BILL NO. 90ORDINANCE NO. 12 28

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE 1 AND ARTICLE 5 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO ZONING DISTRICT REGULATIONS FOR CREMATORIUMS, FUNERAL HOMES, FUNERAL SERVICES, AND MORTUARIES.

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

SECTION 1. Purpose. Chapter 25, Article 5, Zoning District Regulations, of the Hawai'i County Code 1983 (2005 Edition, as amended), is inconsistent in its application to mortuaries, crematoriums, funeral homes, and funeral services. This ordinance amends Chapter 25, Article 1 for definitions and each zoning district within Article 5 with regard for permitted use, use permits, and special permits as appropriate regarding mortuaries, crematoriums, funeral homes, and funeral services. The purpose of this amendment is to treat both mortuaries and crematoriums equally in permitting, and add "funeral homes" and "funeral services" as similar services with the same regulations for use. In addition, Section 25-5-82 is corrected as a housekeeping item.

SECTION 2. Chapter 25, article 1, section 25-1-5 of the Hawai'i County Code 1983 (2005 Edition, as amended) is amended by adding the following definitions to subsection (b), to read as follows:

"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.

"Funeral home" or "funeral parlor" means a business establishment where the bodies of the dead are prepared for burial or cremation and religious or memorial services can be held.

"Funeral services" means an assortment of services provided by mortuaries, crematoriums, and funeral homes that may provide for: the sale of pre-death final expenses insurance, sale of caskets or closed containers for cremains, coordination for burials of caskets and cremains, embalming, viewings, storage and transportation of the decedent or cremains, funeral planning, religious or memorial services, and completion of death certificates and other legal documents.

"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.

SECTION 3. Chapter 25, article 5, section 25-5-3 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsection (b) to read as follows:

- “(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) Churches, temples and synagogues.
 - (4) Crematoriums~~[-]~~, funeral homes, funeral services, and mortuaries.
 - (5) Day care centers.
 - (6) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses.
 - (7) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (8) Major outdoor amusement and recreation facilities.
 - ~~[(9) Mortuaries.]~~
 - ~~[(10)]~~ (9) Schools.
 - ~~[(11)]~~ (10) Telecommunication antennas and towers.
 - ~~[(12)]~~ (11) Yacht harbors and boating facilities.”

SECTION 4. Chapter 25, article 5, section 25-5-22 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsection (b) to read as follows:

- “(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) Churches, temples and synagogues.
 - (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.
 - (6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (7) Major outdoor amusement and recreation facilities.
 - ~~[(8) Mortuaries.]~~
 - ~~[(9)]~~ (8) Schools.
 - ~~[(10)]~~ (9) Telecommunication antennas and towers.
 - ~~[(11)]~~ (10) Yacht harbors and boating facilities.”

SECTION 5. Chapter 25, article 5, section 25-5-32 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsection (b) to read as follows:

- “(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) Churches, temples and synagogues.
 - (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.
 - (6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (7) Major outdoor amusement and recreation facilities.
 - ~~[(8) Mortuaries.]~~
 - ~~[(9)]~~ (8) Schools.
 - ~~[(10)]~~ (9) Telecommunication antennas and towers.
 - ~~[(11)]~~ (10) Yacht harbors and boating facilities.”

SECTION 6. Chapter 25, article 5, section 25-5-42 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsection (b) to read as follows:

- “(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.
 - (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (5) Major outdoor amusement and recreation facilities.
 - ~~[(6) Mortuaries.]~~
 - ~~[(7)]~~ (6) Telecommunication antennas and towers.
 - ~~[(8)]~~ (7) Yacht harbors and boating facilities.”

SECTION 7. Chapter 25, article 5, section 25-5-52 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsection (d) to read as follows:

“(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) Crematoriums~~[-]~~, funeral homes, funeral services, and mortuaries.

(2) Churches, temples and synagogues.

(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) Mortuaries.]~~

~~[(7)]~~(6) Schools.

~~[(8)]~~(7) Yacht harbors and boating facilities.”

SECTION 8. Chapter 25, article 5, section 25-5-62 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsection (d) to read as follows:

“(d) The following uses may be permitted in the FA district, provided that 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) Churches, temples and synagogues.

(2) Crematoriums, funeral homes, funeral services, and mortuaries.

~~[(2)]~~ (3) Day care centers.

~~[(3)]~~ (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.

~~[(4)]~~ (5) Major outdoor amusement and recreation facilities, includes stadiums, sports arenas, and other similar open air recreational uses

~~[(5) Mortuaries.]~~

(6) Schools.”

SECTION 9. Chapter 25, article 5, section 25-5-72 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsection (d) to read as follows:

“(d) The following uses may be permitted in the A district, provided that 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) Crematoriums~~[-]~~, funeral homes, funeral services, and mortuaries.
- (2) Churches, temples and synagogues.
- (3) Day care centers.
- (4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
- (5) Major outdoor amusement and recreation facilities.
- ~~[(6) Mortuaries.]~~
- ~~[(7)]~~(6) Schools.”

SECTION 10. Chapter 25, article 5, section 25-5-82 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsection (c) to read as follows:

- “(c) 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) Churches~~[-]~~, temples, or synagogues.
 - (3) Community buildings as permitted under section 25-4-11.
 - (4) Day care centers.
 - (5) Hospitals.
 - (6) Public uses and structures, other than those necessary for agricultural purposes, as permitted under section 25-4-11.
 - (7) Uses other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai‘i Revised Statutes.”

SECTION 11. Chapter 25, article 5, section 25-5-92 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsection (b) to read as follows:

- “(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.
 - (3) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - (4) Schools.
 - (5) Yacht harbors and boating facilities.”

SECTION 12. Chapter 25, article 5, section 25-5-102 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended to read as follows:

“Section 25-5-102. Permitted uses.

- (a) The following uses shall be permitted in the CN district:
- (1) Adult day care homes.
 - (2) Automobile service stations.
 - (3) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (4) 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.
 - (5) Business services.
 - (6) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (7) Churches, temples and synagogues.
 - (8) Community buildings, as permitted under section 25-4-11.
 - (9) Convenience stores.
 - (10) Crematoriums, funeral homes, funeral services, and mortuaries.
 - ~~[(10)]~~ (11) Crop production.
 - ~~[(11)]~~ (12) Day care centers.
 - ~~[(12)]~~ (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.
 - ~~[(13)]~~ (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.
 - ~~[(14)]~~ (15) Dwellings, single-family.
 - ~~[(15)]~~ (16) Family child care homes.
 - ~~[(16)]~~ (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.
 - ~~[(17)]~~ (18) Financial institutions.
 - ~~[(18)]~~ (19) Group living facilities.
 - ~~[(19)]~~ (20) Home occupations, as permitted under section 25-4-13.

~~[(20)]~~ (21) Medical clinics.

~~[(21)]~~ (22) Meeting facilities.

~~[(22)]~~ (23) Model homes, as permitted under section 25-4-8.

~~[(23) Mortuaries.]~~

(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) Telecommunication antennas, as permitted under section 25-4-12.

(35) Theaters.

(36) 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) Crematoriums.]~~

~~[(e)]~~ (b) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the CN district.”

SECTION 13. Chapter 25, article 5, section 25-5-112 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsections (a) and (b) to read as follows:

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

(1) Adult day care homes.

(2) Amusement and recreation facilities, indoor.

(3) Art galleries, museums.

(4) Art studios.

(5) Automobile service stations.

(6) Automobile sales and rentals.

(7) Bars, nightclubs and cabarets.

- (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) Broadcasting stations.
- (11) Business services.
- (12) Car washing, provided that if it is mechanized, sound attenuated structures or sound attenuated walls shall be erected and maintained on the property lines.
- (13) Catering establishments.
- (14) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (15) Churches, temples and synagogues.
- (16) Cleaning plants using only nonflammable hydrocarbons in a sealed unit as the cleansing agent.
- (17) Commercial parking lots and garages.
- (18) Community buildings, as permitted under section 25-4-11.
- (19) Convenience stores.
- (20) Crematoriums, funeral homes, funeral services, and mortuaries.
- ~~[(20)]~~ (21) Crop production.
- ~~[(21)]~~ (22) Day care centers.
- ~~[(22)]~~ (23) Display rooms for products sold elsewhere.
- ~~[(23)]~~ (24) 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)]~~ (25) 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)]~~ (26) Dwellings, single-family.
- ~~[(26)]~~ (27) Equipment sales and rental yards, and other yards where retail products are displayed in the open.
- ~~[(27)]~~ (28) Family child care homes.
- ~~[(28)]~~ (29) 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)]~~ (30) Financial institutions.

~~[(30)]~~ (31) Group living facilities.

~~[(31)]~~ (32) Home occupations, as permitted under section 25-4-13.

~~[(32)]~~ (33) Hospitals, sanitariums, old age, convalescent, nursing and rest homes and other similar uses.

~~[(33)]~~ (34) Hotels.

~~[(34)]~~ (35) Ice storage and dispensing facilities.

~~[(35)]~~ (36) Laboratories, medical and research.

~~[(36)]~~ (37) Laundries.

~~[(37)]~~ (38) Light manufacturing, processing and packaging, where the only retail sales outlet for products produced is on the premises where produced.

~~[(38)]~~ (39) Medical clinics.

~~[(39)]~~ (40) Meeting facilities.

~~[(40)]~~ (41) Model homes, as permitted under section 25-4-8.

~~[(41)] Mortuaries.]~~

(42) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.

(43) Offices.

(44) Personal services.

(45) Photography studios.

(46) Public uses and structures, as permitted under section 25-4-11.

(47) Printing shops, cartographing and duplicating processes such as blueprinting or photostating shops.

(48) Repair establishments, minor.

(49) Restaurants.

(50) Retail establishments.

(51) Schools.

(52) Telecommunication antennas, as permitted under section 25-4-12.

(53) Theaters.

(54) Time share units.

(55) Utility substations, as permitted under section 25-4-11.

(56) 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:

~~[(41) Crematoriums.]~~

~~[(2)]~~ (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses.

~~[(3)]~~ (2) Major outdoor amusement and recreation facilities.

~~[(4)]~~ (3) Yacht harbors and boating facilities.”

SECTION 14. Chapter 25, article 5, section 25-5-122 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsections (a) and (b) to read as follows:

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

(1) Adult day care homes.

(2) Amusement and recreation facilities, indoor.

(3) Art galleries, museums.

(4) Automobile sales and rentals.

(5) Automobile service stations.

(6) Bars.

(7) Bed and breakfast establishments, as permitted under section 25-4-7.

(8) 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.

(9) Business services.

(10) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.

(11) Churches, temples and synagogues.

(12) Commercial parking lots and garages.

(13) Community buildings, as permitted under section 25-4-11.

(14) Convenience stores.

(15) Crematoriums, funeral homes, funeral services, and mortuaries.

~~[(15)]~~ (16) Crop production.

~~[(16)]~~ (17) Day care centers.

~~[(17)]~~ (18) 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)]~~ (19) 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)]~~ (20) Dwellings, single-family.

~~[(20)]~~ (21) Family child care homes.

- ~~[(21)]~~ (22) 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)]~~ (23) Financial institutions.
- ~~[(23)]~~ (24) Group living facilities.
- ~~[(24)]~~ (25) Home occupations, as permitted under section 25-4-13.
- ~~[(25)]~~ (26) Hospitals, sanitariums, old age, convalescent, nursing and rest homes and other similar uses.
- ~~[(26)]~~ (27) Hotels, when the design and use conform to the character of the area, as approved by the director.
- ~~[(27)]~~ (28) Laboratories, medical and research.
- ~~[(28)]~~ (29) Lodges.
- ~~[(29)]~~ (30) 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)]~~ (31) Medical clinics.
- ~~[(31)]~~ (32) Meeting facilities.
- ~~[(32)]~~ (33) Model homes, as permitted under section 25-4-8.
- ~~[(33)] Mortuaries.]~~
- (34) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (35) Offices.
- (36) Personal services.
- (37) Photography studios.
- (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, which are designed to primarily serve the local area.
- (40) Repair establishments, major, when there are not more than five employees, as approved by the director.
- (41) Repair establishments, minor.
- (42) Restaurants.
- (43) Retail establishments.

- (44) Schools.
- (45) Telecommunication antennas, as permitted under section 25-4-12.
- (46) Temporary real estate offices, as permitted under section 25-4-8.
- (47) Theaters.
- (48) 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) Crematoriums.]~~
 - ~~[(2)]~~ (1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses.
 - ~~[(3)]~~ (2) Major outdoor amusement and recreation facilities.
 - ~~[(4)]~~ (3) Yacht harbors and boating facilities.”

SECTION 15. Chapter 25, article 5, section 25-5-132 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsections (a) and (b) to read as follows:

- “(a) The following uses shall be permitted in the MCX district:
- (1) Agricultural products processing, minor.
 - (2) Amusement and recreation facilities, indoor.
 - (3) Art galleries, museums.
 - (4) Art studios.
 - (5) Automobile sales and rentals.
 - (6) Automobile service stations.
 - (7) Bars, nightclubs and cabarets.
 - (8) Broadcasting stations.
 - (9) Business services.
 - (10) Car washing.
 - (11) Catering establishments.
 - (12) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (13) Churches, temples and synagogues.
 - (14) Cleaning plants using only nonflammable hydrocarbons in a sealed unit as the cleaning agent.
 - (15) Commercial parking lots and garages.
 - (16) Community buildings, as permitted under section 25-4-11.
 - (17) Convenience stores.

(18) Crematoriums, funeral homes, funeral services, and mortuaries.

~~[(18)]~~ (19) Data processing facilities.

~~[(19)]~~ (20) Display rooms for products sold elsewhere.

~~[(20)]~~ (21) Equipment sales and rental yards.

~~[(21)]~~ (22) Farmers markets.

~~[(22)]~~ (23) Financial institutions.

~~[(23)]~~ (24) Food manufacturing and processing.

~~[(24)]~~ (25) Home improvement centers.

~~[(25)]~~ (26) Ice storage and dispensing facilities.

~~[(26)]~~ (27) Kennels in sound-attenuated buildings.

~~[(27)]~~ (28) Laboratories, medical and research.

~~[(28)]~~ (29) Laundries.

~~[(29)]~~ (30) Manufacturing, processing and packaging establishments, light.

~~[(30)]~~ (31) Medical clinics.

~~[(31)]~~ (32) Meeting facilities.

~~[(32)]~~ (33) Model homes.

~~[(33) Mortuaries.]~~

(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) Telecommunications antennas, as permitted under section 25-4-12.
- (51) Temporary real estate offices, as permitted under section 25-4-8.
- (52) Theaters.
- (53) Utility substations, as permitted under section 25-4-11.
- (54) Veterinary establishments in sound-attenuated buildings.
- (55) Warehousing.
- (56) 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) Crematoriums.]~~
 - ~~[(2)]~~ (1) Major outdoor amusement and recreation facilities.
 - ~~[(3)]~~ (2) Schools.
 - ~~[(4)]~~ (3) Yacht harbors and boating facilities.”

SECTION 16. Chapter 25, article 5, section 25-5-142 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsections (a) and (b) to read as follows:

- “(a) The following uses shall be permitted in the ML district:
- (1) Agricultural products processing, minor.
 - (2) Airfields, heliports and private landing strips.
 - (3) Animal hospitals.
 - (4) Animal quarantine stations.
 - (5) Aquaculture activities.
 - (6) Automobile and truck storage facilities.
 - (7) Automobile and truck sales and rentals.
 - (8) Automobile service stations.
 - (9) Bakeries.
 - (10) Bars.
 - (11) Broadcasting stations.
 - (12) Car washing.
 - (13) Carpentry, hardwood products and furniture manufacturing and storage establishments.
 - (14) Catering establishments.

- (15) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (16) Churches, temples and synagogues.
- (17) Cleaning and dyeing plants.
- (18) Commercial parking lots and garages.
- (19) Community buildings, as permitted under section 25-4-11.
- (20) Contractors' yards for equipment, material, and vehicle storage, repair, or maintenance.
- (21) Crematoriums, funeral homes, funeral services, and mortuaries.
- ~~[(21)]~~ (22) Day care centers.
- ~~[(22)]~~ (23) Financial institutions.
- ~~[(23)]~~ (24) Food manufacturing and processing facilities.
- ~~[(24)]~~ (25) Greenhouses, plant nurseries.
- ~~[(25)]~~ (26) Heavy equipment sales, service and rental.
- ~~[(26)]~~ (27) Home improvement centers.
- ~~[(27)]~~ (28) Junkyards, provided that the building site is not less than one acre in area.
- ~~[(28)]~~ (29) Laboratories, medical and research.
- ~~[(29)]~~ (30) Laundries.
- ~~[(30)]~~ (31) Lumberyards and building material yards, but not including concrete or asphalt mixing and the fabrication by riveting or welding of steel building frames.
- ~~[(31)]~~ (32) Manufacturing, processing and packaging establishments, light.
- ~~[(32)]~~ (33) Motion picture and television production studios.
- ~~[(33)]~~ (34) Photographic processing.
- ~~[(34)]~~ (35) Plumbing, electrical, air conditioning and heating establishments.
- ~~[(35)]~~ (36) Public uses and structures, as permitted under section 25-4-11.
- ~~[(36)]~~ (37) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
- ~~[(37)]~~ (38) Recycling centers, which do not involve the processing of recyclable materials.
- ~~[(38)]~~ (39) Repair establishments, minor.
- ~~[(39)]~~ (40) Restaurants.
- ~~[(40)]~~ (41) Self storage facilities.
- ~~[(41)]~~ (42) Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.

~~[(42)]~~ (43) Telecommunication antennas, as permitted under section 25-4-12.

~~[(43)]~~ (44) Temporary real estate offices, as permitted under section 25-4-8.

~~[(44)]~~ (45) Transportation and tour terminals.

~~[(45)]~~ (46) Truck, freight and draying terminals.

~~[(46)]~~ (47) Utility facilities, public and private, including offices or yards for equipment, material, vehicle storage, repair or maintenance.

~~[(47)]~~ (48) Utility substations, as permitted under section 25-4-11.

~~[(48)]~~ (49) Veterinary establishments.

~~[(49)]~~ (50) Vocational schools.

~~[(50)]~~ (51) Warehousing, which does not include retail sales or discount houses or establishments open to the general public or defined members.

~~[(51)]~~(52) 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) Crematoriums.]~~

~~[(2)]~~ (1) Major outdoor amusement and recreation facilities.

~~[(3)]~~ (2) Schools.

~~[(4)]~~ (3) Yacht harbors and boating facilities.”

SECTION 17. Chapter 25, article 5, section 25-5-152 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsections (a) and (b) to read as follows:

“(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) Animal hospitals.

(4) Animal quarantine stations.

(5) Animal sales, stock, and feed yards.

(6) Aquaculture activities and facilities.

(7) Automobile and truck storage facilities.

(8) Automobile body and fender establishments.

(9) Automobile service stations.

(10) Bakeries.

- (11) Bars.
- (12) Breweries, distilleries, and alcohol manufacturing facilities.
- (13) Broadcasting stations.
- (14) Bulk storage of flammable products and bulk storage of explosive products.
- (15) Car washing.
- (16) Catering establishments.
- (17) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (18) Churches, temples and synagogues.
- (19) Cleaning and dyeing plants.
- (20) Commercial parking lots and garages.
- (21) Community buildings, as permitted under section 25-4-11.
- (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.
- ~~[(24)]~~ (25) Day care centers.
- ~~[(25)]~~ (26) Dumping, disposal, incineration, or reduction of refuse or waste matter.
- ~~[(26)]~~ (27) Expansion of an existing commercial excavation operation, provided that plan approval is secured from the director.
- ~~[(27)]~~ (28) Fabricating establishments.
- ~~[(28)]~~ (29) Fertilizer manufacturing plants.
- ~~[(29)]~~ (30) Financial institutions.
- ~~[(30)]~~ (31) Food manufacturing and processing facilities.
- ~~[(31)]~~ (32) Freight movers.
- ~~[(32)]~~ (33) Greenhouses, plant nurseries.
- ~~[(33)]~~ (34) Heavy equipment sales, service and rental.
- ~~[(34)]~~ (35) Home improvement centers.
- ~~[(35)]~~ (36) Junkyards.
- ~~[(36)]~~ (37) Kennels.
- ~~[(37)]~~ (38) Laboratories, medical and research.
- ~~[(38)]~~ (39) Laundries.
- ~~[(39)]~~ (40) Lava rock or stone cutting or shaping facilities.
- ~~[(40)]~~ (41) Lumberyards and building material yards.

- ~~[(41)]~~ (42) Machine, welding, sheet metal, and metal plating and treating establishments.
- ~~[(42)]~~ (43) Manufacturing, processing and packaging establishments, light and general.
- ~~[(43)]~~ (44) Marine railways, drydocks, and ship or boat yards.
- ~~[(44)]~~ (45) Motion picture and television production studios.
- ~~[(45)]~~ (46) Photographic processing.
- ~~[(46)]~~ (47) Public dumps.
- ~~[(47)]~~ (48) Public uses and structures, as permitted under section 25-4-11.
- ~~[(48)]~~ (49) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
- ~~[(49)]~~ (50) Recycling centers.
- ~~[(50)]~~ (51) Reduction, refining, smelting, or alloying of metals, petroleum products or ores.
- ~~[(51)]~~ (52) Repair establishments, major and minor.
- ~~[(52)]~~ (53) Restaurants.
- ~~[(53)]~~ (54) Saw mills.
- ~~[(54)]~~ (55) Self storage facilities.
- ~~[(55)]~~ (56) Slaughterhouses.
- ~~[(56)]~~ (57) Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
- ~~[(57)]~~ (58) Storage, curing, or tanning of raw, green, or salted hides or skins.
- ~~[(58)]~~ (59) Telecommunication antennas, as permitted under section 25-4-12.
- ~~[(59)]~~ (60) Temporary real estate offices, as permitted under section 25-4-8.
- ~~[(60)]~~ (61) Transportation and tour terminals.
- ~~[(61)]~~ (62) Truck, freight and draying terminals.
- ~~[(62)]~~ (63) Utility facilities, public and private, including power plants, offices or yards for equipment, material, vehicle storage, repair or maintenance.
- ~~[(63)]~~ (64) Utility substations, as permitted under section 25-4-11.
- ~~[(64)]~~ (65) Veterinary establishments.
- ~~[(65)]~~ (66) Warehousing.
- ~~[(66)]~~ (67) Wholesaling and distribution, including the storage of incidental materials and equipment.
- ~~[(67)]~~ (68) 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) Crematoriums.]~~

~~[(3)]~~ (2) Major outdoor amusement and recreation facilities.

~~[(4)]~~ (3) Schools.”

SECTION 18. Chapter 25, article 5, section 25-5-162 of the Hawai‘i County Code 1983 (2005 Edition, as amended) is amended by amending subsection (b) to read as follows:

“(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.

(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.

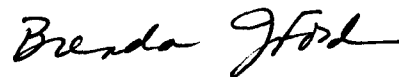
(5) Telecommunication antennas.”

SECTION 19. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 20. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or application of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 21. This ordinance shall take effect upon its approval.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI‘I

Hilo, Hawai‘i
Date of Introduction: February 1, 2012
Date of 1st Reading: February 1, 2012
Date of 2nd Reading: February 15, 2012
Effective Date: March 6, 2012

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

COUNTY CLERK
COUNTY OF HAWAII

2012 MAR -6 AM 10: 57

Introduced By: Brenda Ford
Date Introduced: February 1, 2012
First Reading: February 1, 2012
Published: February 11, 2012

REMARKS: _____

Second Reading: February 15, 2012
To Mayor: February 24, 2012
Returned: March 6, 2012
Effective: March 6, 2012
Published: March 15, 2012

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Blas	X			
Ford	X			
Hoffmann	X			
Ikeda	X			
Onishi	X			
Pilago	X			
Smart	X			
Yagong	X			
Yoshimoto	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Blas	X			
Ford	X			
Hoffmann	X			
Ikeda	X			
Onishi	X			
Pilago	X			
Smart	X			
Yagong	X			
Yoshimoto	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:

A. D. Self
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date FEB 29 2012

Approved/Disapproved this 6th day

of March, 2012

[Signature]
MAYOR, COUNTY OF HAWAII

[Signature]
COUNCIL CHAIRPERSON
[Signature]
COUNTY CLERK

Bill No.: 90
Reference: C-332/PC-39
Ord No.: 12 28