**Section 25-4-34. Waiver of minimum building site area for utilities.**

The required minimum building site area may be waived by the director for public utility or public rights-of-way subdivisions, or both, and any resulting remnant parcels.

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

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

**Section 25-4-40. General requirements for yards and open space.**

- (a) On every building site, yards of the minimum width or depth as specified for the established zoning district shall be maintained open and unobstructed from the ground up, except as specified in sections 25-4-40 through 25-4-47.
- (b) No required yard or open space may fulfill the requirement for more than one building, building site, or use.
- (c) A building site shall have a front yard wherever it has a street frontage, except where the option of either a front or rear yard is allowed in CV and CG districts.

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Excerpt from Existing Development Standards

§ 25-4-40

HAWAII COUNTY CODE

- (d) In CV and CG districts, where the building site is bounded by two or more streets, a minimum of one front yard shall be required. Its location shall be determined by taking into account the relationship and impact of the development to the adjoining streets.
  - (e) Unless otherwise specified, yards, open spaces, and distances shall be measured horizontally.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-41. Triangular or irregular building sites.**

- (a) On any triangular-shaped building site, the rear yard shall be measured from the point most nearly opposite the street line and in the same manner as for a corner building site.
  - (b) In the event a building site is so irregular in shape that it is impossible to establish side and rear yards, the director shall view the relationship between the building site and surrounding property and shall specify the required yards.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

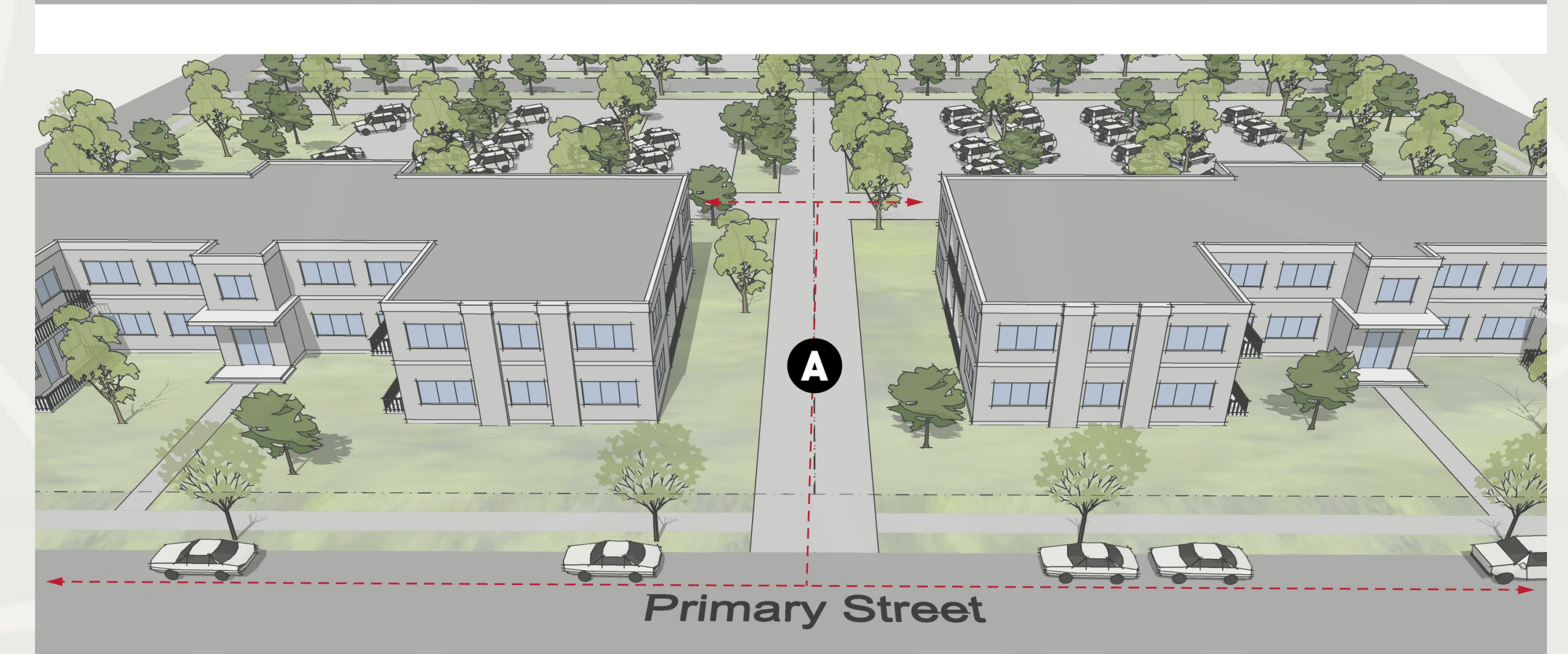
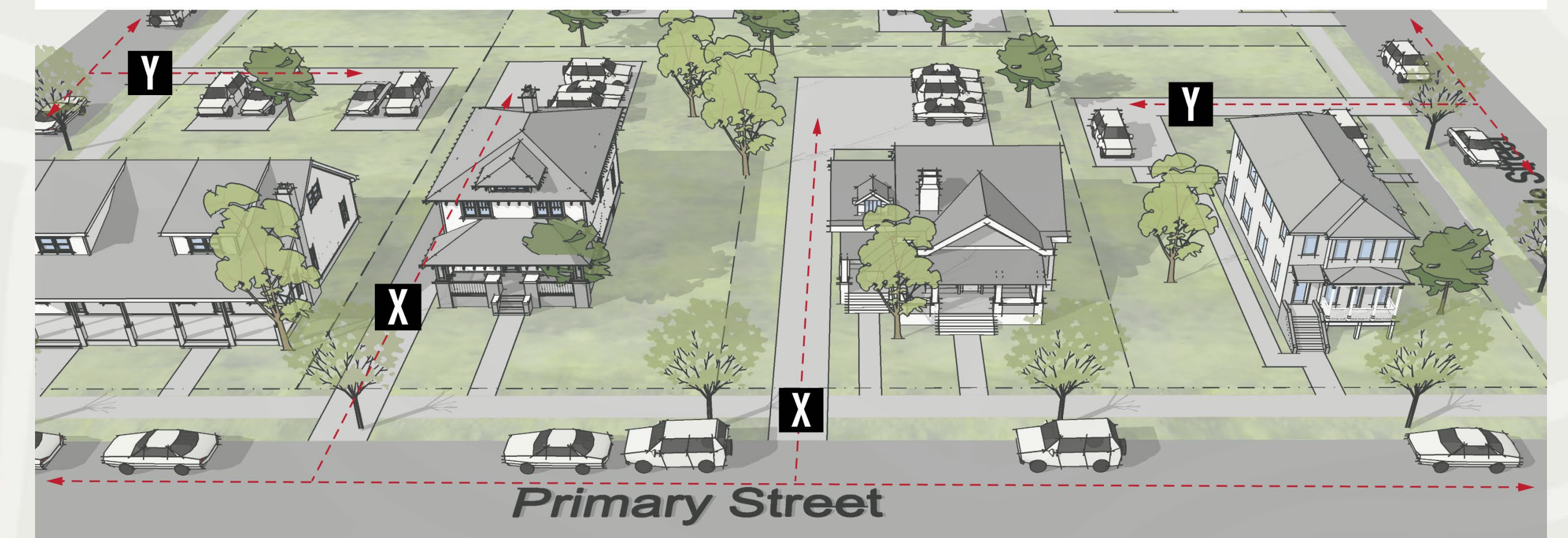
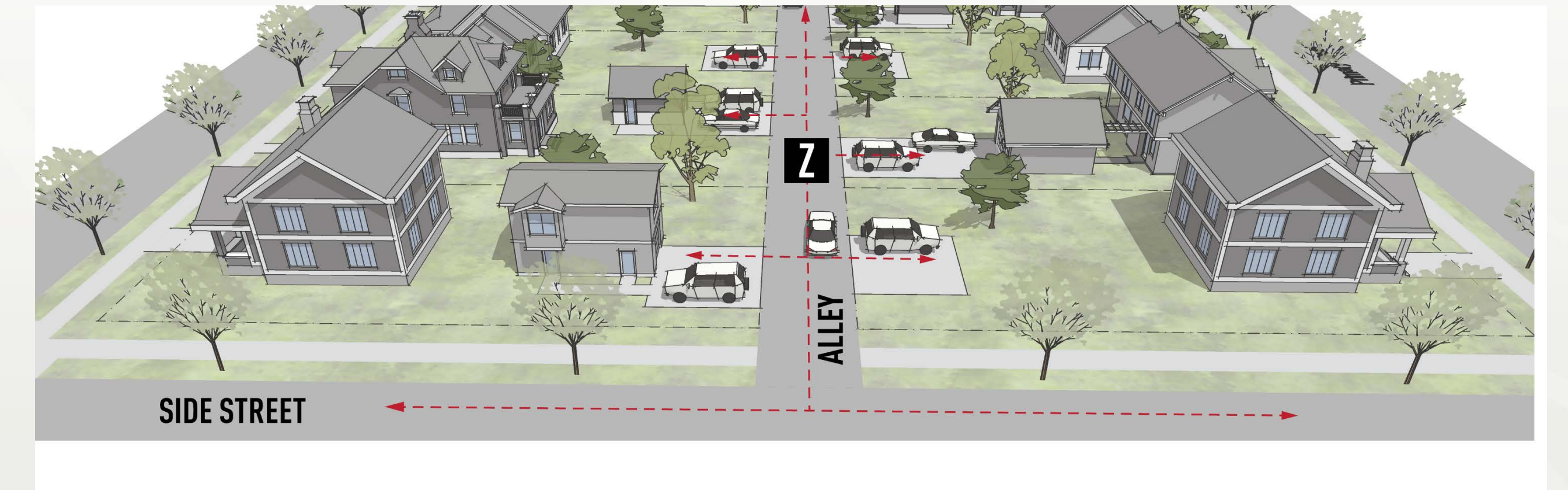
**Section 25-4-42. Corner building sites.**

- (a) On any corner building site, the interior lines shall be side lot lines and all rear yard regulations shall be inapplicable.
  - (b) On any corner building site in all zoning districts except in the CN district, within the area of a triangle formed by the street lines of such building site (ignoring any corner radius), and a line drawn between points on such street lines twenty-five feet from the intersection thereof, no fence, wall, hedge, or building shall be higher than three feet nor shall there be any obstruction to vision other than a post, column, or tree trunk clear of branches or foliage, between the height of three feet and eight feet above the level of the street or the level of the point of intersection if the streets are sloping.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-43. Fences and accessory structures.**

- (a) A perimeter boundary fence, wall or similar feature, six feet or less in height shall not be considered a structure and shall be permitted without any front, side or rear yard requirements. In addition, a fence which is constructed of strand material, such as barbed wire, hog wire, or chain link, which allows "see-through" visibility is permitted to a height of eight feet without any front, side, or rear yard requirements.
  - (b) No fence, wall, architectural feature, or other obstruction shall be placed or be without gates or openings so as to prohibit complete access around any main building at all times.
  - (c) Any accessory structure, including any fence, or wall over six feet in height, architectural feature or water tank, which is not connected to a building, may not extend into any required front, side or rear yard, but may be located next to any building without any open space requirement.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

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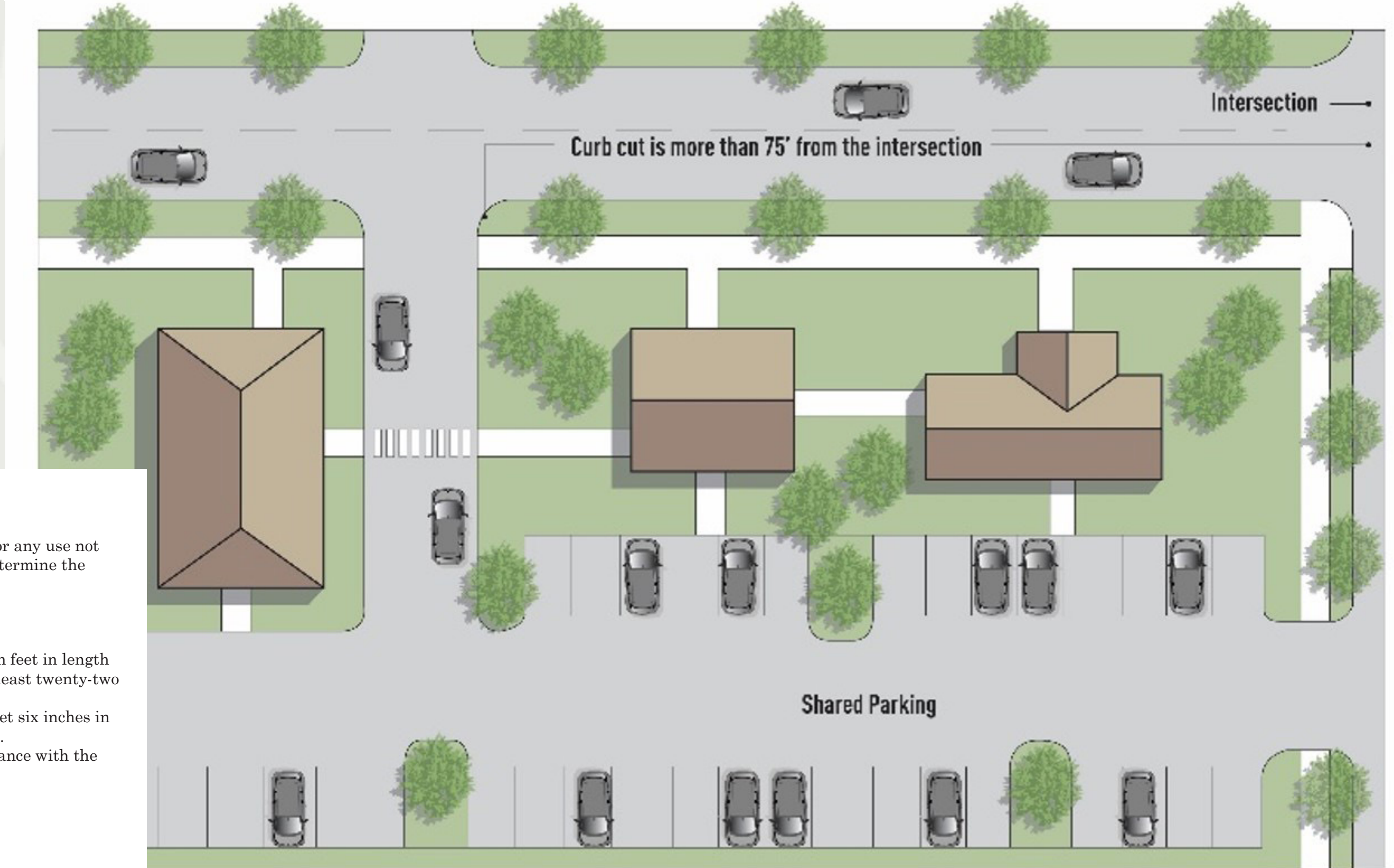
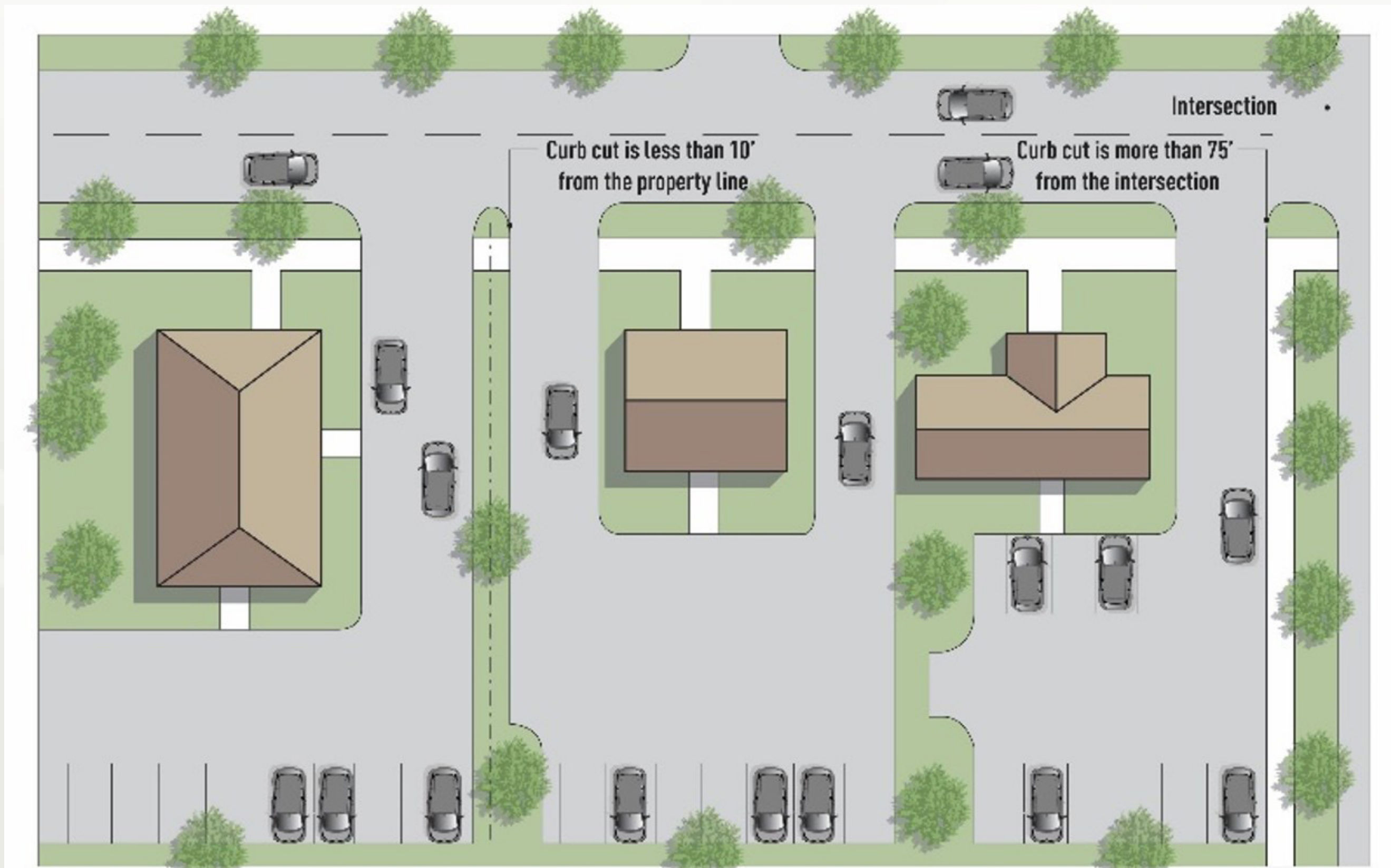


Sample Development Standard Graphic

# BEST PRACTICES: DEVELOPMENT REGULATIONS

- Table format
- Use ITE standards for parking and adjust for local considerations
- Align parking standards with Hawai'i County Street Design Standards
- Illustrations to show concepts

Sample Parking Design Graphic



ZONING § 25-4-44

**Section 25-4-44. Permitted projections into yards and open spaces.**  
 (a) Except as may otherwise be restricted, roof overhangs, eaves, sunshades, sills, frames, beam ends, cornices, canopies, porches, balconies, terraces, fire escapes, stairs, ramps, above-grade pools and other similar features may extend four feet into any required yard or open space that is less than ten feet, five feet when required yard or space is from ten up to fifteen feet, and six feet when required yard is over fifteen feet; provided that:  
 (1) No cornice, canopy, eave, porch, balcony, terrace, fire escape, stair, ramp or other similar feature shall be enclosed above or below the extension except that there may be individual posts or beams for support and open or grill-type railings no higher than four feet.  
 (2) No chimney may extend more than two feet into any yard.  
 (3) No above-grade pool may extend into any required front, side or rear yard if the pool is over six feet in height.  
 (b) The extensions permitted in this section apply separately to each building. (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-45. Projection of porte-cochères.**  
 An attractively designed porte-cochere may extend any distance into a front yard as a protection for arriving motorists and pedestrians. (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-46. Projection of pools.**  
 A pool constructed at-grade may extend any distance into a required yard or open space. (1996, ord 96-160, sec 2; ratified April 6, 1999.)

**Section 25-4-47. Minimum distance between main buildings on same building site.**  
 Unless otherwise specified, the minimum distance between main buildings on the same building site shall be fifteen feet, measured between the walls of the two buildings. (1996, ord 96-160, sec 2; ratified April 6, 1999.)

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

**Section 25-4-50. Off-street parking and loading; purpose.**  
 (a) Parking and loading standards are intended to minimize street congestion and traffic hazards, and to provide safe and convenient access to residences, businesses, public services and places of public assembly.  
 (b) Off-street parking and loading spaces shall be provided in such number, at such location and with such improvements as required as set forth in this division. (1996, ord 96-160, sec 2; ratified April 6, 1999.)

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HAWAII COUNTY CODE

**Section 25-4-51. Required number of parking spaces.**  
 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, including churches: one for each seventy-five square feet of gross floor area.  
 (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).

ZONING § 25-4-51

**(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) Sports arenas, auditoriums, theaters, assembly halls:** one for every four seats.  
**(24) Swimming pools (community):** one for each forty square feet of pool area.  
**(25) Warehouse and bulk storage establishments where there is no trade or retail traffic:** one for each one thousand square feet of gross floor area.

**(30) 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.**

**(31) 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.

996, ord 96-160, sec 2; ratified April 6, 1999; am 2008, ord 08-155, sec 10; am 2012, rd 12-91, sec 3; am 2013, ord 13-95, sec 1; am 2014, ord 14-85, sec 2; am 2017, ord 7-31, sec 2; am 2021, ord 21-26, sec 4.)

**Section 25-4-52. Method of determining number of parking spaces.**  
 (1) When computation of required parking spaces results in a fractional number, the number of spaces required shall be the next highest whole number.  
 (2) 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.  
 (3) 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.  
 (4) At least sixty-seven percent of the required parking shall be standard-sized parking spaces, and thirty-three percent may be compact spaces.  
 (5) 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.

25-63 SUPP. 10 (7-2021)

HAWAII COUNTY CODE

**Section 25-4-53. Minimum dimensions of parking spaces.**  
 (1) 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.  
 (2) 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. 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'

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 25-4-54. Standards and improvements to off-street parking spaces.**  
 (1) All parking spaces shall be arranged so as to be individually accessible.  
 (2) 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. In V, CN, CG, CV, MCX, ML, MG, RD, RM and RCX districts, parking spaces shall be paved.  
 (3) 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.  
 (4) 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 25-4-55. Parking for persons with disabilities.**  
 Parking for persons with disabilities shall comply with all applicable federal and state requirements for the facility or site. (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2016, ord 16-98, sec 1.)

SUPP. 1 (1-2017) 25-64

## Existing Parking Standards

Table 10.2 Required Off-Street Parking	
USE	PARKING REQUIREMENT
<b>Commercial</b>	
<b>Animal care, Veterinary Clinic - enclosed</b>	1 per 400 sf
<b>Animal care, Veterinary Clinic - outdoor activity</b>	1 per 400 sf
<b>Assembly, Commercial</b>	1 per 4 seats or 1 per 300 sf if no permanent seats
<b>Brewery, Distillery, Winery</b>	1 per 200 sf, plus 1 per employee on shift of largest employment
<b>Building Material Sales</b>	1 per 1,000 sf, plus 1 per 2,500 sf of outdoor display or storage

Sample Parking Requirements Table