

COUNTY OF HAWAI‘I PLANNING DEPARTMENT
BACKGROUND AND RECOMMENDATION

PLANNING DIRECTOR INITIATED (PL-PDI-2025-000014)
AMENDMENT TO CHAPTER 25, ARTICLE 1, ARTICLE 2, ARTICLE 4, ARTICLE 5,
AND ARTICLE 7 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS
AMENDED), RELATING TO ZONING DISTRICT REGULATIONS FOR MEETING
FACILITIES, CHURCHES, TEMPLES, SYNAGOGUES, AND COMMUNITY
BUILDINGS.

The Planning Director has initiated an ordinance to amend Chapter 25 (Zoning), Article 1, Article 2, Article 4, Article 5, and Article 7 of the Hawai‘i County Code 1983 (2016 Edition, as amended) relating to zoning district regulations for meeting facilities, community buildings, and churches, temples, and synagogues. The purpose of this bill is to remove the definitions and references to community buildings, churches, temples, and synagogues, consolidate these uses under meeting facilities, and establish standards for their development to ensure equitable treatment in the Zoning Code.

PURPOSE OF THE BILL

This bill aims to correct zoning inconsistencies and ensure religious institutions receive equitable treatment under Hawai‘i County’s Zoning Code. Currently, churches, temples, and synagogues, and meeting facilities for churches, temples, and synagogues “and other such institutions” require a use permit in certain zoning districts, while non-religious meeting facilities are permitted outright in some of those zoning districts. This ordinance consolidates religious institutions under "meeting facilities," ensuring equal treatment in zoning regulations.

Additionally, "meeting facilities" and "community buildings" have historically been similar in definition and use. To streamline zoning regulations, the Planning Director (Director) is removing all references to "community buildings" and incorporating them into the broader definition of "meeting facilities" through this ordinance. This change simplifies the zoning code by creating a standardized definition with consistent requirements.

To further clarify zoning distinctions, this ordinance introduces the term "Event" to differentiate routine meeting facility activities from larger gatherings and/or commercial gatherings that may require separate zoning, permits, or operational oversight. This distinction ensures that commercial activities—such as weddings, receptions, promotional events, and

concerts—are appropriately regulated and do not automatically qualify as permitted meeting facility uses.

The proposed ordinance includes the following key revisions to the Zoning Code:

- Deletes the “Community Building” definition and removes it from all zoning code references.
- Revises the definition of “Meeting Facility” to include secular and religious uses like places of worship.
- Adds a new definition for “Event” (e.g., weddings, concerts, promotional events) to distinguish between regular meetings and commercial activities.
- Removes churches, temples, and synagogues from all zoning districts as individual permitted uses and consolidates them under the definition of meeting facilities.
- Establishes operating standards for meeting facilities, including hours of operation and attendance thresholds.
- Clarifies that all meeting facilities will require a technical review by various county and state agencies, such as the County Department of Public Works, State Department of Health, County Fire, and County Water.
- Religious institutions, which previously required a use permit in the Single-Family Residential (RS), Double-Family Residential (RD), and Multiple-Family Residential (RM) zoning districts, are now permitted outright as meeting facilities.
- In addition to residential districts, meeting facilities remain allowed in the following zoning districts: Residential-Commercial Mixed Use (RCX), Resort-Hotel (V), Neighborhood Commercial (CN), General Commercial (CG), Village Commercial (CV), Industrial-Commercial Mixed (MCX), and Downtown Hilo Commercial (CDH). These districts, excluding the RCX, also allow meeting facilities to include events.
- Meeting facilities with events are now allowed in the Limited Industrial (ML) district, whereas meeting facilities will be allowed in the General Industrial (MG) district, but events are not.
- In the Residential-Agricultural (RA), Family Agricultural (FA), and Agricultural (A) zoning districts, meeting facilities with events require either a use permit or a special permit, depending on the State Land Use designation. In the Intensive Agricultural (IA) district, only meeting facilities with a special permit are allowed.

Chapter 25 (Zoning) of the Hawai‘i County Code 1983 (2016 Edition, as amended) is proposed to be amended as shown in the attached bill as **Planning Department Exhibit 1. (Material to be deleted is bracketed and struck through; material to be added is underscored).**

CHRONOLOGICAL BACKGROUND

The federal government enacted the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) in part to protect religious organizations and individuals from discriminatory land use regulations. The law prevents zoning ordinances from unfairly burdening religious institutions unless the government can demonstrate a compelling interest. Over the years, RLUIPA has led to numerous legal challenges against zoning laws that disproportionately impact religious organizations.

In February 2024, the Chabad Jewish Center of the Big Island and its Rabbi, Levi Gerlitzky, filed a lawsuit against the County of Hawai‘i and the Director, alleging that the County’s zoning code discriminates based on religion. The lawsuit contends that while secular gathering places, such as meeting facilities, can operate by right, religious institutions must obtain a use permit to operate in residential zones, violating the equal terms provision of the RLUIPA. The U.S. Department of Justice (DOJ) supported this position by filing a Statement of Interest on March 29, 2024 (**Planning Department Exhibit 2 – Statement of Interest in Support of the Plaintiff’s Motion for Preliminary Injunction**), asserting that the Hawai‘i County zoning code treats religious uses less favorably than comparable secular uses like meeting facilities, making it discriminatory under RLUIPA.

In response to the lawsuit, the Director is introducing amendments to the Hawai‘i County Code (HCC) to classify religious institutions under the same zoning category as meeting facilities. These amendments eliminate disparities, seek compliance with RLUIPA, reinforce the Director's commitment to fair land use regulations, and establish clear standards.

PROPOSED AMENDMENTS HCC CHAPTER 25 (ZONING)

This bill is initiated by the Director to amend the Zoning Code as follows (sections to be deleted are bracketed and struck-through and sections to be added are underlined):

Relating to the Definitions:

Section 25-1-5(b) is proposed to be amended by removing the definition of "Community Building" as follows:

~~["Community building" means a public or privately owned building for civic, social, educational, cultural, and recreational activities which is not operated primarily for financial gain.]~~

Reasons for the Amendment: Removing the community building definition simplifies the zoning code by eliminating redundancy. Since the revised meeting facility definition already includes nonprofit, social, cultural, and recreational uses, maintaining both terms are unnecessary.

Section 25-1-5(b) is proposed to be amended by adding a new definition to read as follows:

“Event” means an assembly, generally by invitation or ticket purchase, that extends beyond the typical meeting facility use, including but not limited to commercial weddings, wedding receptions, promotional events, and concerts.”

Reasons for the Amendment: The addition of an event definition clarifies the distinction between routine meeting facility activities and larger commercial gatherings and ensures that commercial activities such as weddings, receptions, promotional events, and concerts are appropriately regulated and do not automatically fall under the permitted use of a meeting facility.

Section 25-1-5(b) is proposed to be amended by amending the definition of “Meeting Facility” to read as follows:

~~“Meeting facility” [means a permanent facility for nonprofit recreational, social or multi-purpose use, which has no overnight accommodations, and which may be for organizations operating on a membership basis for the promotion of members’ mutual interests or may be primarily intended for community purposes. Typical uses include private clubs, union halls, community centers, and student centers.]~~ means a facility or building site that is used for recreational, social, or multipurpose use, and may include a

kitchen but has no transient accommodations. Typical uses include private clubs, union halls, cultural, community and association centers, religious facilities such as places of worship, and student centers. This does not include schools or events.”

Reasons for the Amendment: This amendment expands and clarifies the definition of meeting facility to ensure equal treatment of religious and secular gathering spaces while maintaining clear zoning regulations. Additionally, the amendment removes outdated language and streamlines zoning classifications by consolidating the definition of community buildings under the definition of meeting facility. It also clarifies what is excluded from this category, such as schools and events, ensuring proper land use regulation and alignment with zoning districts.

Relating to the Use Regulations of Meeting Facilities:

Section 25-2-61(a) is proposed to be amended as follows:

~~[(3) Churches, temples and synagogues, including meeting facilities for churches, temples, synagogues and other such institutions, in RS, RD, RM, RA, FA and A districts; provided that a minimum building site area of ten thousand square feet is required within the RS, RD, RM, and RA districts.]~~

(9) Meeting facilities with events in RA, FA, and A districts.

Reasons for the Amendment: This amendment clarifies zoning regulations for meeting facilities with events in the RA (Residential-Agricultural), FA (Family-Agricultural), and A (Agricultural) zoning districts. Because events may generate impacts such as traffic and noise, requiring a use permit in these districts allows the County to assess and mitigate potential effects through appropriate conditions. This helps protect the surrounding residential and agricultural character and ensures compatibility with neighboring land uses.

Section 25-2-61(d) is proposed to be added as follows:

(d) A use permit shall not be required for meeting facilities and/or events operated in partnership with State or County agencies or conducted at State or County venues or facilities.

Reasons for the Amendment: This amendment, developed in consultation with the Department of Parks and Recreation, ensures consistency across County regulations and avoids duplicating existing permitting processes. The Department of Parks and Recreation already regulates meeting facilities and events at State or County venues and facilities, so requiring a separate use permit would be redundant.

Relating to Plan Approval:

To establish specific procedures for the director's review and decision-making on plan approval applications, **Section 25-2-71(c)** is amended to read as follows:

(c) Plan approval shall be required in all applicable districts prior to the construction or establishment of the following improvements and uses:

(1) Meeting facilities, as permitted under Section 25-4-17 (Meeting Facilities).

(6) Events, as permitted under section 25-5-42.”

Reasons for the Amendment: This amendment clarifies that plan approval is required before meeting facilities and events are established, ensuring proper land use oversight and compliance with zoning regulations.

Relating to Public Buildings and Community Buildings:

Section 25-4-11(c) is amended to read as follows:

(c) Public uses, structures and buildings [~~and community buildings~~] are permitted uses in any district, provided that the director has issued plan approval for such use.”

Reasons for the Amendment: This amendment removes all references within the zoning code relating to community buildings. In addition, removing the reference to community buildings in the public buildings section ensures a clear distinction between public and non-governmental uses, buildings, and structures.

Relating to Plan Approval application requirements for Meeting Facilities:

Section 25-4-17 is proposed to be added as follows:

“Section 25-4-17 Meeting Facilities.

- (a) A meeting facility can be established within a new or existing structure, or on a building site for recreational, social, cultural, or multipurpose use. The facility may include a kitchen.
- (b) A meeting facility may be used for organizations operating on a membership basis for the promotion of members’ mutual interests or may be primarily intended for community purposes.
- (c) A meeting facility only applies on building sites that have gatherings more than two times per week with more than 25 attendees.
- (d) The hours of operation for meeting facilities shall start no earlier than 8:00 am and end no later than 9:00 pm.
- (e) A meeting facility can be established in a zoning district that permits such use, provided that the Director has issued plan approval.
- (f) A meeting facility shall be subject to technical review by the County Department of Public Works, County Fire Department, County Water Department and/or the State Department of Health for compliance with current code and rule requirements.”

Reasons for the Amendment: This amendment establishes clear zoning regulations and plan approval requirements for meeting facilities. It sets standards based on frequency and size, mitigates community impacts through operating hour limits and requires technical review by relevant County and State agencies. Additionally, it streamlines the permitting process, ensuring that meeting facilities operate safely and in accordance with zoning and public health regulations.

Relating to Permitted Uses in the Single-Family Residential (RS), Double-Family Residential (RD), Multiple-Family Residential (RM) Zoning Districts

Section 25-5-3. Permitted uses (in the RS District):

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

~~[(4) Community buildings, as permitted under section 25-4-11.]~~

~~[(10)]~~(9) Meeting facilities[-], as permitted under section 25-4-17.

(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:

~~[(3) Churches, temples and synagogues.]~~

Section 25-5-22. Permitted uses (in the RD District):

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

~~[(5) Community buildings, as permitted under section 25-4-11.]~~

~~[(12)](11)~~ Meeting facilities[-], as permitted under section 25-4-17.

(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:

~~[(2) Churches, temples and synagogues.]~~

Section 25-5-32. Permitted uses (in the RM District):

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

~~[(7) Community buildings, as permitted under section 25-4-11.]~~

~~[(15)](14)~~ Meeting facilities[-], as permitted under section 25-4-17.

(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:

~~[(2) Churches, temples and synagogues.]~~

Reasons for the Amendment: This amendment removes references to community buildings from the permitted uses section and churches, temples, and synagogues from the use permit section in the RS, RD, and RM zoning districts. Meeting facilities remain permitted in the RS, RD, and RM zoning districts but must comply with the standards outlined in HCC Section 25-4-17. These changes ensure that zoning regulations are applied equitably, avoiding preferential treatment or potential religious discrimination.

Relating to Permitted Uses in the Residential-Commercial Mixed Use (RCX) Zoning District:

Section 25-5-42. Permitted uses (in the RCX Zoning District):

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

~~[(6) Churches, temples and synagogues.]~~

~~[(8) Community buildings, as permitted under section 25-4-11.]~~

~~[(19)](17) Meeting facilities[-], as permitted under section 25-4-17.~~

Reasons for the Amendment: This amendment removes references to community buildings, churches, temples, and synagogues from the permitted uses in the RCX zoning district to ensure the consistent application of zoning regulations. It also clarifies that meeting facilities remain a permitted use but must comply with the standards outlined in HCC Section 25-4-17.

Relating to Permitted Uses in the Residential and Agricultural (RA) Zoning District:

Section 25-5-52. Permitted uses (in the RA Zoning District):

(c) The following uses may be permitted in the RA district, provided that if a building site is located within the State land use rural district, the following uses may be permitted if a special permit is obtained for such use:

~~[(2) Community buildings, as permitted under section 25-4-11.]~~

~~[(8) Meeting facilities.]~~

(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:

~~[(3) Churches, temples and synagogues.]~~

(7) Meeting facilities, including events, as permitted under section 25-4-17.

Reasons for the Amendment: This amendment reorganizes zoning regulations in the RA district by consolidating meeting facilities under subsection (d) and removing references to community buildings and religious institutions, which the ordinance now classifies under the broader meeting facility definition. These changes ensure consistency with HCC Section 25-4-17

and clarify that meeting facilities require a special permit in the state land use agricultural or rural districts or a use permit in state land use urban districts.

Relating to Permitted Uses in the Family Agricultural (FA) and Agricultural (A) Zoning District:

Section 25-5-62. Permitted uses (in the FA Zoning District):

“(c) The following uses may be permitted in the FA district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:

~~[(3) Community buildings, as permitted under section 25-4-11.]~~

~~[(6) Meeting facilities.]~~

(d) The following uses may be permitted in the FA district, provided that either a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:

~~[(2) Churches, temples and synagogues.]~~

(7) Meeting Facilities, including events, as permitted under section 25-4-17.”

Section 25-5-72. Permitted uses (in the A Zoning District):

“(c) The following uses may be permitted in the A district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:

~~[(4) Community buildings, as permitted under section 25-4-11.]~~

~~[(10) Meeting facilities.]~~

(d) The following uses may be permitted in the A district, provided that either a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:

~~[(3) Churches, temples and synagogues.]~~

(7) Meeting Facilities, including events, as permitted under section 25-4-17.”

Reasons for the Amendment: This amendment removes community buildings and meeting facilities from subsection (c) and churches, temples, and synagogues from subsection (d) in the FA and A zoning districts. Meeting facilities now be allowed in subsection (d) and must comply with the standards outlined in HCC Section 25-4-17. Under these changes, meeting facilities in subsection (d) will require a special permit if the building site is located within the state land use agricultural district and a use permit if the site is outside that district. This revision ensures consistency with the applicable zoning districts and accurately reflects the permitting requirements for sites within or outside the state land use agricultural district.

Relating to Permitted Uses in the Intensive Agricultural (IA) Zoning District:

Section 25-5-82. Permitted uses (in the IA Zoning District):

(c) The following uses may be permitted in the IA districts, provided that a special permit is obtained for such use:

~~[(2) Churches, temples, or synagogues.~~

~~[(3) Community buildings as permitted under section 25-4-11.]~~

[(4) Meeting Facilities, including events, as permitted under section 25-4-17.]

Reasons for the Amendment: The changes in subsection (c) of the IA zoning district reflect the Director's initiative to remove references to community buildings, churches, temples, and synagogues and replace them with meeting facilities. Under the amendment, meeting facilities—including events—will require a Special Permit in the IA zoning district.

Relating to Permitted Uses in the Resort-Hotel (V), Neighborhood Commercial (CN), General Commercial (CG), Village Commercial (CV), Industrial-Commercial Mixed (MCX), Zoning District:

Section 25-5-92. Permitted uses (in the V Zoning District):

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

~~[(10) Churches, temples, and synagogues.]~~

~~[(12) Community buildings, as permitted under section 25-4-11.]~~

~~[(24)]~~(22) Meeting facilities~~[-]~~including events, as permitted under section 25-4-17.

Section 25-5-102. Permitted uses (in the CN Zoning District):

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

~~[(9) Churches, temples and synagogues.]~~

~~[(10) Community buildings, as permitted under section 25-4-11.]~~

~~[(24)]~~(22) Meeting facilities~~[-]~~including events, as permitted under section 25-4-17.

Section 25-5-112. Permitted uses (in the CG Zoning District):

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

~~[(16) Churches, temples and synagogues.]~~

~~[(19) Community buildings, as permitted under section 25-4-11.]~~

~~[(41)]~~(39) Meeting facilities~~[-]~~including events, as permitted under section 25-4-17.

Section 25-5-122. Permitted uses (in the CV Zoning District):

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

~~[(12) Churches, temples and synagogues.]~~

~~[(14) Community buildings, as permitted under section 25-4-11.]~~

~~[(33)]~~(31) Meeting facilities~~[-]~~including events, as permitted under section 25-4-17.

Section 25-5-132. Permitted uses (in the MCX Zoning District)

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

~~[(14) Churches, temples and synagogues.]~~

~~[(17) Community buildings, as permitted under section 25-4-11.]~~

~~[(33)]~~(31) Meeting facilities~~[-]~~including events, as permitted under section 25-4-17.

Reasons for the Amendment: This amendment clarifies and updates the permitted uses in the V, CN, CG, CV, and MCX zoning districts, by removing references to community buildings and churches, temples, and synagogues. Meeting facilities will remain a permitted use, with the inclusion of events, and must comply with the standards outlined in HCC Section 25-4-17.

Relating to Permitted Uses in the Limited Industrial (ML), General Industrial (MG)

Zoning District:

Section 25-5-142. Permitted uses (in the ML Zoning District)

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

~~[(18) Churches, temples and synagogues.]~~

~~[(21) Community buildings, as permitted under section 25-4-11.]~~

[(33) Meeting facilities including events, as permitted under section 25-4-17.]

Section 25-5-152. Permitted uses (in the MG Zoning District)

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

~~[(20) Churches, temples and synagogues.]~~

~~[(23) Community buildings, as permitted under section 25-4-11.]~~

[(45) Meeting facilities, as permitted under section 25-4-17.]

Reasons for the Amendment: This amendment clarifies and updates the permitted uses in the ML and MG zoning districts by explicitly permitting meeting facilities. It also removes references to community buildings, churches, temples, and synagogues to streamline zoning classifications. Previously, meeting facilities were not explicitly listed as permitted uses in these districts, even though similar uses—such as community buildings and religious institutions—were allowed.

Relating to Community Building in the Open (O) Zoning District:

Section 25-5-162. Permitted uses (in the O Zoning District)

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

~~[(4) Community buildings, as permitted under section 25-4-11.]~~

Reasons for the Amendment: This amendment removes references to community buildings to streamline zoning classifications and to align with current land use policies in the Open zoning district and ensure consistency in zoning regulations. Additionally, meeting facilities will not be permitted within the Open zoning district, reinforcing the district's intended purpose and land use restrictions.

Relating to Meeting Facilities and Community Building in the Downtown Hilo Commercial (CDH) Zoning District:

Section 25-7-22. Permitted uses (in the CDH Zoning District)

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

~~[(14) Community buildings, as permitted under section 25-4-11.]~~

~~[(30)](29) Meeting facilities[-], including events, as permitted under section 25-4-17.~~

Reasons for the Amendment: This amendment updates the CDH zoning district by explicitly recognizing meeting facilities, including events, as permitted under HCC Section 25-4-17 and removing community building references to streamline zoning regulations. Previously, this district did not permit churches, temples, and synagogues. By incorporating them under the meeting facilities use category, they are formally recognized as permitted uses.

AGENCY COMMENTS – NO COMMENTS/CONCERNS

1) Police Department (Planning Department Exhibit 3 – March 4, 2025 Email)

2) Department of Water Supply (Planning Department Exhibit 4 – March 18, 2025 Memo)

AGENCY COMMENTS – NO COMMENTS/CONCERNS

3) Department of Public Works - Building Division; State Department of Health.

AGENCY COMMENTS – NO RESPONSE PROVIDED

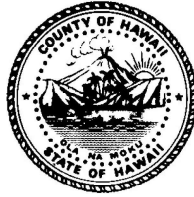
4) Department of Public Works - Engineering Division; Department of Public Works Traffic Division; Department of Environmental Management; Civil Defense; Department of Parks and Recreation; Fire Department.

PLANNING DIRECTOR'S RECOMMENDATION

For the reasons cited above, the Planning Director recommends that the Leeward and Windward Planning Commission send a **favorable recommendation of this bill to the Hawai'i County Council for the amendment to Chapter 25 (Zoning) of the Hawai'i County Code 1983 (2016 edition, as amended) relating to zoning district regulations for meeting facilities, churches, temples, synagogues and community buildings** in an effort to ensure equitable treatment, enhance legal compliance, streamline zoning classifications and provide regulatory oversight. These changes will establish a fair, neutral, and well-defined framework that ensures

consistency across zoning districts, protects community interests, and aligns with federal legal requirements.

COUNTY OF HAWAI‘I



STATE OF HAWAI‘I

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE 1, ARTICLE 2, ARTICLE 4 ARTICLE 5, AND ARTICLE 7 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO ZONING DISTRICT REGULATIONS FOR MEETING FACILITIES, CHURCHES, TEMPLES, SYNAGOGUES, AND COMMUNITY BUILDINGS.

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

SECTION 1. Purpose. The purpose of this ordinance is to provide further clarification to the definition and requirements for meeting facilities, and to remove references to churches, temples, synagogues, and community buildings.

SECTION 2. Chapter 25, article 1, section 25-1-5, subsection (b) of the Hawai‘i County Code 1983 (2016 Edition, as amended) is amended by repealing the definition for “community building”:

~~“[“Community building” means a public or privately owned building for civic, social, educational, cultural, and recreational activities which is not operated primarily for financial gain.]”~~

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

““Event” means an assembly, generally by invitation or ticket purchase, that extends beyond the typical meeting facility use, including but not limited to commercial weddings, wedding receptions, promotional events, and concerts.”

SECTION 4. Chapter 25, article 1, section 25-1-5, subsection (b) of the Hawai‘i County Code 1983 (2016 Edition, as amended) is amended by amending the definition for “meeting facility” to read as follows:

~~““Meeting facility” [means a permanent facility for nonprofit recreational, social or multi-purpose use, which has no overnight accommodations, and which may be for organizations operating on a membership basis for the promotion of members’ mutual interests or may be primarily intended for community purposes. Typical uses include private clubs, union halls, community centers, and student centers.]~~ means a facility or building site that is used for recreational, social, or multipurpose use, and may include a kitchen but has no transient accommodations. Typical uses include private clubs, union

halls, cultural, community and association centers, religious facilities such as places of worship, and student centers. This does not include schools or events.”

SECTION 5. Chapter 25, article 2, division 6, section 25-2-61 of the Hawai‘i County Code 1983 (2016 Edition, as amended) is amended to read as follows:

“(a) The following uses shall be permitted within designated County zoning districts only if a use permit is obtained for the use from the commission:

- (1) Bed and breakfast establishments in RS, RA, FA, and A districts, provided that the property is within the state land use urban district.
- (2) Crematoriums, funeral homes, funeral services and mortuaries in RS, RD, RM, RCX, RA, FA, A and V districts.
- ~~[(3) Churches, temples and synagogues, including meeting facilities for churches, temples, synagogues and other such institutions, in RS, RD, RM, RA, FA and A districts; provided that a minimum building site area of ten thousand square feet is required within the RS, RD, RM, and RA districts.]~~
- [(4)](3) Day care centers in RS, RD, RM, RA, FA and A districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, and RA districts.
- ~~[(5)]~~(4) Golf courses and related golf course uses including golf driving ranges, golf maintenance buildings, and golf club houses in the RS, RD, RM, RCX, RA, FA, A, V, CG, CV, and O districts, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
- ~~[(6)]~~(5) Group living facilities that exceed the criteria in subsection 25-1-5(b), paragraph (b) of the definition of “group living facility” in the RS, RD, RM, RCX, RA, FA, A, CN, CG, CV, and V districts.
- ~~[(7)]~~(6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes in the RS, RD, RM, RCX, RA, FA, A, and V districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, RCX and RA districts.
- ~~[(8)]~~(7) Major outdoor amusement and recreation facilities in RCX, RA, A, CN, CG, CV, MCX, ML, MG and O districts.
- ~~[(9)]~~(8) Medical clinics in RS, RD, RM, RA, FA, and A districts.
- (9) Meeting facilities with events in RA, FA, and A districts.
- (10) Schools in RS, RD, RM, RA, FA, A, V, MCX, ML, and MG districts, provided that a minimum building site area of ten thousand square feet shall be required within the RS, RD, RM, and RA districts.
- (11) Telecommunication antennas and towers in RS, RD, RM, RCX, RA, FA, A, IA and O districts.
- (12) Yacht harbors and boating facilities in the RS, RD, RM, RCX, RA, V, CG, CV, MCX, ML, MG and O districts.
- (13) Wind energy facilities in the O district; provided that the property is within the state land use agricultural district.

- (14) Other unusual and reasonable uses which are not specifically permitted in any zoning district with the approval of the director and the concurrence of the council by resolution.
- (b) Any use which received an approval as a conditionally permitted use prior to September 25, 1984, or which received prior approval through the use permit process, is considered a legal use of the affected parcel and may be expanded or enlarged without obtaining another use permit, provided such expansion, enlargement or addition is in full compliance with this chapter and the applicable district regulations.
- (c) A use permit shall not be required for any use described in subsection (a) above, if a special permit is obtained for that use, pursuant to section 205-6, Hawai'i Revised Statutes.
- (d) A use permit shall not be required for meeting facilities and/or events operated in partnership with State or County agencies or conducted at State or County venues or facilities."

SECTION 6. Chapter 25, article 2, division 7, section 25-2-71 of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by amending subsection (c) to read as follows:

- “(c) Plan approval shall be required in all applicable districts prior to the construction or establishment of the following improvements and uses:
 - (1) Meeting facilities, as permitted under Section 25-4-17 (Meeting Facilities).
 - ~~[(4)]~~(2) Public uses, structures and buildings ~~[and community buildings,]~~ as permitted under section 25-4-11.
 - ~~[(2)]~~(3) Telecommunication antennas and towers, as permitted under section 25-4-12.
 - ~~[(3)]~~(4) Temporary real estate offices and model homes, as permitted under section 25-4-8.
 - ~~[(4)]~~(5) Utility substations, as authorized under section 25-4-11.
 - (6) Events, as permitted under section 25-5-42."

SECTION 7. Chapter 25, article 4, division 1, section 25-4-11 of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by amending subsection (c) to read as follows:

- “(c) Public uses, structures and buildings ~~[and community buildings]~~ are permitted uses in any district, provided that the director has issued plan approval for such use.”

SECTION 8. Chapter 25, article 4, division 1, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by adding the following section to read as follows:

- “Section 25-4-17 Meeting Facilities.
 - (a) A meeting facility can be established within a new or existing structure, or on a building site for recreational, social, cultural, or multipurpose use. The facility may include a kitchen.

- (b) A meeting facility may be used for organizations operating on a membership basis for the promotion of members' mutual interests or may be primarily intended for community purposes.
- (c) A meeting facility only applies on building sites that have gatherings more than two times per week with more than 25 attendees.
- (d) The hours of operation for meeting facilities shall start no earlier than 8:00 am and end no later than 9:00 pm.
- (e) A meeting facility can be established in a zoning district that permits such use, provided that the Director has issued plan approval.
- (f) A meeting facility shall be subject to technical review by the County Department of Public Works, County Fire Department, County Department of Water Supply and State Department of Health for compliance with current code and rule requirements."

SECTION 9. Chapter 25, article 4, division 5, section 25-4-51 of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by amending subsection (a) to read as follows:

- “(a) The number of parking spaces for each use shall be as follows:
- (1) Agricultural tourism: one for each three hundred square feet of gross floor area used principally for the agricultural tourism activity, but not fewer than three spaces, plus bus parking if buses are allowed.
 - (2) Bed and breakfast establishments: one for each guest bedroom, in addition to one for the dwelling unit.
 - (3) Bowling alleys: four for each alley.
 - (4) Commercial uses, including retail and office uses in RS, RD, RM, RCX, CN, CG, CV, MCX, V, RA, FA, A and IA districts: one for each three hundred square feet of gross floor area.
 - (5) Day care centers: one for each ten care recipients of design capacity or one for every two hundred square feet of gross floor area, whichever is greater.
 - (6) Dwellings, multiple-family: one and one quarter for each unit. In the CDH district, one for each unit on a property maintaining a unit density higher than one thousand square feet of land area per rentable unit or dwelling unit.
 - (7) Dwellings, single-family and double-family or duplex: two for each dwelling unit. In the CDH district, one for each unit on a property maintaining a unit density higher than one thousand square feet of land area per rentable unit or dwelling unit.
 - (8) Dwellings, single-family and double-family or duplex that are occupied for any period of less than one hundred eighty days: one space for each rented bedroom in addition to one space for the dwelling unit if rooms in the dwelling unit are rented individually, or two spaces if the dwelling unit is rented as a whole.
 - (9) Funeral homes, funeral services, mortuaries, and crematoriums: one for each seventy-five square feet of gross floor area.
 - (10) Golf courses: four for every hole.
 - (11) Hospitals: one for each bed.
 - (12) Hotels and lodges:

- (A) For hotel guest units without a kitchen, one for every three units;
- (B) For hotel guest units with a kitchen, one and one quarter for each unit.
- (13) Industrial uses in ML, MG, MCX, RA, FA, A and IA districts: one for each four hundred square feet of gross floor area.
- (14) Laundromats, cleaners (coin operated): one for every four machines.
- (15) Major outdoor amusement and recreation facilities: one for each two hundred square feet of gross floor area within enclosed buildings, plus one for every three persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
- (16) Meeting facilities [~~including churches~~]: one for each [~~seventy-five~~] one hundred fifty square feet of gross floor area[~~or seven people, whichever is greater.~~]
- (17) Nursing homes, convalescent homes, rest homes and homes for the elderly: one for every two beds.
- (18) Parks: as determined by the director.
- (19) Recreation facilities, outdoor or indoor, other than herein specified: one for each two hundred square feet of gross floor area, plus three per court (racquetball, tennis or similar activities).
- (20) Rooming and lodging houses, religious, fraternal or social orders having sleeping accommodations: one for each two beds.
- (21) Schools (elementary and intermediate): one for each twenty students of design capacity, plus one for each four hundred square feet of office floor space.
- (22) Schools (high, language, vocational, business, technical and trade, college): one for each ten students of design capacity, plus one for each four hundred square feet of office floor space.
- (23) 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.”

SECTION 10. 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 subsections (a) and (b) to read as follows:

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

- (1) Adult day care homes.
- (2) Apiaries.
- (3) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- ~~[(4) Community buildings, as permitted under section 25-4-11.]~~
- ~~[(5)]~~(4) Crop production.
- ~~[(6)]~~(5) Dwellings, single-family.
- ~~[(7)]~~(6) Family child care homes.
- ~~[(8)]~~(7) Group living facilities.
- ~~[(9)]~~(8) Home occupations, as permitted under section 25-4-13.
- ~~[(10)]~~(9) Meeting facilities[~~], as permitted under section 25-4-17.~~]

- ~~[(11)]~~(10) Model homes, as permitted under section 25-4-8.
- ~~[(12)]~~(11) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- ~~[(13)]~~(12) Public uses and structures, as permitted under section 25-4-11.
- ~~[(14)]~~(13) Short-term vacation rentals situated in the general plan resort and resort node areas.
- ~~[(15)]~~(14) Temporary real estate offices, as permitted under section 25-4-8.
- ~~[(16)]~~(15) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RS district, provided that a use permit is issued for each use:
 - (1) Bed and breakfast establishments as permitted under section 25-4-7.
 - (2) Care homes.
 - ~~[(3)]~~ Churches, temples and synagogues.
 - ~~[(4)]~~(3) Crematoriums, funeral homes, funeral services, and mortuaries.
 - ~~[(5)]~~(4) Day care centers.
 - ~~[(6)]~~(5) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
 - ~~[(7)]~~(6) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - ~~[(8)]~~(7) Medical clinics.
 - ~~[(9)]~~(8) Schools.
 - ~~[(10)]~~(9) Telecommunication antennas and towers.
 - ~~[(11)]~~(10) Yacht harbors and boating facilities.”

SECTION 11. 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 subsections (a) and (b) to read as follows:

- “(a) The following uses shall be permitted in the RD district:
 - (1) Adult day care homes.
 - (2) Apiaries.
 - (3) Bed and breakfast establishments as permitted under section 25-4-7.
 - (4) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - ~~[(5)]~~ Community buildings, as permitted under section 25-4-11.
 - ~~[(6)]~~(5) Crop production.
 - ~~[(7)]~~(6) Dwellings, double-family or duplex.
 - ~~[(8)]~~(7) Dwellings, single-family.
 - ~~[(9)]~~(8) Family child care homes.
 - ~~[(10)]~~(9) Group living facilities.
 - ~~[(11)]~~(10) Home occupations, as permitted under section 25-4-13.
 - ~~[(12)]~~(11) Meeting facilities~~[-]~~, as permitted under section 25-4-17.
 - ~~[(13)]~~(12) Model homes, as permitted under section 25-4-8.

- ~~[(14)]~~(13) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- ~~[(15)]~~(14) Public uses and structures, as permitted under section 25-4-11.
- ~~[(16)]~~(15) Short-term vacation rentals situated in the general plan resort and resort node areas.
- ~~[(17)]~~(16) Temporary real estate offices, as permitted under section 25-4-8.
- ~~[(18)]~~(17) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RD district, provided that a use permit is issued for each use:
 - (1) Care homes.
 - ~~[(2)]~~Churches, temples and synagogues.]
 - ~~[(3)]~~(2) Crematoriums, funeral homes, funeral services, and mortuaries.
 - ~~[(4)]~~(3) Day care centers.
 - ~~[(5)]~~(4) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
 - ~~[(6)]~~(5) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - ~~[(7)]~~(6) Medical clinics.
 - ~~[(8)]~~(7) Schools.
 - ~~[(9)]~~(8) Telecommunication antennas and towers.
 - ~~[(10)]~~(9) Yacht harbors and boating facilities.”

SECTION 12. 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 subsections (a) and (b) to read as follows:

- “(a) The following uses shall be permitted in the RM district:
- (1) Adult day care homes.
 - (2) Apiaries.
 - (3) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (4) Boarding facilities, rooming, or lodging houses.
 - (5) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (6) Commercial or personal service uses, on a small scale, as approved by the director, provided that the total gross floor area does not exceed one thousand two hundred square feet and a maximum of five employees.
 - ~~[(7)]~~Community buildings, as permitted under section 25-4-11.]
 - ~~[(8)]~~(7) Crop production.
 - ~~[(9)]~~(8) Dwellings, double-family or duplex.
 - ~~[(10)]~~(9) Dwellings, multiple-family.
 - ~~[(11)]~~(10) Dwellings, single-family.
 - ~~[(12)]~~(11) Family child care homes.
 - ~~[(13)]~~(12) Group living facilities.
 - ~~[(14)]~~(13) Home occupations, as permitted under section 25-4-13.

- ~~[(15)]~~(14) Meeting facilities~~[-]~~, as permitted under section 25-4-17.
- ~~[(16)]~~(15) Model homes, as permitted under section 25-4-8.
- ~~[(17)]~~(16) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- ~~[(18)]~~(17) Public uses and structures, as permitted under section 25-4-11.
- ~~[(19)]~~(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.
- ~~[(20)]~~(19) Temporary real estate offices, as permitted under section 25-4-8.
- ~~[(21)]~~(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.
- ~~[(22)]~~(21) Utility substations, as permitted under section 25-4-11.
- (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the RM district, provided that a use permit is issued for each use:
 - (1) Care homes.
 - ~~[(2) Churches, temples and synagogues.]~~
 - ~~[(3)]~~(2) Crematoriums, funeral homes, funeral services, and mortuaries.
 - ~~[(4)]~~(3) Day care centers.
 - ~~[(5)]~~(4) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and golf club houses, provided that the property is within the state land use urban or rural district. Golf courses and golf driving ranges shall not be permitted within the state land use agricultural district unless approved by the County before July 1, 2005.
 - ~~[(6)]~~(5) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - ~~[(7)]~~(6) Medical clinics.
 - ~~[(8)]~~(7) Schools.
 - ~~[(9)]~~(8) Telecommunication antennas and towers.
 - ~~[(10)]~~(9) Yacht harbors and boating facilities."

SECTION 13. 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) Apiaries.
 - (3) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (4) Boarding facilities, rooming, or lodging houses.
 - (5) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - ~~[(6) Churches, temples and synagogues.]~~

- ~~[(7)]~~(6) Commercial or personal service uses, on a small scale, as approved by the director.
- ~~[(8)]~~Community buildings, as permitted under section 25-4-11.]
- ~~[(9)]~~(7) Convenience stores.
- ~~[(10)]~~(8) Crop production.
- ~~[(11)]~~(9) Day care centers.
- ~~[(12)]~~(10) Dwellings, double-family or duplex.
- ~~[(13)]~~(11) Dwellings, multiple-family.
- ~~[(14)]~~(12) Dwellings, single-family.
- ~~[(15)]~~(13) Family child care homes.
- ~~[(16)]~~(14) Group living facilities.
- ~~[(17)]~~(15) Home occupations, as permitted under section 25-4-13.
- ~~[(18)]~~(16) Medical clinics.
- ~~[(19)]~~(17) Meeting facilities[-], as permitted under section 25-4-17.
- ~~[(20)]~~(18) Model homes, as permitted under section 25-4-8.
- ~~[(21)]~~(19) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- ~~[(22)]~~(20) Public uses and structures, as permitted under section 25-4-11.
- ~~[(23)]~~(21) Restaurants.
- ~~[(24)]~~(22) Schools.
- ~~[(25)]~~(23) Short-term vacation rentals situated in the general plan resort and resort node areas.
- ~~[(26)]~~(24) Utility substations, as permitted under section 25-4-11.”

SECTION 14. Chapter 25, article 5, division 5, section 25-5-52 of the Hawai‘i County Code 1983 (2016 Edition, as amended) is amended by amending subsection (c) and (d) to read as follows:

- “(c) The following uses may be permitted in the RA district, provided that if a building site is located within the State land use rural district, the following uses may be permitted if a special permit is obtained for such use:
 - (1) Bed and breakfast establishments, as permitted under section 25-4-7.
 - ~~[(2)]~~Community buildings, as permitted under section 25-4-11.]
 - ~~[(3)]~~(2) Country clubs, tennis clubs and other similar recreational facilities which include buildings or indoor recreational features.
 - ~~[(4)]~~(3) Drive-in theaters.
 - ~~[(5)]~~(4) Guest ranches.
 - ~~[(6)]~~(5) Home occupations, as permitted under section 25-4-13.
 - ~~[(8)]~~Meeting facilities.]
 - ~~[(9)]~~(6) Model homes, as permitted under section 25-4-8.
 - ~~[(10)]~~(7) Temporary real estate offices, as permitted under section 25-4-8.
 - ~~[(11)]~~(8) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai‘i Revised Statutes.
- (d) The following uses may be permitted in the RA district, provided that either a use permit is issued for each use if the building site is within the State land use urban district or a special permit is issued for each use if the building site is within the State land use rural district:

- (1) Bed and breakfast establishments, as permitted under section 25-4-7.
- (2) Crematoriums, funeral homes, funeral services, and mortuaries.
- ~~[(3) Churches, temples and synagogues.]~~
- ~~[(4)]~~(3) Day care centers.
- ~~[(5)]~~(4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
- ~~[(6)]~~(5) Major outdoor amusement and recreation facilities, includes stadiums, sports arenas, and other similar open air recreational uses.
- ~~[(7)]~~(6) Medical Clinics.
- (7) Meeting facilities, including events, as permitted under section 25-4-17.
- (8) Schools.
- (9) Yacht harbors and boating facilities.”

SECTION 15. Chapter 25, article 5, division 6, section 25-5-62 of the Hawai‘i County Code 1983 (2016 Edition, as amended) is amended by amending subsection (c) and (d) to read as follows:

- “(c) The following uses may be permitted in the FA district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:
- (1) Adult day care homes.
 - (2) Bed and breakfast establishments, as permitted under section 25-4-7.
 - ~~[(3) Community buildings, as permitted under section 25-4-11.]~~
 - ~~[(4)]~~(3) Family child care homes.
 - ~~[(5)]~~(4) Home occupations, as permitted under section 25-4-13.
 - ~~[(6) Meeting facilities.]~~
 - ~~[(7)]~~(5) Model homes, as permitted under section 25-4-8.
 - ~~[(8)]~~(6) Public uses and structures, other than those necessary for agricultural practices, as provided under section 25-4-11.
 - ~~[(9)]~~(7) Temporary real estate offices, as permitted under section 25-4-8.
 - ~~[(10)]~~(8) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai‘i Revised Statutes.
- (d) The following uses may be permitted in the FA district, provided that either a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:
- (1) Bed and breakfast establishments, as permitted under section 25-4-7.
 - ~~[(2) Churches, temples and synagogues.]~~
 - ~~[(3)]~~(2) Crematoriums, funeral homes, funeral services, and mortuaries.
 - ~~[(4)]~~(3) Day care centers.
 - ~~[(5)]~~(4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - ~~[(6)]~~(5) Major outdoor amusement and recreation facilities, includes stadiums, sports arenas, and other similar open air recreational uses.
 - ~~[(7)]~~(6) Medical clinics.
 - (7) Meeting Facilities, including events, as permitted under section 25-4-17.
 - (8) Schools.”

SECTION 16. Chapter 25, article 5, division 7, section 25-5-72 of the Hawai‘i County Code 1983 (2016 Edition, as amended) is amended by amending subsection (c) and (d) to read as follows:

- “(c) The following uses may be permitted in the A district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:
- (1) Adult day care homes.
 - (2) Airfields, heliports, and private landing strips.
 - (3) Bed and breakfast establishments, as permitted under section 25-4-7.
 - ~~[(4) Community buildings, as permitted under section 25-4-11.]~~
 - ~~[(5)](4)~~ Excavation or removal of natural building material or minerals, for commercial use.
 - ~~[(6)](5)~~ Family child care homes.
 - ~~[(7)](6)~~ Guest ranches.
 - ~~[(8)](7)~~ Home occupations, as permitted under section 25-4-13.
 - ~~[(9)](8)~~ Lodges.
 - ~~[(10) Meeting facilities.]~~
 - ~~[(11)](9)~~ Model homes, as permitted under section 25-4-8.
 - ~~[(12)](10)~~ Public dumps.
 - ~~[(13)](11)~~ Public uses and structures, other than those necessary for agricultural practices, as provided under section 25-4-11.
 - ~~[(14)](12)~~ Temporary real estate offices, as permitted under section 25-4-8.
 - ~~[(15)](13)~~ Trailer parks with density of three thousand five hundred square feet of land area per trailer, provided that plan approval is secured prior to commencing such use.
 - ~~[(16)](14)~~ Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawai‘i Revised Statutes.
- (d) The following uses may be permitted in the A district, provided that either a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:
- (1) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (2) Crematoriums, funeral homes, funeral services, and mortuaries.
 - ~~[(3) Churches, temples and synagogues.]~~
 - ~~[(4)](3)~~ Day care centers.
 - ~~[(5)](4)~~ Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
 - ~~[(6)](5)~~ Major outdoor amusement and recreation facilities.
 - ~~[(7)](6)~~ Medical clinics.
 - (7) Meeting Facilities, including events, as permitted under section 25-4-17.
 - (8) Schools.”

SECTION 17. Chapter 25, article 5, division 8, section 25-5-82 of the Hawai‘i County Code 1983 (2016 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)]~~(2) Day care centers.
- ~~[(5)]~~(3) Hospitals.
- (4) Meeting Facilities, including events, as permitted under section 25-4-17.
- ~~[(6)]~~(5) Public uses and structures, other than those necessary for agricultural purposes, as permitted under section 25-4-11.
- ~~[(7)]~~(6) 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 18. 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) Apiaries.
- (4) Art galleries, museums.
- (5) Automobile service stations.
- (6) Bars, night clubs and cabarets.
- (7) Bed and breakfast establishments, as permitted under section 25-4-7.
- (8) Business services.
- (9) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- ~~[(10) Churches, temples, and synagogues.]~~
- ~~[(11)]~~(10) Commercial parking lots and garages.
- ~~[(12) Community buildings, as permitted under section 25-4-11.]~~
- ~~[(13)]~~(11) Day care centers.
- ~~[(14)]~~(12) Dwellings, double-family or duplex.
- ~~[(15)]~~(13) Dwellings, multiple-family.
- ~~[(16)]~~(14) Dwellings, single-family.
- ~~[(17)]~~(15) Family child care homes.
- ~~[(18)]~~(16) Financial institutions.
- ~~[(19)]~~(17) Group living facilities.
- ~~[(20)]~~(18) Home occupations, as permitted under section 25-4-13.
- ~~[(21)]~~(19) Hotels.
- ~~[(22)]~~(20) Lodges.
- ~~[(23)]~~(21) Medical clinics.
- ~~[(24)]~~(22) Meeting facilities~~[-]~~including events, as permitted under section 25-4-17.
- ~~[(25)]~~(23) Major outdoor amusement and recreation facilities.
- ~~[(26)]~~(24) Model homes, as permitted under section 25-4-8.
- ~~[(27)]~~(25) Parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities.
- ~~[(28)]~~(26) Personal services.

~~[(29)]~~(27) Photography studios.
~~[(30)]~~(28) Public uses and structures, as permitted under section 25-4-11.
~~[(31)]~~(29) Restaurants.
~~[(32)]~~(30) Retail establishments.
~~[(33)]~~(31) Short-term vacation rentals.
~~[(34)]~~(32) Telecommunication antennas, as permitted under section 25-4-12.
~~[(35)]~~(33) Temporary real estate offices, as permitted under section 25-4-8.
~~[(36)]~~(34) Theaters.
~~[(37)]~~(35) Time share units.
~~[(38)]~~(36) Utility substations, as permitted under section 25-4-11.
~~[(39)]~~(37) Visitor information centers.”

SECTION 19. 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) Amusement and recreation facilities, indoor.
- (3) Apiaries.
- (4) Automobile service stations.
- (5) Bed and breakfast establishments, as permitted under section 25-4-7.
- (6) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
- (7) Business services.
- (8) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- ~~[(9) Churches, temples and synagogues.~~
- ~~[(10) Community buildings, as permitted under section 25-4-11.]~~
- ~~[(11)]~~(9) Convenience stores.
- ~~[(12)]~~(10) Crematoriums, funeral homes, funeral services, and mortuaries.
- ~~[(13)]~~(11) Crop production.
- ~~[(14)]~~(12) Day care centers.
- ~~[(15)]~~(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.
- ~~[(16)]~~(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.
- ~~[(17)]~~(15) Dwellings, single-family.
- ~~[(18)]~~(16) Family child care homes.
- ~~[(19)]~~(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.

- ~~[(20)]~~(18) Financial institutions.
- ~~[(21)]~~(19) Group living facilities.
- ~~[(22)]~~(20) Home occupations, as permitted under section 25-4-13.
- ~~[(23)]~~(21) Medical clinics.
- ~~[(24)]~~(22) Meeting facilities~~[-]~~including events, as permitted under section 25-4-17.
- ~~[(25)]~~(23) Model homes, as permitted under section 25-4-8.
- ~~[(26)]~~(24) Museums.
- ~~[(27)]~~(25) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- ~~[(28)]~~(26) Offices.
- ~~[(29)]~~(27) Personal services.
- ~~[(30)]~~(28) Photography studios.
- ~~[(31)]~~(29) Public uses and structures, as permitted under section 25-4-11.
- ~~[(32)]~~(30) Repair establishments, minor.
- ~~[(33)]~~(31) Restaurants.
- ~~[(34)]~~(32) Retail establishments.
- ~~[(35)]~~(33) Schools.
- ~~[(36)]~~(34) Short-term vacation rentals situated in the general plan resort and resort node areas.
- ~~[(37)]~~(35) Telecommunication antennas, as permitted under section 25-4-12.
- ~~[(38)]~~(36) Theaters.
- ~~[(39)]~~(37) Utility substations as permitted under section 25-4-11.”

SECTION 20. 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) Apiaries.
 - (4) Art galleries, museums.
 - (5) Art studios.
 - (6) Automobile service stations.
 - (7) Automobile sales and rentals.
 - (8) Bars, nightclubs and cabarets.
 - (9) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (10) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
 - (11) Broadcasting stations.
 - (12) Business services.

- (13) Car washing, provided that if it is mechanized, sound attenuated structures or sound attenuated walls shall be erected and maintained on the property lines.
- (14) Catering establishments.
- (15) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- ~~[(16) Churches, temples and synagogues.]~~
- ~~[(17)](16)~~ Cleaning plants using only nonflammable hydrocarbons in a sealed unit as the cleansing agent.
- ~~[(18)](17)~~ Commercial parking lots and garages.
- ~~[(19) Community buildings, as permitted under section 25-4-11.]~~
- ~~[(20)](18)~~ Convenience stores.
- ~~[(21)](19)~~ Crematoriums, funeral homes, funeral services, and mortuaries.
- ~~[(22)](20)~~ Crop production.
- ~~[(23)](21)~~ Day care centers.
- ~~[(24)](22)~~ Display rooms for products sold elsewhere.
- ~~[(25)](23)~~ Dwellings, double-family or duplex, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
- ~~[(26)](24)~~ Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
- ~~[(27)](25)~~ Dwellings, single-family.
- ~~[(28)](26)~~ Equipment sales and rental yards, and other yards where retail products are displayed in the open.
- ~~[(29)](27)~~ Family child care homes.
- ~~[(30)](28)~~ Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
- ~~[(31)](29)~~ Financial institutions.
- ~~[(32)](30)~~ Group living facilities.
- ~~[(33)](31)~~ Home occupations, as permitted under section 25-4-13.
- ~~[(34)](32)~~ Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
- ~~[(35)](33)~~ Hotels.
- ~~[(36)](34)~~ Ice storage and dispensing facilities.
- ~~[(37)](35)~~ Laboratories, medical and research.
- ~~[(38)](36)~~ Laundries.
- ~~[(39)](37)~~ Light manufacturing, processing and packaging, where the only retail sales outlet for products produced is on the premises where produced.
- ~~[(40)](38)~~ Medical clinics.
- ~~[(41)](39)~~ Meeting facilities~~[-]~~including events, as permitted under section 25-4-17.
- ~~[(42)](40)~~ Model homes, as permitted under section 25-4-8.
- ~~[(43)](41)~~ Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.

~~[(44)]~~(42) Offices.
~~[(45)]~~(43) Personal services.
~~[(46)]~~(44) Photography studios.
~~[(47)]~~(45) Public uses and structures, as permitted under section 25-4-11.
~~[(48)]~~(46) Printing shops, cartographing and duplicating processes such as
blueprinting or photostating shops.
~~[(49)]~~(47) Repair establishments, minor.
~~[(50)]~~(48) Restaurants.
~~[(51)]~~(49) Retail establishments.
~~[(52)]~~(50) Schools.
~~[(53)]~~(51) Short-term vacation rentals.
~~[(54)]~~(52) Telecommunication antennas, as permitted under section 25-4-12.
~~[(55)]~~(53) Theaters.
~~[(56)]~~(54) Time share units.
~~[(57)]~~(55) Utility substations, as permitted under section 25-4-11.
~~[(58)]~~(56) Veterinary establishments.”

SECTION 21. 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) Apiaries.
 - (4) Art galleries, museums.
 - (5) Automobile sales and rentals.
 - (6) Automobile service stations.
 - (7) Bars.
 - (8) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (9) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
 - (10) Business services.
 - (11) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - ~~[(12) Churches, temples and synagogues.]~~
 - ~~[(13)]~~(12) Commercial parking lots and garages.
 - ~~[(14) Community buildings, as permitted under section 25-4-11.]~~
 - ~~[(15)]~~(13) Convenience stores.
 - ~~[(16)]~~(14) Crematoriums, funeral homes, funeral services, and mortuaries.
 - ~~[(17)]~~(15) Crop production.
 - ~~[(18)]~~(16) Day care centers.
 - ~~[(19)]~~(17) Dwellings, double-family or duplex, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.

- ~~[(20)]~~(18) Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
- ~~[(21)]~~(19) Dwellings, single-family.
- ~~[(22)]~~(20) Family child care homes.
- ~~[(23)]~~(21) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
- ~~[(24)]~~(22) Financial institutions.
- ~~[(25)]~~(23) Group living facilities.
- ~~[(26)]~~(24) Home occupations, as permitted under section 25-4-13.
- ~~[(27)]~~(25) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
- ~~[(28)]~~(26) Hotels, when the design and use conform to the character of the area, as approved by the director.
- ~~[(29)]~~(27) Laboratories, medical and research.
- ~~[(30)]~~(28) Lodges.
- ~~[(31)]~~(29) Manufacturing, processing and packaging light and general, except for concrete or asphalt products, where the products are distributed to retail establishments located in the immediate community, as approved by the director.
- ~~[(32)]~~(30) Medical clinics.
- ~~[(33)]~~(31) Meeting facilities~~[-]~~including events, as permitted under section 25-4-17.
- ~~[(34)]~~(32) Model homes, as permitted under section 25-4-8.
- ~~[(35)]~~(33) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- ~~[(36)]~~(34) Offices.
- ~~[(37)]~~(35) Personal services.
- ~~[(38)]~~(36) Photography studios.
- ~~[(39)]~~(37) Public uses and structures, as permitted under section 25-4-11.
- ~~[(40)]~~(38) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops, which are designed to primarily serve the local area.
- ~~[(41)]~~(39) Repair establishments, major, when there are not more than five employees, as approved by the director.
- ~~[(42)]~~(40) Repair establishments, minor.
- ~~[(43)]~~(41) Restaurants.
- ~~[(44)]~~(42) Retail establishments.
- ~~[(45)]~~(43) Schools.
- ~~[(46)]~~(44) Short-term vacation rentals.
- ~~[(47)]~~(45) Telecommunication antennas, as permitted under section 25-4-12.
- ~~[(48)]~~(46) Temporary real estate offices, as permitted under section 25-4-8.
- ~~[(49)]~~(47) Theaters.

~~[(50)]~~(48) Utility substations, as permitted under section 25-4-11.”

SECTION 22. Chapter 25, article 5, division 13, section 25-5-132 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 MCX district:

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

~~[(14) Churches, temples and synagogues.]~~

~~[(15)]~~(14) Cleaning plants using only nonflammable hydrocarbons in a sealed unit as the cleaning agent.

~~[(16)]~~(15) Commercial parking lots and garages.

~~[(17) Community buildings, as permitted under section 25-4-11.]~~

~~[(18)]~~(16) Convenience stores.

~~[(19)]~~(17) Crematoriums, funeral homes, funeral services, and mortuaries.

~~[(20)]~~(18) Data processing facilities.

~~[(21)]~~(19) Display rooms for products sold elsewhere.

~~[(22)]~~(20) Equipment sales and rental yards.

~~[(23)]~~(21) Farmers markets.

~~[(24)]~~(22) Financial institutions.

~~[(25)]~~(23) Food manufacturing and processing.

~~[(26)]~~(24) Home improvement centers.

~~[(27)]~~(25) Ice storage and dispensing facilities.

~~[(28)]~~(26) Kennels in sound-attenuated buildings.

~~[(29)]~~(27) Laboratories, medical and research.

~~[(30)]~~(28) Laundries.

~~[(31)]~~(29) Manufacturing, processing and packaging establishments, light.

~~[(32)]~~(30) Medical clinics.

~~[(33)]~~(31) Meeting facilities~~[-]~~including events, as permitted under section 25-4-17.

~~[(34)]~~(32) Model homes.

~~[(35)]~~(33) Motion picture and television production studios.

~~[(36)]~~(34) Offices.

~~[(37)]~~(35) Personal services.

~~[(38)]~~(36) Photographic processing.
~~[(39)]~~(37) Photography studios.
~~[(40)]~~(38) Plant nurseries.
~~[(41)]~~(39) Public uses and structures, as permitted under section 25-4-11.
~~[(42)]~~(40) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
~~[(43)]~~(41) Repair establishments, minor.
~~[(44)]~~(42) Restaurants.
~~[(45)]~~(43) Retail establishments.
~~[(46)]~~(44) Sales and service of machinery used in agricultural production.
~~[(47)]~~(45) Schools, business.
~~[(48)]~~(46) Schools, photography, art, music and dance.
~~[(49)]~~(47) Schools, vocational.
~~[(50)]~~(48) Self-storage facilities.
~~[(51)]~~(49) Telecommunications antennas, as permitted under section 25-4-12.
~~[(52)]~~(50) Temporary real estate offices, as permitted under section 25-4-8.
~~[(53)]~~(51) Theaters.
~~[(54)]~~(52) Utility substations, as permitted under section 25-4-11.
~~[(55)]~~(53) Veterinary establishments in sound-attenuated buildings.
~~[(56)]~~(54) Warehousing.
~~[(57)]~~(55) Wholesaling and distribution operations.”

SECTION 23. Chapter 25, article 5, division 14, section 25-5-142 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 ML district:
- (1) Agricultural products processing, minor.
 - (2) Airfields, heliports and private landing strips.
 - (3) Amusement and recreation facilities, indoor.
 - (4) Animal hospitals.
 - (5) Animal quarantine stations.
 - (6) Apiaries.
 - (7) Aquaculture activities.
 - (8) Automobile and truck storage facilities.
 - (9) Automobile and truck sales and rentals.
 - (10) Automobile service stations.
 - (11) Bakeries.
 - (12) Bars.
 - (13) Broadcasting stations.
 - (14) Car washing.
 - (15) Carpentry, hardwood products and furniture manufacturing and storage establishments.
 - (16) Catering establishments.

- (17) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
- ~~[(18) Churches, temples and synagogues.]~~
- ~~[(19)]~~(18) Cleaning and dyeing plants.
- ~~[(20)]~~(19) Commercial parking lots and garages.
- ~~[(21) Community buildings, as permitted under section 25-4-11.]~~
- ~~[(22)]~~(20) Contractors' yards for equipment, material, and vehicle storage, repair, or maintenance.
- ~~[(23)]~~(21) Crematoriums, funeral homes, funeral services, and mortuaries.
- ~~[(24)]~~(22) Day care centers.
- ~~[(25)]~~(23) Financial institutions.
- ~~[(26)]~~(24) Food manufacturing and processing facilities.
- ~~[(27)]~~(25) Greenhouses, plant nurseries.
- ~~[(28)]~~(26) Heavy equipment sales, service and rental.
- ~~[(29)]~~(27) Home improvement centers.
- ~~[(30)]~~(28) Junkyards, provided that the building site is not less than one acre in area.
- ~~[(31)]~~(29) Laboratories, medical and research.
- ~~[(32)]~~(30) Laundries.
- ~~[(33)]~~(31) Lumberyards and building material yards, but not including concrete or asphalt mixing and the fabrication by riveting or welding of steel building frames.
- ~~[(34)]~~(32) Manufacturing, processing and packaging establishments, light.
- (33) Meeting facilities including events, as permitted under section 25-4-17.
- ~~[(35)]~~(34) Motion picture and television production studios.
- ~~[(36)]~~(35) Photographic processing.
- ~~[(37)]~~(36) Plumbing, electrical, air conditioning and heating establishments.
- ~~[(38)]~~(37) Primary airports, provided that plan approval is secured from the director.
- ~~[(39)]~~(38) Public uses and structures, as permitted under section 25-4-11.
- ~~[(40)]~~(39) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
- ~~[(41)]~~(40) Recycling centers, which do not involve the processing of recyclable materials.
- ~~[(42)]~~(41) Repair establishments, minor.
- ~~[(43)]~~(42) Restaurants.
- ~~[(44)]~~(43) Self storage facilities.
- ~~[(45)]~~(44) Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
- ~~[(46)]~~(45) Telecommunication antennas, as permitted under section 25-4-12.
- ~~[(47)]~~(46) Temporary real estate offices, as permitted under section 25-4-8.
- ~~[(48)]~~(47) Transportation and tour terminals.
- ~~[(49)]~~(48) Truck, freight and draying terminals.
- ~~[(50)]~~(49) Utility facilities, public and private, including offices or yards for equipment, material, vehicle storage, repair or maintenance.

- ~~[(51)]~~(50) Utility substations, as permitted under section 25-4-11.
- ~~[(52)]~~(51) Veterinary establishments.
- ~~[(53)]~~(52) Vocational schools.
- ~~[(54)]~~(53) Warehousing, which does not include retail sales or discount houses or establishments open to the general public or defined members.
- ~~[(55)]~~(54) Wholesaling and distribution, including the storage of incidental materials and equipment, except for highly flammable or explosive products.”

SECTION 24. Chapter 25, article 5, division 15, section 25-5-152 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 MG district:
- (1) Agricultural products processing, major and minor.
 - (2) Airfields, heliports and private landing strips.
 - (3) Amusement and recreation facilities, indoor.
 - (4) Animal hospitals.
 - (5) Animal quarantine stations.
 - (6) Animal sales, stock, and feed yards.
 - (7) Apiaries.
 - (8) Aquaculture activities and facilities.
 - (9) Automobile and truck storage facilities.
 - (10) Automobile body and fender establishments.
 - (11) Automobile service stations.
 - (12) Bakeries.
 - (13) Bars.
 - (14) Breweries, distilleries, and alcohol manufacturing facilities.
 - (15) Broadcasting stations.
 - (16) Bulk storage of flammable products and bulk storage of explosive products.
 - (17) Car washing.
 - (18) Catering establishments.
 - (19) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - ~~[(20) Churches, temples and synagogues.]~~
 - ~~[(21)]~~(20) Cleaning and dyeing plants.
 - ~~[(22)]~~(21) Commercial parking lots and garages.
 - ~~[(23) Community buildings, as permitted under section 25-4-11.]~~
 - ~~[(24)]~~(22) Concrete or asphalt batching and mixing plants and yards.
 - ~~[(25)]~~(23) Contractors’ yards for equipment, material, and vehicle storage, repair, or maintenance.
 - ~~[(26)]~~(24) Crematoriums, funeral homes, funeral services, and mortuaries.
 - ~~[(27)]~~(25) Day care centers.
 - ~~[(28)]~~(26) Dumping, disposal, incineration, or reduction of refuse or waste matter.
 - ~~[(29)]~~(27) Expansion of an existing commercial excavation operation, provided that plan approval is secured from the director.
 - ~~[(30)]~~(28) Fabricating establishments.

~~[(31)]~~(29) Fertilizer manufacturing plants.
~~[(32)]~~(30) Financial institutions.
~~[(33)]~~(31) Food manufacturing and processing facilities.
~~[(34)]~~(32) Freight movers.
~~[(35)]~~(33) Greenhouses, plant nurseries.
~~[(36)]~~(34) Heavy equipment sales, service and rental.
~~[(37)]~~(35) Home improvement centers.
~~[(38)]~~(36) Junkyards.
~~[(39)]~~(37) Kennels.
~~[(40)]~~(38) Laboratories, medical and research.
~~[(41)]~~(39) Laundries.
~~[(42)]~~(40) Lava rock or stone cutting or shaping facilities.
~~[(43)]~~(41) Lumberyards and building material yards.
~~[(44)]~~(42) Machine, welding, sheet metal, and metal plating and treating establishments.
~~[(45)]~~(43) Manufacturing, processing and packaging establishments, light and general.
~~[(46)]~~(44) Marine railways, drydocks, and ship or boat yards.
(45) Meeting facilities, as permitted under section 25-4-17.
~~[(47)]~~(46) Motion picture and television production studios.
~~[(48)]~~(47) Photographic processing.
~~[(49)]~~(48) Primary airports, provided that plan approval is secured from the director.
~~[(50)]~~(49) Public dumps.
~~[(51)]~~(50) Public uses and structures, as permitted under section 25-4-11.
~~[(52)]~~(51) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
~~[(53)]~~(52) Recycling centers.
~~[(54)]~~(53) Reduction, refining, smelting, or alloying of metals, petroleum products or ores.
~~[(55)]~~(54) Repair establishments, major and minor.
~~[(56)]~~(55) Restaurants.
~~[(57)]~~(56) Saw mills.
~~[(58)]~~(57) Self storage facilities.
~~[(59)]~~(58) Slaughterhouses.
~~[(60)]~~(59) Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
~~[(61)]~~(60) Storage, curing, or tanning of raw, green, or salted hides or skins.
~~[(62)]~~(61) Telecommunication antennas, as permitted under section 25-4-12.
~~[(63)]~~(62) Temporary real estate offices, as permitted under section 25-4-8.
~~[(64)]~~(63) Transportation and tour terminals.
~~[(65)]~~(64) Truck, freight and draying terminals.
~~[(66)]~~(65) Utility facilities, public and private, including power plants, offices or yards for equipment, material, vehicle storage, repair or maintenance.
~~[(67)]~~(66) Utility substations, as permitted under section 25-4-11.

~~[(68)]~~(67) Veterinary establishments.
~~[(69)]~~(68) Warehousing.
~~[(70)]~~(69) Wholesaling and distribution, including the storage of incidental materials and equipment.
~~[(71)]~~(70) Yacht harbors and boating facilities.”

SECTION 25. Chapter 25, article 5, division 16, section 25-5-162 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 O district:
- (1) Aquaculture activities and facilities.
 - (2) Apiaries.
 - (3) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - ~~[(4)]~~(4) Existing churches and temples of historical significance.
 - ~~[(5)]~~(5) Forestry.
 - ~~[(6)]~~(6) Game preserves.
 - ~~[(8)]~~(7) Growing of plants provided such growth does not impair a view intended to be preserved in the O district.
 - ~~[(9)]~~(8) Heiaus, historical areas, structures, and monuments.
 - ~~[(10)]~~(9) Natural features, phenomena, and vistas as tourist attractions.
 - ~~[(11)]~~(10) Private recreational uses involving no aboveground structure except dressing rooms and comfort stations.
 - ~~[(12)]~~(11) Public parks.
 - ~~[(13)]~~(12) Public uses and structures, as permitted under section 25-4-11.
 - ~~[(14)]~~(13) Utility substations, as permitted under section 25-4-11.”

SECTION 26. Chapter 25, article 7, division 2, section 25-7-22 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 uses in the CDH district:
- (1) Adult day care homes.
 - (2) Amusement and recreation facilities, indoor.
 - (3) Apiaries.
 - (4) Art galleries.
 - (5) Automobile service stations or garages, excluding body and fenderworks, electric tire rebuilding or battery rebuilding and provided that all work is conducted wholly within a completely enclosed building.
 - (6) Bakeries.
 - (7) Bars, cocktail lounges and night clubs.
 - (8) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (9) Boarding facilities, rooming, or lodging houses.
 - (10) Broadcasting stations or studios (radio and television).

- (11) Business services.
- (12) Car washing, provided that the facilities are not detrimental to the character of the district.
- (13) Commercial parking lots and garages.
- ~~[(14) Community buildings, as permitted under section 25-4-11.]~~
- ~~[(15)]~~(14) Crop production.
- ~~[(16)]~~(15) Display rooms for products sold elsewhere.
- ~~[(17)]~~(16) Dwellings, double-family or duplex, with a maximum density of five hundred square feet of land area per rentable unit or dwelling unit.
- ~~[(18)]~~(17) Dwellings, multiple-family, with a maximum density of five hundred square feet of land area per rentable unit or dwelling unit.
- ~~[(19)]~~(18) Dwellings, single-family.
- ~~[(20)]~~(19) Family child care homes.
- ~~[(21)]~~(20) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
- ~~[(22)]~~(21) Financial institutions.
- ~~[(23)]~~(22) Group living facilities.
- ~~[(24)]~~(23) Home occupations, as permitted under section 25-4-13.
- ~~[(25)]~~(24) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.
- ~~[(26)]~~(25) Hotels and apartment hotels with a maximum density of five hundred square feet of land area per rentable unit.
- ~~[(27)]~~(26) Laundries other than those utilizing steam cleaning equipment, provided that the facilities are not detrimental to the character of the district.
- ~~[(28)]~~(27) Manufacturing, processing and packaging, light, provided that the activities are not detrimental to the character of the district.
- ~~[(29)]~~(28) Medical clinics.
- ~~[(30)]~~(29) Meeting facilities[-], including events, as permitted under section 25-4-17.
- ~~[(31)]~~(30) Model homes, as permitted under section 25-4-8.
- ~~[(32)]~~(31) Modeling agencies.
- ~~[(33)]~~(32) Museums and libraries.
- ~~[(34)]~~(33) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
- ~~[(35)]~~(34) Offices.
- ~~[(36)]~~(35) Personal services.
- ~~[(37)]~~(36) Photography and artist studios.
- ~~[(38)]~~(37) Public uses and structures, as permitted under section 25-4-11.
- ~~[(39)]~~(38) Publishing plants for newspapers, books and magazines, printing shops, cartographing and duplicating processes such as blueprinting or photostating.
- ~~[(40)]~~(39) Repair establishments, minor.
- ~~[(41)]~~(40) Restaurants.

~~[(42)]~~(41) Retail establishments, provided that they are not detrimental to the character of the district.
~~[(43)]~~(42) Schools, business.
~~[(44)]~~(43) Schools, photography, art, music, dance or other similar studios or academies.
~~[(45)]~~(44) Schools, vocational.
~~[(46)]~~(45) Telecommunication antennas, as permitted under section 25-4-12.
~~[(47)]~~(46) Temporary real estate offices, as permitted under section 25-4-8.
~~[(48)]~~(47) Theaters, auditoriums and indoor sports arenas.
~~[(49)]~~(48) Utility substations, as permitted under section 25-4-11.”

SECTION 27. 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 28. 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 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 29. This ordinance shall take effect upon its approval.

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI‘I

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

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CHABAD JEWISH CENTER OF
THE BIG ISLAND;

RABBI LEVI GERLITZKY,

Plaintiffs,

v.

COUNTY OF HAWAII;

HAWAII COUNTY PLANNING
DIRECTOR, ZENDO KERN

Defendants.

Civil Action No. 1:24-cv-68-DKW-WRP

**UNITED STATES' STATEMENT OF
INTEREST IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION (ECF
14); CERTIFICATE OF
COMPLIANCE; CERTIFICATE OF
SERVICE**

Motion Hearing

Date: April 12, 2024

Judge: The Hon. Derrick K. Watson

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**UNITED STATES’ STATEMENT OF INTEREST IN SUPPORT OF
PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

The United States respectfully submits this Statement of Interest pursuant to 28 U.S.C. § 517, which authorizes the Attorney General “to attend to the interests of the United States in a suit pending in a court of the United States.” The United States is responsible for enforcing the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. § 2000cc-2(f), and accordingly has an interest in how courts apply and interpret the statute. To help ensure the correct and consistent interpretation of RLUIPA, the United States has filed many statements of interest in RLUIPA cases with district courts, as well as amicus briefs with the courts of appeal.¹

¹ See, e.g., *St. Timothy’s Episcopal Church v. City of Brookings*, No. 1:22-cv-00156-CL, ECF 73 (D. Or. Nov. 21, 2023) (decision at 2024 WL 1303123 (D. Or. Mar. 27, 2024)); *Micah’s Way v. City of Santa Ana*, No. 8:23-cv-00183-DOC-KES, ECF 25 (C.D. Cal. May 9, 2023) (decision at 2023 WL 4680804 (C.D. Cal. June 8, 2023)); *Christian Fellowship Centers of New York, Inc. v. Village of Canton*, No. 8:19-cv-00191-LEK-DJS, ECF 27 (N.D.N.Y. Mar. 26, 2019) (decision at 377 F. Supp. 3d 146); *Hope Lutheran Church v. City of St. Ignace*, No. 2:18-cv-0155-PLM-TLG, ECF 34 (W.D. Mich. Mar. 19, 2019); *Ramapough Mountain Indians, Inc. v. Township of Mahwah*, No. 2:18-cv-9228 (CCC) (JBC), ECF 82 (D.N.J. Mar. 18, 2019); *Congregation Etz Chaim v. City of Los Angeles*, No. CV10-1587 CAS EX, ECF 134 (C.D. Cal. Apr. 28, 2011) (decision at 2011 WL 12472550 (C.D. Cal. July 11, 2011)); *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279 (5th Cir. 2012); *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 651 F.3d 1163 (9th Cir. 2011); *Lighthouse Inst. for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253 (3d Cir. 2007); *Guru Nanak Sikh Soc’y of Yuba City v. Cnty. of Sutter*, 456 F.3d 978 (9th Cir. 2006); *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214 (11th Cir. 2004).

The County of Hawaii’s zoning code (“Zoning Code”) violates RLUIPA’s equal terms provision on its face. Section § 25-5-3 of the Zoning Code requires religious assemblies in residential districts to obtain a use permit—a long and potentially costly discretionary review process including a public hearing before the County Planning Commission—while permitting comparable secular assemblies by right without such a permit. The County offers no legally permissible justification for this unequal treatment. Citing this provision of the Zoning Code, the County ordered Plaintiffs, a Chabad Jewish Center and its Rabbi, to cease holding religious services at the Rabbi’s home. Because the County’s Zoning Code violates RLUIPA on its face, Plaintiffs have established a likelihood of success on the merits for their RLUIPA equal terms claim.²

I. BACKGROUND

A. Hawaii County Zoning Code

The Zoning Code prescribes several kinds of zoning districts, such as residential, commercial, and agricultural, and what sorts of uses are allowed in each zoning district. Some uses are permitted as of right. Others, like

² In this Statement of Interest, the United States does not address the other elements of a preliminary injunction or the other claims for relief brought by Plaintiffs. If Defendants wish to respond to the arguments raised in this Statement of Interest, and request leave from the Court to file a sur-reply to do so, Plaintiffs’ counsel has represented to the United States that they will not oppose that request, provided that the schedule for the preliminary injunction hearing remains in place.

crematoriums, houses of worship, hospitals, and golf courses, require a “use permit” to operate in certain zoning districts. Haw. Cnty. Code § 25-2-61. “Use permits” are intended to provide the County with the opportunity to pay “special attention to insure [sic] that the uses will neither unduly burden public agencies to provide public services nor cause substantial adverse impacts upon the surrounding community.” *Id.* § 25-2-60.

To apply for a use permit, an applicant must submit \$500 and a detailed application to the Planning Department addressing several objective and subjective factors, including that the “proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community’s character [or] to surrounding properties.” *Id.* §§ 25-2-62 and 25-2-65. The Planning Commission decides use permit applications at a public hearing, and, in its discretion, can “either deny or approve the application.” *Id.* §§ 25-2-63 and 25-2-64. The process can take months or longer. *Id.* §§ 25-2-63 and 25-2-64. Use permits can be appealed by “any person aggrieved by the decision” or revoked by the Planning Commission. *Id.* §§ 25-2-66 and 25-2-67.

In the residential (“RS”) zoning district—where Plaintiffs reside—“churches, temples, and synagogues” and “meeting facilities” for “churches, temples, synagogues and other such institutions” require a use permit. *Id.* §§ 25-2-61(a)(3) and 25-5-3(b)(3). Secular “meeting facilities” are, however, permitted as

of right, without such a permit. *Id.* § 25-5-3(a)(9). “Meeting facilities” are defined as facilities “for nonprofit recreational, social or multi-purpose use . . . which may be for organizations operating on a membership basis for the promotion of members’ mutual interests or may be primarily intended for community purposes.” *Id.* § 25-1-5(b) (further listing “typical uses” as “private clubs, union halls, community centers, and student centers”). Accordingly, religious facilities require a use permit while secular meeting facilities do not.

B. The County Prohibits Plaintiffs’ Chabad House.

Plaintiffs have owned and operated a “Chabad House” in Kailua Kona, Hawaii for several years. *See* Decl. of Rabbi Levi Gerlitzky (“Gerlitzky Decl.”), ECF 14-2, ¶¶ 3, 8, 10, 13-14. Chabad is an Orthodox Jewish Hasidic movement that prioritizes outreach activities. *Id.* ¶ 4. Chabad rabbis focus their ministry on fostering Jewish community, which involves opening their own homes for meetings, prayers, and other community-building events. *Id.* ¶ 4. Similar to other Chabad houses, Plaintiffs host Shabbat and religious holiday celebrations that include meals at their Chabad House. *Id.* ¶¶ 27-29, 33-34. At Plaintiffs’ Chabad House, guests can participate in religious life and observe Orthodox practices. *See id.* ¶¶ 23, 29, 33. And like other Chabad houses, Plaintiffs’ Chabad House also serves as the residence of the Chabad Rabbi— here, Plaintiff Rabbi Levi Gerlitzky. *Id.* ¶¶ 4, 13-14 & Exh. A (ECF 14-4) (noting property tax exemption for the

property as a “parsonage—housing for clergy”). Plaintiffs’ Chabad House is in a “Single-Family Residential” (“RS-10”) zoning district. Feb. 1, 2023, Planning Dept. Letter at 1, ECF 14-5.

Since 2019, Plaintiffs have held Shabbat and other religious celebrations involving meals at their home. Gerlitzky Decl. ¶¶ 14, 27-34. In February 2023, however, Hawaii County’s Planning Department sent a Notice of Complaint to Plaintiffs stating that “[t]he Planning Department received a complaint alleging that you are use [sic] your property as a church, temple, or synagogue without a use permit,” citing Section 25-5-3(b)(3) of the Zoning Code. *Id.* ¶ 37; *see also* Feb. 1, 2023, Planning Dept. Letter at 1-2. One month later, the Planning Department sent a “Findings” letter to Plaintiffs, stating that the “Planning Director affirms that you are operating an unpermitted ‘Church, Temple or Synagogue’ (Chabad Jewish Center Big Island),” that Plaintiffs were violating Sections 25-4-4 and 25-5-3 of the Zoning Code and that they must **“Immediately cease and desist from operating the Chabad Jewish Center Big Island on the subject property.”** Gerlitzky Decl. ¶ 39; March 17, 2023, Planning Dept. Letter at 3, ECF 14-7 (bold in original). The letter added that the Planning Department had fined Plaintiffs \$1,000 and that fines would continue to accrue at \$100 per day. March 17, 2023, Planning Dept. Letter at 3.

Plaintiffs applied for a use permit with a detailed application and paid the application fee to satisfy Defendants' demands. Gerlitzky Decl. ¶¶ 43-44 & Exhs. I (ECF 14-12) & J (ECF 14-13). The County denied the application and returned the application fee, stating that Plaintiffs needed to submit "more detailed, accurate information," and to "thoroughly research the permitting requirements to convert your dwelling into the proposed use," noting that the "Use Permit is just the first step in permitting such a change of use" and that Plaintiffs may need to "upgrad[e] the facility to commercial type standards." *Id.* ¶ 45 & Exh. K (ECF 14-14). On June 1, 2023, the County began to assess daily fines. *Id.* ¶¶ 45, 49, 52 & Exh. M (ECF 14-16). The County has assessed thousands of dollars in fines against Plaintiffs. *Id.* Exhs. M & O (ECF 14-18).³

On February 13, 2024, after informal resolution attempts proved unsuccessful, Plaintiffs filed a seven count Complaint alleging violations of the United States and Hawaii Constitutions and RLUIPA, ECF 1, as well as a Motion for Preliminary Injunction, ECF 14.

³ The County states in its Opposition brief that "[b]eginning on *February 29, 2024*, the Planning Department has stayed accrual of fines arising from the Notice of Violation" and that "[t]hese fines will not accrue during the pendency of Plaintiffs' Motion for a Preliminary Injunction Pursuant to Federal Rule of Civil Procedure 65." *See* Decl. of Elizabeth Gillis at ¶ 34, ECF 35-1 (emphasis added); Defs' Br. at 5, ECF 35.

II. ARGUMENT

The equal terms provision of RLUIPA prohibits governments from “impos[ing] or implement[ing] a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” 42 U.S.C. § 2000cc(b)(1). The protections of RLUIPA, including the equal terms provision, are construed broadly to protect religious exercise. 42 U.S.C. § 2000cc-3(g).

A facial equal terms RLUIPA claim—like the kind brought by Plaintiffs—challenges whether a land use regulation, *on its face*, treats religious assembly uses less favorably than secular assembly uses. *New Harvest Christian Fellowship v. City of Salinas*, 29 F.4th 596, 604-05 (9th Cir. 2022), *cert. denied*, 143 S. Ct. 567 (2023). Facial claims require no “final decision” by the local land use authority. *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 287 (5th Cir. 2012). Plaintiffs’ facial equal terms claim is therefore ripe. Plaintiffs also have standing to bring their claim because the Zoning Code prevents them from engaging in religious exercise and a favorable decision from the Court would redress that harm.

As the County is a government that is “impos[ing]” its Zoning Code on a “religious assembly or institution,” the only element of Plaintiffs’ RLUIPA equal terms claim that is in dispute is whether the County’s Zoning Code treats religious assemblies or institutions “on less than equal terms” with secular ones. *New*

Harvest, 29 F.4th at 604 (quoting *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 651 F.3d 1163, 1170-71 (9th Cir. 2011)).⁴ Here, the Zoning Code undeniably treats religious use less favorably than comparable secular assembly use by requiring “churches, temples, and synagogues” to obtain a use permit while nonreligious assemblies, such as “meeting facilities,” do not. Haw. Cnty. Code § 25-5-3. Courts in the Ninth Circuit—and nationwide—have consistently held that this type of express distinction between comparable religious and nonreligious use in a zoning ordinance violates RLUIPA.⁵

To establish a *prima facie* RLUIPA equal terms claim in the Ninth Circuit, a plaintiff must show “that the challenged regulation makes an express distinction between religious and nonreligious assemblies, regardless of whether those assemblies are similarly situated.” *New Harvest*, 29 F.4th at 606 n.10 (citing

⁴ The Ninth Circuit has “identified four elements of an equal terms claim: ‘(1) there must be an imposition or implementation of a land-use regulation, (2) by a government, (3) on a religious assembly or institution,’ and (4) the imposition or implementation must be ‘on less than equal terms with a nonreligious assembly or institution.’” *New Harvest*, 29 F.4th at 604 (quoting *Centro Familiar*, 651 F.3d at 1170–71). The County does not appear to contest the first three elements.

⁵ See, e.g., *New Harvest*, 29 F.4th at 605-09; *Centro Familiar*, 651 F.3d at 1171-75; *Elijah Grp., Inc. v. City of Leon Valley*, 643 F.3d 419, 424 (5th Cir. 2011); *Lighthouse Inst. for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253, 272-73 (3d Cir. 2007); *Digrugillers v. City of Indianapolis*, 506 F.3d 612, 616-18 (7th Cir. 2007); *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214, 1231-35 (11th Cir. 2004); *Corp. of the Cath. Archbishop of Seattle v. City of Seattle*, 28 F. Supp. 3d 1163, 1167-71 (W.D. Wash. 2014); *Vietnamese Buddhism Study Temple In Am. v. City of Garden Grove*, 460 F. Supp. 2d 1165, 1174-75 (C.D. Cal. 2006).

Opulent Life Church v. City of Holly Springs, 697 F.3d 279, 291-93 (5th Cir. 2012)). Once that showing is made, the burden shifts to the local government to establish that there is a justifiable reason for treating religious assemblies less favorably than nonreligious ones based on “an accepted zoning criterion.” *New Harvest*, 29 F.4th at 607; *see also* 42 U.S.C. § 2000cc-2(b) (“If a plaintiff produces prima facie evidence to support a claim alleging a violation of . . . [RLUIPA’s equal terms provision], the government shall bear the burden of persuasion on any element of the claim.”). Given the stated purpose of the RS district; the uses permitted by right; and accepted, identifiable zoning criteria in the Zoning Code, Defendants have not satisfied and cannot satisfy this burden. Thus, Plaintiffs have established a likelihood of success on the merits for their RLUIPA equal terms claim.

A. Defendants’ Ripeness Arguments Are Without Merit.

Defendants argue that Plaintiffs’ RLUIPA claims are not ripe because they did not appeal the notice of violation or submit a use permit application, and that therefore they have no probability of success on the merits. Defs.’ Br. at 7-11. This argument fails as a matter of law. Plaintiffs’ facial RLUIPA equal terms claim asserts that the zoning code, by requiring religious assembly uses to obtain a use permit, but not nonreligious assembly uses, treats religious assembly uses less favorably than secular assembly uses, *on its face*. *New Harvest*, 29 F.4th at 604-

05.⁶ Facial challenges to land use statutes are not subject to the “finality” considerations set out in *Williamson County Regional Planning Commission v. Hamilton Bank*, 473 U.S. 172 (1985), *overruled in non-relevant part by Knick v. Township of Scott*, 588 U.S. 180 (2019); *see Yee v. City of Escondido*, 503 U.S. 519, 533–34 (1992) (“While . . . a claim that the ordinance effects a regulatory taking *as applied* to petitioners’ property would be unripe for [failure to satisfy *Williamson County*], petitioners mount a *facial* challenge to the ordinance.” (citation omitted)).

A facial equal terms claim under RLUIPA, therefore, does not implicate the “final decision” ripeness concerns discussed in *Williamson County*. *See Oplulent Life*, 697 F.3d at 287 (citing *Yee*, 503 U.S. at 533-34) (holding in RLUIPA case that “*Williamson County*’s final-decision rule . . . presents no barrier to our adjudicating Oplulent Life’s *facial* challenges to the ordinance” because “[t]he Supreme Court has held *Williamson County* to be inapplicable to facial challenges.”); *Calvary Chapel Bible Fellowship v. County of Riverside*, No. CV16-259 PSG (DTBx), 2017 WL 6883866, at *6 (C.D. Cal. Aug. 18, 2017) (citing *Hacienda Valley Mobile Ests. v. City of Morgan Hill*, 353 F.3d 651, 655 (9th Cir.

⁶ In a facial equal terms challenge, courts “consider only the text of the zoning ordinance, not its application.” *New Harvest*, 29 F. 4th at 605 (quoting *Calvary Chapel Bible Fellowship v. County of Riverside*, 948 F.3d 1172, 1176 (9th Cir. 2020)).

2003)) (holding in RLUIPA equal terms case that “[T]he final-decision rule does not present a barrier to adjudicating CCBF’s causes of action, all of which assert facial challenges to the ordinances in question”).⁷

B. Defendants’ Standing Arguments are Likewise Without Merit.

Defendants also argue that Plaintiffs cannot show a probability of success on the merits because they lack standing to bring an Equal Terms challenge. *See* Defs.’ Br. at 11-14. Specifically, and citing no authority, Defendants assert Plaintiffs lack standing to bring RLUIPA claims challenging whether religious assembly uses are treated less favorably than “meeting facilities” because Plaintiffs were not cited for violating the specific “meeting facility” clause in the Zoning Code. *See id.*

Defendants misunderstand the concept of standing and the nature of Plaintiffs’ RLUIPA equal terms claim. Standing to bring a claim under RLUIPA is “governed by the general rules of standing under article III of the Constitution.” 42 U.S.C. § 2000cc-2(a). Standing requires that Plaintiffs have been “injured in fact,”

⁷ Defendants’ argument that Plaintiffs must have appealed the Notice of Violation is similarly unavailing. *See* Defs.’ Br. at 9-10. RLUIPA does not require exhaustion of administrative remedies as a prerequisite to bringing a claim. *See, e.g., United States v. City of Walnut*, No. CV 10-6774-GW FMOX, 2011 WL 12464619, at *3 (C.D. Cal. Jan. 13, 2011) (“RLUIPA’s land-use provisions contain no express requirement that administrative remedies be exhausted before a plaintiff may file suit Accordingly, RLUIPA does not require plaintiffs in land use cases to exhaust administrative remedies.”).

that the injury is “fairly traceable” to the defendant’s conduct, and the injury be redressable by a favorable decision. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992). Each element is met here.

There is no dispute that Plaintiffs have been injured in fact. The County has ordered Plaintiffs to stop engaging in religious exercise and assessed thousands of dollars of fines against them. *See supra* Section I.B. As a result of Defendants’ cease and desist order, Plaintiffs have “stopped inviting folks into [their] home in the Center’s information materials” which caused their “ability to connect with other Jewish individuals and welcome them into a familial setting for Jewish celebration” to suffer. Gerlitzky Decl. ¶ 55. That is sufficient injury to confer standing. *See, e.g., Calvary Chapel*, 2017 WL 6883866, at *7 (finding the plaintiff “asserts an injury in fact because it cannot use its property for religious use” (citing *Primera Iglesia Bautista Hispana of Boca Raton, Inc. v. Broward Cnty.*, 450 F.3d 1295, 1304 (11th Cir. 2006))); *Opulent Life*, 697 F.3d at 295 (“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976))).⁸

⁸ That the County has offered to stop assessing fines *during the pendency of this motion* does not alter Plaintiffs’ injury. The County has not retracted its cease-and-desist order nor agreed to abate the thousands of dollars in fines it claims to have already assessed against Plaintiffs.

Second, Plaintiffs' injury is traceable to the conduct of Defendants.

Plaintiffs' injury arises from Defendants' "findings" that Plaintiffs violated section 25-5-3 of the Zoning Code and Defendants' later efforts to shut the Chabad House down and fine them thousands of dollars. *See* March 17, 2023 Planning Dept. Letter at 3. Although not stated as much, Defendants appear to be arguing, without any legal support, that because they did not charge Plaintiffs with violating the "meeting facility" portion of section 25-5-3 of the Zoning Code, Plaintiffs cannot assert an equal terms claim based on that portion of the code. *See* Defs.' Br. at 12. This is false. RLUIPA's equal terms provision prohibits the County from treating religious assembly uses less favorably than nonreligious assembly uses. *New Harvest*, 29 F.4th at 604-06. A prima facie violation occurs when the County's Zoning Code "makes an express distinction between religious and nonreligious assemblies, regardless of whether those assemblies are similarly situated." *Id.* at 606 n.10. Plaintiffs need not demonstrate that they were subject to portions of the Zoning Code pertaining to nonreligious assemblies. *Id.*⁹ That the County never cited Plaintiffs for violating the nonreligious assembly portions of its Zoning Code is therefore irrelevant.

⁹ Such a requirement contradicts the facts and holdings of *Centro Familiar* and *New Harvest*. In both cases, the plaintiffs alleged *facial* equal terms claims, which were sustained by the Ninth Circuit. *New Harvest*, 29 F.4th at 608; *Centro Familiar*, 651 F.3d at 1173-75. Neither plaintiff alleged that they had been subject to the zoning code sections pertaining to nonreligious assemblies.

Finally, Plaintiffs' injury would be redressable by a favorable decision from the Court. If the Court found an equal terms violation, it could enjoin the County from applying the "use permit" requirements in section 25-5-3 of the Zoning Code and enjoin it from interfering with Plaintiffs' religious exercise at their residence. *See, e.g., Vietnamese Buddhism Study Temple In Am. v. City of Garden Grove*, 460 F. Supp. 2d 1165, 1174-75 (C.D. Cal. 2006) (finding the City's zoning code "on its face, treats churches and religious centers on less than equal terms than it treats private clubs and other secular assemblies," granting preliminary injunction enjoining provisions of the zoning code requiring religious assemblies to obtain a conditional use permit, and ordering that Plaintiff could use its temple for religious purposes); *see also Congregation Etz Chaim v. City of Los Angeles*, No. CV10-1587 CAS EX, 2011 WL 12472550, at *9-10 (C.D. Cal. July 11, 2011) (finding "plaintiffs have sufficiently made out a prima facie case of unequal treatment" and enjoining "any enforcement actions by the City that would prevent the Congregation from continuing the use of the property"). Defendants' argument that Plaintiffs have no probability of success because they lack standing is therefore without merit.

C. On Its Face, Hawaii County’s Zoning Code Violates RLUIPA Because It Treats Religious Assemblies On Less Than Equal Terms With Secular Assemblies.

Plaintiffs have established a prima facie RLUIPA equal terms violation by identifying unequal zoning requirements in the language of the Zoning Code. *Centro Familiar*, 651 F.3d at 1171 (“[T]he express distinction drawn by the ordinance establishes a prima facie case for unequal treatment.”). For RS districts, “churches, temples, and synagogues” “*may* be permitted . . . *provided that a use permit is issued,*” Haw. Cnty. Code § 25-5-3(b)(3) (emphasis added). But analogous secular “meeting facilities,” which include “private clubs, union halls, community centers, and student centers,” *see id.* § 25-1-5(b), “*shall* be permitted” in RS districts. *Id.* § 25-5-3(a)(9).¹⁰ No use permit—subject to an application fee and lengthy and discretionary approval process—is required.

The Ninth Circuit has repeatedly found this same type of express distinction to constitute a “prima facie case of facially unequal treatment.” *New Harvest*, 29 F.4th at 605. For example, in *Centro Familiar*, the Ninth Circuit found that the City of Yuma violated RLUIPA when it permitted “membership organizations,” while specifically excluding “religious organizations,” to operate in the City’s downtown business district without a conditional use permit, but required churches

¹⁰ “Meeting facilities” *for* churches, temples, and synagogues, however, do require a use permit. Haw. Cnty. Code § 25-2-61(a)(3).

and other religious organizations to get a permit. *Centro Familiar*, 651 F.3d at 1171 (“It is hard to see how an express exclusion of ‘religious organizations’ from uses permitted as of right by other ‘membership organizations’ could be other than ‘less than equal terms’ for religious organizations.”). Crucially, in *Centro Familiar*, the City of Yuma’s zoning code defined “membership organizations” to include “professional membership organizations, labor unions, civic associations, social associations, fraternal associations, political organizations, and others,” *see Centro Familiar*, 651 F.3d at 1171 n.35, which is virtually indistinguishable from the Hawaii County Zoning Code’s definition of “meeting facilities.” *See* Haw. Cnty. Code § 25-1-5(b) (“meeting facilities” includes “organizations operating on a membership basis for the promotion of members’ mutual interests or may be primarily intended for community purposes. Typical uses include private clubs, union halls, community centers, and student centers.”).¹¹

Similarly, in *New Harvest*, the Ninth Circuit found the plaintiff, a church seeking to operate on the ground floor of a building in the downtown core area of

¹¹ Defendants repeated citation to *Chabad of Prospect, Inc. v. Louisville Metro Board of Zoning Adjustment*, 623 F. Supp. 3d 791 (W.D. Ky. 2022), an out-of-circuit district court decision, is misplaced. Unlike the Hawaii County’s Zoning Code, the Louisville zoning code prohibited *all* institutional uses—secular or religious—from residential zones, and only allowed them with a conditional use permit. *Id.* at 804. Moreover, the plaintiff in that case “argue[d] only that the ordinance is unequally applied,” and did not bring a *facial* unequal terms case like Plaintiffs here. *Id.*

the City of Salinas, successfully established a prima facie equal terms violation by pointing to the City's "express distinction between '[c]lubs, lodges, and places of religious assembly, and similar assembly uses' on the one hand, and all other nonreligious assemblies, on the other hand." *New Harvest*, 29 F.4th at 605. While certain nonreligious assemblies could operate on the first floor of buildings in the downtown area as of right, religious assemblies were completely prohibited from operating at all on the first floor. *Id.* When confronted with similar factual scenarios, many other courts have ruled the same as the Ninth Circuit.¹²

Plaintiffs have thus established their prima facie case of a RLUIPA equal terms violation.

¹² See, e.g., *Opulent Life*, 697 F.3d at 293 (requirement that churches "obtain discretionary approval from the mayor and Board of Aldermen" but not nonreligious institutions like libraries, museums, and art galleries "plainly violated the Equal Terms Clause" and "were unlawful under RLUIPA."); *United States v. City of Troy*, 592 F. Supp. 3d 591, 606 (E.D. Mich. 2022) (prima facie case established because of "requirement that places of worship apply for and obtain a special permit to operate in the City's Community Facilities district" while "institutions such as fine and performing arts facilities, recreational facilities, and primary, secondary, and post-secondary schools" are "permitted by right"); *Chabad of Nova, Inc. v. City of Cooper City*, 533 F. Supp. 2d 1220, 1221-23 (S.D. Fla. 2008) (awarding judgment on the pleadings because city land use code on its face permitted "other land uses that met the definition of an 'assembly' or 'institution'" such as "places where people may gather for meetings and/or business related to trade associations or unions," but banned "religious assemblies or institutions"); *Vietnamese Buddhism Study Temple*, 460 F. Supp. 2d at 1174 ("The GGZO, on its face, treats churches and religious centers on less than equal terms than it treats private clubs and other secular assemblies. It allows private clubs to operate without a CUP in the office professional zone, while religious assemblies are banned from that zone entirely.").

D. Defendants Cannot Justify The “Less Than Equal” Treatment of Religious Assemblies.

Because Plaintiffs have established their prima facie case, the burden shifts to Defendants to rebut it by showing that preferentially treated nonreligious assemblies are “not similarly situated to a religious assembly with respect to an accepted zoning criterion.” *New Harvest*, 29 F.4th at 607. In other words, Defendants must establish that there is a legitimate reason, with respect to traditionally accepted criteria in the Zoning Code, that can justify the “less-than-equal-terms . . . [and] not the fact that the institution is religious in nature.” *Centro Familiar*, 651 F.3d at 1172. Defendants cannot do so because nothing in the Zoning Code can justify—or even try to explain—why religious assemblies should be made to obtain a use permit, but similar nonreligious assemblies like meeting facilities are not.

When assessing an equal terms claim under RLUIPA, courts in the Ninth Circuit, as elsewhere, look to the text of zoning codes to identify whether there is any legitimate zoning reason to treat religious uses different than secular assembly uses. *See, e.g., Centro Familiar*, 651 F.3d at 1172-73; *New Harvest*, 29 F.4th at 607. For example, in *Centro Familiar* the court considered the proffered purpose of the “Old Town Main Street” zoning district—to create an entertainment-oriented environment “with a ‘mixture of commercial, cultural, governmental, and residential uses that will help to ensure a lively pedestrian-oriented district’”—and

assessed “accepted zoning criteria” such as “parking, vehicular traffic, and generation of tax revenue.” *Centro Familiar*, 651 F.3d at 1165, 1173. The court found that the zoning code did not even address certain zoning criteria at all, like parking and traffic. *Id.* at 1173. The zoning code also permitted other uses as of right, such as other tax-exempt entities like post offices, as well as jails and prisons, that weren’t in accordance with the generation of tax revenue or the overall purpose of the district. *Id.* As a result, the court found that there was no valid justification for requiring religious organizations to obtain a use permit but permit nonreligious membership organizations to operate by right. *Id.* at 1173-75.

Similarly, in *New Harvest*, the Ninth Circuit found that the City of Salinas failed to explain how a church would have a different impact than nonreligious assembly uses, like theaters, on the stated purpose of the district of encouraging a pedestrian-friendly, vibrant downtown district. *New Harvest*, 29 F.4th at 607-08. The court noted that “[l]ike many religious assemblies, including New Harvest, theatres are open only on certain days of the week and for certain portions of the day; they attract sporadic foot traffic around their opening hours; and while they have some regular patrons, they are also open to newcomers.” *Id.* at 608.

As in *Centro Familiar* and *New Harvest*, the Zoning Code here impermissibly imposes a higher standard on religious assemblies—requiring them to obtain a use permit—than nonreligious ones untethered to the purpose of the

zoning district. The stated purpose of the RS single-family residential district is to “provide for lower or low and medium density residential use, for urban and suburban family life.” Haw. Cnty. Code § 25-5-1. There is no zoning criteria-based reason to require that religious assemblies, but not secular meeting facilities, obtain a use permit. “Urban and suburban family life” are not harmed any more by religious assemblies than by nonreligious places of assembly like meeting facilities, which do not require a use permit. Haw. Cnty. Code § 25-5-3(a)(9); *see Corp. of the Cath. Archbishop of Seattle v. City of Seattle*, 28 F. Supp. 3d 1163, 1168-69 (W.D. Wash. 2014) (similar effects on residential zone from lighted athletic facility at a secular high school as a religious one); *Congregation Etz Chaim*, 2011 WL 12472550, at *7-9 (claim that “residential nature of the neighborhood” would be harmed by religious congregation meeting at a house “undercut by the number of sites in the R-1 zone that are used for nonresidential purposes,” such as nonreligious places of assembly); *New Life Ministries v. Charter Twp. of Mt. Morris*, No. 05-cv-74339, 2006 WL 2583254, at *5 (E.D. Mich. Sept. 7, 2006) (finding private clubs, civic and fraternal organizations, lodge halls, theaters, assembly halls, and public and private educational facilities and institutions “gather and meet with similar frequency” as religious assemblies).

Indeed, engaging in religious practice is important to many families’ lives, and so having a nearby place to worship is congruent with the stated purpose of the

RS district and the stated goals of the County’s overall general Land Use Plan. *See* General Plan for the County of Hawaii, § 14.6.2(d) (among the goals of the “single-family residential district” is “[t]o provide single-family residential areas conveniently located to public and private services, shopping, *other community activities* and convenient access to employment centers that takes natural beauty into consideration”) (emphasis added).¹³

Nor can the unequal treatment be justified by any accepted zoning criteria, like traffic, parking, or the generation of tax revenue. The type of nonreligious places of assembly permitted in RS districts are similar to religious assemblies in terms of impact on these concerns. As with churches or synagogue or other places of religious assembly, people visit nonreligious meeting halls, neighborhood parks, playgrounds, and community buildings on a sporadic or regular basis. *New Harvest*, 29 F.4th at 608. Activity is not 24/7, but more typically tied to particular events and days and times of the week. *Id.*; *see also Troy*, 592 F. Supp. 3d at 605.¹⁴

¹³ Available at <https://www.planning.hawaiicounty.gov/home/showpublisheddocument/301643/637204664141830000> (last visited March 22, 2024).

¹⁴ Defendants’ contentions about “overnight accommodations” for meeting facilities misses the mark. *See* Defs.’ Br. at 12-14. Defendants do not explain why it is relevant whether meeting facilities allow overnight accommodations. *See* Haw. Cnty. Code § 25-1-5(b). The “overnight accommodations” clause is meant to limit whether members or guests of the meeting facility can stay overnight, not whether *residents who live* there can. For example, the same “overnight accommodations” language is used in defining “adult day care home.” *See id.* § 25-

There is no more “burden” on “public services” or “substantial adverse impacts on the surrounding community” from a church or synagogue than there would be from a union hall or a political club hosting meetings. *See New Harvest*, 29 F.4th at 608; *Vietnamese Buddhism Study Temple*, 460 F. Supp. 2d at 1174-75.

The Zoning Code also does not identify the generation of tax revenue as a goal for residential districts, but even if it did, the Zoning Code allows in the residential district a host of other non-tax producing uses like “community buildings . . . neighborhood parks [and] playgrounds . . . public uses and structures,” *see* Haw. Cnty. Code § 25-5-3(a)(3), (11), (12), and “nonprofit recreational, social, or multipurpose use.” *See id.* § 25-1-5(b) (definition of “meeting facility”).¹⁵

1-5(b) (“Adult day care home” means a *private residence*, approved by the state, providing supportive and protective care, *without overnight accommodations*, to a limited number of adult disabled or aged persons.” (emphasis added)). Thus, the owners of the “private residence” may sleep in their own home, while the “adult disabled or aged persons” may not. In any event, religious “meeting facilities” must obtain a use permit in the RS zoning district, *see id.* § 25-2-61(a)(3), while nonreligious “meeting facilities” need not, *id.* § 25-5-3(a)(9), even though both are presumably subject to the same “overnight accommodations” clause. The County offers no explanation to justify this facially unequal treatment.

¹⁵ For this same reason, Defendants’ invocation of Hawaii County Code § 19-77 and reference to Plaintiffs’ tax-exempt status undermines any justifiable reason to treat meeting facilities differently than religious assemblies. Section 19-77 allows a tax exemption for “property used for church purposes” *but also* for essentially any use permitted in “meeting facilities,” including “labor unions,” and for organizations “for charitable purposes which are of a community character building, social service, or educational nature.” *Id.* § 19-77(b)(3), (b)(6), and

Furthermore, regarding parking requirements, the County *equates* nonreligious meeting facilities and religious assemblies. Haw. Cnty. Code § 25-4-51(a)(16) (addressing parking requirements for “[m]eeting facilities, including churches”). In any case, if the County was truly concerned about traffic and parking, it could have enacted “neutral restriction[s] on the size” of both nonreligious meeting facilities and religious assemblies in the Zoning Code. *See Centro Familiar*, 651 F.3d at 1173. That it did not underscores the Code’s unequal treatment of religious assemblies. *Id.* at 1175. Thus, Defendants fail to carry their burden to demonstrate how permitted nonreligious assemblies are distinct from religious assemblies with respect to accepted zoning criteria in the RS district.

III. CONCLUSION

For all these reasons, the Court should find that Plaintiffs have established a likelihood of success on the merits of their RLUIPA facial equal terms claim (Count V of the Complaint).

(c)(3). That the County tax code treats religious assembly and nonreligious assembly uses the same highlights the unjustifiable unequal treatment of them in the Zoning Code.

Dated: March 29, 2024

Respectfully submitted,

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

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Attorneys for United States of America

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **UNITED STATES' STATEMENT OF INTEREST IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** complies with Local Rule 7.4(b) and contains 5,850 words, as calculated by the word processing system used to prepare this document.

Dated: March 29, 2024

/s/ Adam M. Wesolowski
ADAM M. WESOLOWSKI

CERTIFICATE OF SERVICE

I hereby certify that on the date and by the method of service noted below, a true and correct copy of this document was served by the following at their last known address:

Served Electronically through CM/ECF: March 29, 2024

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Attorney for Defendants County of Hawaii and Hawaii County Planning Director,
Zendo Kern

DATED: March 29, 2024

/s/ Adam M. Wesolowski
ADAM M. WESOLOWSKI

From: [Quioch, Kenneth](#)
To: [Dacayanan, Melissa](#)
Subject: RE: Request for Comments on Planning Director Initiated (PL-PDI-2025-000014) Relating to Meeting Facilities, Churches, Temples, Synagogues, and Community Buildings (25HQ0203)
Date: Tuesday, March 4, 2025 9:19:04 AM

The Hawaii Police Department is not opposed to the revisions, changes, and clarification to defining Hawaii County Code Chapter 25, Zoning, as it relates to regulations for meeting facilities, churches, temples, synagogues, and community buildings.

Thank you for allowing us the opportunity to provide comments on the proposed revisions.

Mahalo,

Kenneth A. K. Quioch
Assistant Police Chief
Field Operations Area-I (East Hawaii)
Hawaii Police Department
349 Kapiolani Street
Hilo, Hawaii 96720
808-961-2341

RE: 25HQ0203

From: Dacayanan, Melissa <Melissa.Dacayanan@hawaiicounty.gov>

Sent: Friday, February 28, 2025 1:55 PM

To: DPW Traffic <dpwtrf@hawaiicounty.gov>; DWS <dwsengineeringreview@hawaiidws.org>; cohdem <cohdem@hawaiicounty.gov>; Civil Defense Distribution Group <civildefense@hawaiicounty.gov>; Komata, James <James.Komata@hawaiicounty.gov>; HPD ONE <HCPDONE@hawaiicounty.gov>; Morrison, Bethany J <Bethany.J.Morrison@hawaiicounty.gov>; Palma, Maryam <Maryam.Palma@hawaiicounty.gov>; Rathje, Joel T. <Joel.Rathje@hawaiicounty.gov>; Buehler, Tion <Tion.Buehler@hawaiicounty.gov>; Uribe, Amelia <Amelia.Uribe@hawaiicounty.gov>; Kato, Norren <Norren.Kato@hawaiicounty.gov>; Santiago, Hans <Hans.Santiago@hawaiicounty.gov>; Building Division Internet Email <cohbuild@hawaiicounty.gov>; Spielman, Aaron <Aaron.Spielman@hawaiicounty.gov>; Baybayan, Clinton <Clinton.Baybayan@hawaiicounty.gov>; Henderson, Royd <Royd.Henderson@hawaiicounty.gov>; Kawasaki, Edward <Edward.Kawasaki@hawaiicounty.gov>; Chintan Poudel -DOH Wastewater <Chintan.Poudel@doh.hawaii.gov>; Dane Hiromasa (dane.hiromasa@doh.hawaii.gov) <dane.hiromasa@doh.hawaii.gov>; Honda, Eric <Eric.Honda@doh.hawaii.gov>; DOH - Wastewater Branch <doh.wwb@doh.hawaii.gov>; DOH-Epic <michael.une@doh.hawaii.gov>

Cc: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

Subject: Request for Comments on Planning Director Initiated (PL-PDI-2025-000014) Relating to Meeting Facilities, Churches, Temples, Synagogues, and Community Buildings

Importance: High

Good afternoon,

Please see the attached memo with ordinance requesting your review and comments on the subject matter. Please note that no hard copy will be sent.

We kindly ask that you submit your comments to planning@hawaiiicounty.gov **no later than March 18, 2025.**

If you have any questions, please feel free to contact Planner Tracie Camero at (808) 961-8166.

Thank you.

Melissa Dacayanan-Salvador

Windward Planning Commission

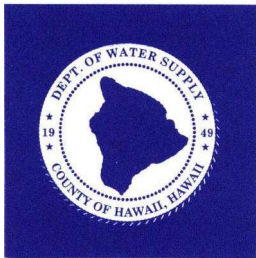
County of Hawai'i Planning Department

101 Pauahi Street, Suite 3

Hilo, Hawai'i 96720

Direct: (808) 961-8156 Main: (808)961-8288

Email: melissa.dacayanan@hawaiiicounty.gov



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KĒKŪANĀŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

March 18, 2025

TO: Mr. Jeffrey Darrow, Director
Planning Department

COH PLANNING DEPT
MAR 20 2025 AM 7:41

FROM: Keith K. Okamoto, Manager-Chief Engineer

REC'D HAND DELIVERED

**SUBJECT: Planning Director Initiated (PL-PDI-2025-000014)
An Ordinance Amendment to Chapter 25 (Zoning), Article 1, Article 2, Article 4,
Article 5, and Article 7 of the Hawaii County Code 1983 (2016 Edition, as
Amended) Relating to Zoning District Regulations for Meeting Facilities,
Churches, Temples, Synagogues, and Community Buildings.**

We have reviewed the subject application and have the following comments.

We have no objections to the proposed changes as they will not affect the Department's existing water system facilities or the process of evaluating water usage for these facilities.

Should there be any questions, please contact Ms. Robyn Matsumoto of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RM:klcm

Planning Dept.
Exhibit 4

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.