



BILL NO. 108
(DRAFT 7)

ORDINANCE NO. 18 114

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE 1, ARTICLE 2, ARTICLE 4, AND ARTICLE 5, OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SHORT-TERM VACATION RENTALS.

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

SECTION 1. Findings and Purpose. The short-term rental of residential units, as an alternative to traditional resort and hotel accommodations, is an emerging trend in the visitor industry that continues to grow in popularity.

The purpose of this ordinance is to manage the impacts of these short-term vacation rentals by: 1) defining where this use will be allowed; 2) establishing provisions and standards to regulate this use; and 3) providing an avenue for an existing use deemed to be improper by this ordinance, to apply for a nonconforming use certificate that would allow them to continue to operate in a non-permitted district.

SECTION 2. Chapter 25, article 4, division 1, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by adding the following new sections to be appropriately designated and to read as follows:

“Section 25-4- . Short-term vacation rentals.

(a) Short-term vacation rentals; where permitted, specific prohibitions.

(1) Short-term vacation rentals shall be permitted in the:

(A) V, CG, and CV districts;

(B) Residential and commercial zoning districts, situated in the General Plan Resort and Resort Node areas; and

(C) RM district, for multiple family dwellings within a condominium property regime as defined and governed by chapters 514A or 514B, Hawai‘i Revised Statutes.

(2) Private covenants prohibiting use of any unit as a short-term vacation rental shall not be invalidated by this chapter.

(b) Registration of all short-term vacation rentals.

(1) Short-term vacation rentals in existence on or before the effective date of this ordinance shall register with the director and pay a one-time fee of \$500. The registration form and associated fee shall be submitted to the planning department no later than one hundred eighty days after the effective date of this ordinance.

- (2) Any new short-term vacation rental established in a zoning district after the effective date of this ordinance, where such use is permissible pursuant to this section, shall register with the director and pay a one-time fee of \$500 prior to use of such rental.
- (3) Short-term vacation rentals shall only be established within a dwelling that has been issued final approvals by the building division for building, electrical, and plumbing permits.
- (4) Owners of short-term vacation rentals shall register by submitting a form to the planning department in a format prescribed by the director. The registration form, at a minimum, shall require:

 - (A) Verification that State of Hawai‘i general excise tax and transient accommodations tax licenses are in effect and verification that County property taxes are paid in full;
 - (B) Certification that the requisite amount of parking pursuant to section 25-4-51, is available;
 - (C) Submittal of a site plan showing the location of the rooms for rent and requisite parking; and
 - (D) Verification that notification letters from nonconforming use applicants have been sent to all owners and lessees of record of all lots of which any portion is within three hundred feet of any point along the perimeter boundary of the short-term vacation rental property. The notification letter shall provide detailed information about the short-term vacation rental operation including: number of units being rented; maximum number of guests permitted; number and location of required parking spaces; and instructions on how to submit complaints to the planning department about the subject rental operation.
- (5) Owners of short-term vacation rentals shall notify the director when a short-term vacation rental establishment permanently ceases to operate for any reason.
- (6) Upon change in ownership, the new owner shall notify the director forthwith of the change in ownership and provide contact information for the reachable person. Registration shall automatically continue, subject to termination by the new owner.
- (7) Any short-term vacation rental that has not lawfully registered within the deadlines set forth in this section shall be considered an unpermitted use and subject to the penalties set forth in this chapter until such time as proper registration and compliance with applicable requirements of this section are obtained.

(c) Standards.

All short-term vacation rentals shall be subject to the following standards:

- (1) The owner or reachable person shall reside in the County of Hawai'i and shall be reachable by guests, neighbors, and County agencies on a twenty-four hour, seven days-per-week basis. The owner shall notify the planning department of any changes to their contact information forthwith.
- (2) Good neighbor policy. The owner or reachable person shall be responsible to ensure that activities taking place within the short-term vacation rental conform to the character of the existing neighborhood in which the rental is located. At a minimum, the following shall be prominently displayed within the dwelling unit and recited in the rental agreement signed by the tenant:
 - (A) Quiet hours shall be from 9:00 p.m. to 8:00 a.m., during which time the noise from the short-term vacation rental shall not unreasonably disturb adjacent neighbors.
 - (B) Sound that is audible beyond the property boundaries during non-quiet hours shall not be more excessive than would be otherwise associated with a residential area.
 - (C) Guest vehicles shall be parked in the designated onsite parking area.
- (3) All print and internet advertising of short-term vacation rentals, including listings with a rental service or real estate firm, shall include the registration or nonconforming use certificate number.
- (4) A copy of the registration as well as the reachable person's name and phone number, shall be displayed on the back of the front door of the sleeping quarters.
- (5) Off-street parking shall meet the requirements set forth in section 25-4-51 and applicable parking standards in this chapter.
- (6) Any commercial signage that advertises a short-term vacation rental shall comply with the requirements of section 22-2.6 and chapter 3 of this Code.

(d) Complaints and public information.

The director shall:

- (1) Receive and track complaints regarding short-term vacation rentals;
- (2) Provide information about rules, policies, and procedures pertaining to short-term vacation rentals to property owners, managers, neighbors, and the general public; and
- (3) Maintain a list of all short-term vacation rentals that have registered or received a nonconforming use certificate.

(e) Director duties in event of emergency.

In the event of a declared emergency, natural or manmade, where a significant number of nonconforming short-term vacation rentals are permanently lost within any given judicial district, the director shall assess the effect of such loss upon the affected district and if deemed necessary, initiate legislative and administrative opportunities to restore such loss in short-term vacation rental capacity within the district of origin.

Section 25-4- .1. Short-term vacation rental nonconforming use certificate.

- (a) Nonconforming use certificate. In addition to registering pursuant to 25-4- (b)(1), the owner of any short-term vacation rental which operated outside of a permitted zoning district prior to the effective date of this ordinance, shall obtain a short-term vacation rental nonconforming use certificate in order to continue to operate. This certificate must be renewed annually. Applications for nonconforming use certificates must be submitted to the director no later than one hundred eighty days after the effective date of this ordinance.
- (b) Evidence of prior use.
- (1) The applicant seeking a short-term vacation rental nonconforming use certificate shall have the burden of proof in establishing that the property was in use prior to the effective date of this ordinance and that the dwelling has been issued final approvals by the building division for building, electrical, and plumbing permits. Evidence of such use prior to the effective date of this ordinance may include tax documents for the relevant time period or other reliable information.
- (c) Issuance of initial nonconforming use certificate.
- (1) The director shall determine whether to issue a short-term vacation rental nonconforming use certificate for a short-term vacation rental based on the evidence submitted and other pertinent information.
- (2) Issuance of an initial nonconforming use certificate may be denied if the director verifies any of the following:
- (A) The applicant has violated pertinent laws, such as not securing and finalizing necessary building permits for the dwelling;
- (B) The owner is delinquent in payment of State of Hawai'i general excise tax, transient accommodations tax, or County property taxes, fees, fines, or penalties assessed in relation to the short-term vacation rental; or
- (C) Evidence of non-responsive management, such as issuance of a notice of violation, police reports, or verified neighbor complaints of noise or other disturbances relating to the short-term rental operations.
- (d) Annual renewal.
- (1) Nonconforming use certificates must be renewed every year on or before the expiration date indicated on the certificate.
- (2) At the time of renewal the applicant shall pay a renewal fee of \$250 to the director of finance.
- (3) Renewal of a nonconforming use certificate shall be denied if the director finds that the short-term vacation rental use has been abandoned pursuant to section 25-4-62.
- (4) Renewal of a nonconforming use certificate may be denied if the director verifies any of the following:
- (A) Any of the criteria for denial in section 25-4- .1.(c)(2);
- (B) The owner or reachable person has not been reachable; or

- (C) The renewal request and renewal fee were not received on or before the expiration date indicated on the certificate.
- (e) Agricultural lands. In the State land use agricultural district, a short-term vacation rental nonconforming use certificate may only be issued for single-family dwellings on lots existing before June 4, 1976.
- (f) Notice of denial of a nonconforming use certificate and appeal.
(1) Notice of a decision by the director to deny the initial issuance or renewal of a nonconforming use certificate shall be transmitted in writing to the property owner.
(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.

Section 25-4- .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.

Section 25-4- .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."

SECTION 3. Chapter 25, article 1, section 25-1-5, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by adding new definitions to be appropriately inserted and to read as follows:

““Reachable” means being able to:

- (1) Respond via telephone to a request from a guest, neighbor, or County agency within one hour of receiving that request; and
- (2) Be physically present at the short-term vacation rental within three hours of receiving a call from a guest, neighbor, or County agency, when that guest, neighbor, or County agency requests the presence of the reachable person.”

““Short-term vacation rental” means a dwelling unit of which the owner or operator does not reside on the building site, that has no more than five bedrooms for rent on the building site, and is rented for a period of thirty consecutive days or less. This definition does not include the short-term use of an owner’s primary residence as defined under section 121 of the Internal Revenue Code.”

SECTION 4. Chapter 25, article 2, division 3, section 25-2-30, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended to read as follows:

“Section 25-2-30. Violations.

Any approval or permit issued pursuant to the provisions of this chapter shall comply with all applicable requirements of this chapter. Failure to comply with any provision of this chapter, any rule adopted pursuant to this chapter, or with conditions imposed as part of any approval [or], permit, [including variances] or variance from the provisions of this chapter, shall constitute a violation of this chapter.”

SECTION 5. Chapter 25, article 5, division 1, section 25-5-3, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending subsection (a) to read as follows:

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

- (1) Adult day care homes.
- (2) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- (3) Community buildings, as permitted under section 25-4-11.
- (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) Meeting facilities.
- (10) Model homes, as permitted under section 25-4-8.

- (11) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (12) Public uses and structures, as permitted under section 25-4-11.
- (13) Short-term vacation rentals situated in the general plan resort and resort node areas.
- (14) Temporary real estate offices, as permitted under section 25-4-8.
- ~~[(14)]~~(15) Utility substations, as permitted under section 25-4-11.”

SECTION 6. Chapter 25, article 5, division 2, section 25-5-22, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending subsection (a) to read as follows:

- “(a) The following uses shall be permitted in the RD district:
- (1) Adult day care homes.
 - (2) Bed and breakfast establishments as permitted under section 25-4-7.
 - (3) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (4) Community buildings, as permitted under section 25-4-11.
 - (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) Meeting facilities.
 - (12) Model homes, as permitted under section 25-4-8.
 - (13) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
 - (14) Public uses and structures, as permitted under section 25-4-11.
 - (15) Short-term vacation rentals situated in the general plan resort and resort node areas.
 - (16) Temporary real estate offices, as permitted under section 25-4-8.
 - ~~[(16)]~~(17) Utility substations, as permitted under section 25-4-11.”

SECTION 7. Chapter 25, article 5, division 3, section 25-5-32, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending subsection (a) to read as follows:

- “(a) The following uses shall be permitted in the RM district:
- (1) Adult day care homes.
 - (2) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (3) Boarding facilities, rooming, or lodging houses.
 - (4) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.

- (5) 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.
- (6) Community buildings, as permitted under section 25-4-11.
- (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) Meeting facilities.
- (15) Model homes, as permitted under section 25-4-8.
- (16) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- (17) Public uses and structures, as permitted under section 25-4-11.
- (18) 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.
- (19) Temporary real estate offices, as permitted under section 25-4-8.
- ~~[(19)]~~(20) 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.
- ~~[(20)]~~(21) Utility substations, as permitted under section 25-4-11.”

SECTION 8. Chapter 25, article 5, division 4, section 25-5-42, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending subsection (a) to read as follows:

- “(a) The following uses shall be permitted in the RCX district:
- (1) Adult day care homes.
 - (2) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (3) Boarding facilities, rooming, or lodging houses.
 - (4) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (5) Churches, temples and synagogues.
 - (6) Commercial or personal service uses, on a small scale, as approved by the director.
 - (7) Community buildings, as permitted under section 25-4-11.
 - (8) Convenience stores.

- (9) Crop production.
- (10) Day care centers.
- (11) Dwellings, double-family or duplex.
- (12) Dwellings, multiple-family.
- (13) Dwellings, single-family.
- (14) Family child care homes.
- (15) Group living facilities.
- (16) Home occupations, as permitted under section 25-4-13.
- (17) Medical clinics.
- (18) Meeting facilities.
- (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) Utility substations, as permitted under section 25-4-11.”

SECTION 9. Chapter 25, article 5, division 9, section 25-5-92, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending subsection (a) to read as follows:

- “(a) The following uses shall be permitted in the V district:
- (1) Adult day care homes.
 - (2) Amusement and recreational facilities, indoor.
 - (3) Art galleries, museums.
 - (4) Automobile service stations.
 - (5) Bars, night clubs and cabarets.
 - (6) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (7) Business services.
 - (8) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (9) Churches, temples, and synagogues.
 - (10) Commercial parking lots and garages.
 - (11) Community buildings, as permitted under section 25-4-11.
 - (12) Day care centers.
 - (13) Dwellings, double-family or duplex.
 - (14) Dwellings, multiple-family.
 - (15) Dwellings, single-family.
 - (16) Family child care homes.
 - (17) Financial institutions.
 - (18) Group living facilities.
 - (19) Home occupations, as permitted under section 25-4-13.

- (20) Hotels.
- (21) Lodges.
- (22) Medical clinics.
- (23) Meeting facilities.
- (24) Major outdoor amusement and recreation facilities.
- (25) Model homes, as permitted under section 25-4-8.
- (26) Parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities.
- (27) Personal services.
- (28) Photography studios.
- (29) Public uses and structures, as permitted under section 25-4-11.
- (30) Restaurants.
- (31) Retail establishments.
- (32) Short-term vacation rentals.
- (33) Telecommunication antennas, as permitted under section 25-4-12.
- ~~[(33)]~~(34) Temporary real estate offices, as permitted under section 25-4-8.
- ~~[(34)]~~(35) Theaters.
- ~~[(35)]~~(36) Time share units.
- ~~[(36)]~~(37) Utility substations, as permitted under ~~[Section]~~ section 25-4-11.
- ~~[(37)]~~ (38) Visitor information centers.”

SECTION 10. Chapter 25, article 5, division 10, section 25-5-102, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending subsection (a) to read as follows:

- “(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.
 - (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.
- (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) Telecommunication antennas, as permitted under section 25-4-12.
- ~~[(35)]~~(36) Theaters.
- ~~[(36)]~~(37) Utility substations as permitted under section 25-4-11.”

SECTION 11. Chapter 25, article 5, division 11, section 25-5-112, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending subsection (a) 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.
- (21) Crop production.
- (22) Day care centers.
- (23) Display rooms for products sold elsewhere.
- (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.
- (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.
- (26) Dwellings, single-family.
- (27) Equipment sales and rental yards, and other yards where retail products are displayed in the open.
- (28) Family child care homes.
- (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.
- (30) Financial institutions.
- (31) Group living facilities.
- (32) Home occupations, as permitted under section 25-4-13.
- (33) Hospitals, sanitariums, old age, convalescent, nursing and rest homes and other similar uses.
- (34) Hotels.
- (35) Ice storage and dispensing facilities.

- (36) Laboratories, medical and research.
- (37) Laundries.
- (38) Light manufacturing, processing and packaging, where the only retail sales outlet for products produced is on the premises where produced.
- (39) Medical clinics.
- (40) Meeting facilities.
- (41) Model homes, as permitted under section 25-4-8.
- (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) Short-term vacation rentals.
- ~~[(52)]~~(53) Telecommunication antennas, as permitted under section 25-4-12.
- ~~[(53)]~~(54) Theaters.
- ~~[(54)]~~(55) Time share units.
- ~~[(55)]~~(56) Utility substations, as permitted under section 25-4-11.
- ~~[(56)]~~(57) Veterinary establishments.”

SECTION 12. Chapter 25, article 5, division 12, section 25-5-122, of the Hawai‘i County Code 1983 (2016 Edition, as amended), is amended by amending subsection (a) 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.
- (16) Crop production.
- (17) Day care centers.
- (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.
- (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.
- (20) Dwellings, single-family.
- (21) Family child care homes.
- (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.
- (23) Financial institutions.
- (24) Group living facilities.
- (25) Home occupations, as permitted under section 25-4-13.
- (26) Hospitals, sanitariums, old age, convalescent, nursing and rest homes and other similar uses.
- (27) Hotels, when the design and use conform to the character of the area, as approved by the director.
- (28) Laboratories, medical and research.
- (29) Lodges.
- (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.
- (31) Medical clinics.
- (32) Meeting facilities.
- (33) Model homes, as permitted under section 25-4-8.
- (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.

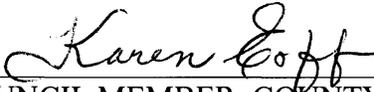
- (41) Repair establishments, minor.
- (42) Restaurants.
- (43) Retail establishments.
- (44) Schools.
- (45) Short-term vacation rentals.
- (46) Telecommunication antennas, as permitted under section 25-4-12.
- ~~[(46)]~~(47) Temporary real estate offices, as permitted under section 25-4-8.
- ~~[(47)]~~(48) Theaters.
- ~~[(48)]~~(49) Utility substations, as permitted under section 25-4-11.

SECTION 13. 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 14. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 15. This ordinance shall take effect on April 1, 2019.

INTRODUCED BY:



 COUNCIL MEMBER, COUNTY OF HAWAII

 Kona , Hawai'i
 Date of Introduction: November 2, 2018
 Date of 1st Reading: November 2, 2018
 Date of 2nd Reading: November 20, 2018
 Effective Date: April 1, 2019

REFERENCE Comm. 739.389

OFFICE OF THE COUNTY CLERK
 County of Hawai'i
 Kona Hawai'i

COUNTY CLERK
 COUNTY OF HAWAII

2018 DEC -6 AM 9:00

(Draft 6)

Introduced By: Karen Eoff/Dru Mamo Kanuha
 Date Introduced: November 2, 2018
 First Reading: November 2, 2018
 Published: November 10, 2018

REMARKS: _____

Second Reading: November 20, 2018
 To Mayor: November 29, 2018
 Returned: December 6, 2018
 Effective: April 1, 2019
 Published: December 15, 2018

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kanuha	X			
Lee Loy			X	
O'Hara		X		
Poindexter	X			
Richards			X	
Ruggles			X	
	5	1	3	0

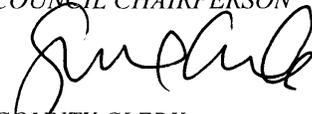
(Draft 7)

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kanuha				
Lee Loy	X			
O'Hara		X		
Poindexter	X			
Richards	X			
Ruggles			X	
	6	1	1	0

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

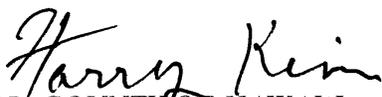


COUNCIL CHAIRPERSON



COUNTY CLERK

~~Approved~~/Disapproved this 5th day
 of December, 2018.


 MAYOR, COUNTY OF HAWAII

Bill No.: 108 (Draft 7)
 Reference: C-739.389/PC-74
 Ord No.: 18 114