

**A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9 , KAUA'I COUNTY CODE 1987, AS AMENDED, TO ALLOW FOR MULTI-MODAL TRANSPORTATION PRINCIPLES FOR SUBDIVISIONS**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

**SECTION 1. Findings and Purpose:**

(a) The purpose of this bill is to amend Chapter 9 of the Kaua'i County Code, often referred to as the "Subdivision Ordinance For The County of Kaua'i", to implement the Complete Streets Policy and the General Plan's policies for town centers and public facilities by ensuring that new subdivisions are designed and constructed to support multi-modal transportation circulation, while taking into account local context and sensitivity to community character.

(b) On September 15, 2010, the Council of the County of Kaua'i adopted Resolution No. 2010-48, A Resolution Establishing a Complete Streets Policy for the County of Kaua'i. Resolution No. 2010-48 adopted Complete Streets principles to ensure that roadway design and planning is balanced and equitable in accommodating and encouraging travel by bicyclists, public transportation vehicles and their passengers, and pedestrians of all ages and abilities.

(c) The Council finds that the General Plan's policies for town centers and public facilities include considering transportation alternatives to increasing the size and capacity of roadways, providing sidewalks or unpaved pedestrian pathways along main roads, and developing a bikeway system to provide alternative means of transportation.

**SECTION 2.** Section 9-2.3(a), subsection (1), of the Kaua'i County Code 1987, as amended, is hereby amended as follows:

"(1) All streets shall be designed so as to:

(A) preserve natural features and topography and [minimize need for protection of] protect the natural environment;

(B) protect public health and safety;

(C) require adequate right-of-ways to serve the type and intensity of proposed land use within the subdivision, future traffic demand calculated according to vehicle type and anticipated volume, adequate access for public service vehicles, and adequate parking;

[ (D) require the creation of the minimum feasible amounts of land coverage and the minimum feasible disturbance to the soil;]

(D) minimize land coverage and disturbance to the soil;

(E) provide [to the extent feasible] for the separation of motor [vehicular] vehicle and pedestrian traffic[;] where feasible;

(F) create conditions for proper drainage;[and]

(G) provide for proper landscaping[.];and

(H) accommodate multi-modal circulation networks and travel by bicyclists, public transportation vehicles and their passengers, and pedestrians of all ages and abilities, taking into account local context and sensitivity to community character.”

SECTION 3. Section 9-2.3(e), subsection (3), of the Kaua'i County Code 1987, as amended, is hereby amended as follows:

“(3) Curbs, gutters and sidewalks shall be provided on both sides of all proposed or existing streets within or abutting the subdivision in Commercial, Industrial and Resort Districts [and]; in Residential Districts where the density permitted is [ten (10)] four (4) units or more per acre; and in any other Zoning Districts within the State Land Use-Urban District that are located within one-half mile from any elementary, intermediate, high school, or college. For existing streets abutting subdivisions, sidewalks shall be required on the side of the street fronting the subdivision for the length of the subdivision frontage.

(A) In Residential Districts, swales may be constructed in lieu of curbs and/or gutters in accordance with the drainage standards and design guidelines established by the Department of Public Works.

(B) In Residential Districts, the requirement of sidewalks may be waived if the Planning Commission determines that sidewalks are infeasible or unnecessary, taking into account local context and sensitivity to community character, and an alternate method of pedestrian circulation exists or will be provided by the applicant.

(C) If the requirement of sidewalks is waived, the subdivider shall be required to pay a fee in lieu of required sidewalk construction. The fee in lieu of sidewalk construction shall not be required for subdivision approvals for less than six (6) lots. The fee in lieu of required sidewalk construction shall be equal to or greater than one hundred percent (100%) of the cost of constructing the sidewalk as determined by the County Engineer. There is hereby established and created a “Sidewalk/Shared Use Path Fund” for the deposit of fees collected in lieu of required sidewalk construction. The fees collected pursuant to this subsection (C) are hereby deemed appropriated upon receipt and shall be expended by the County Engineer for sidewalk or shared use path planning, design, land acquisition, construction and/or repair and maintenance. The County Engineer shall submit an annual written report to the Council of each fiscal year’s expenditures and balance of the Sidewalk/Shared Use Path Fund on or before the fifteenth day of March of each year. If the fifteenth day of March falls on a Saturday, Sunday, or legal holiday, the report shall be submitted on the prior

working day. The fees collected shall not lapse at the close of the fiscal year; and

(D) Payment of said fees shall be made in a lump sum at the time of Final Subdivision Map approval or payment shall be made according to the following schedule: fifty percent (50%) at the time of Preliminary Subdivision Map approval and the balance paid at the time of Final Subdivision Map approval. When funds are needed for sidewalk or shared use path planning, design, land acquisition, construction and/or repair, the County Engineer shall submit a written request to the Planning Director and Mayor for approval. Upon approval, the Finance Director shall be authorized to release monies from the fund."

SECTION 4. Section 9-2.11, entitled "Blocks", of the Kaua'i County Code 1987, as amended, is hereby amended as follows:

"The dimension, shape and orientation of blocks shall be determined with due regard to:

- (1) provision of building sites suitable to the use and type of buildings contemplated;
- (2) minimum site requirements, particularly as to site, slope and dimensions;
- (3) control, safety and convenience of pedestrian and vehicular traffic;
- (4) topography and other land features;
- (5) orientation and scenic enhancement;
- (6) length of blocks shall not be more than one thousand eight hundred (1,800) feet, except in Residential and Commercial Districts, where length of blocks shall not be more than four hundred and fifty (450) feet. Exceptions may be provided for topographical conditions or if the block is adjacent to an arterial road; and
- (7) [and a ]pedestrian [way] ways of [six (6)] ten (10) feet minimum width [may] shall be required through the center of any block [longer than one thousand two hundred (1,200) feet] at intervals of four hundred and fifty (450) feet or less, unless the Planning Commission finds such improvements are not warranted."

SECTION 5. 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 6. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this Ordinance for inclusion in the Kaua'i County Code, 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 7. This Ordinance shall take effect upon approval. The requirements of this Ordinance shall not affect any subdivision application which has been approved or tentatively approved prior to the effective date of this Ordinance.

Introduced by: /s/ NADINE K. NAKAMURA  
(By Request)

DATE OF INTRODUCTION:

**February 13, 2013**

Lihu'e, Kaua'i, Hawai'i

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CERTIFICATE OF THE COUNTY CLERK

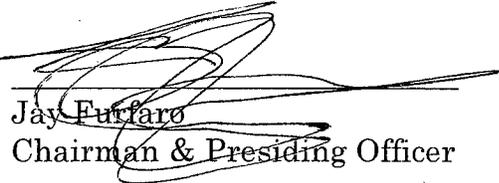
I hereby certify that heretofore attached is a true and correct copy of Bill No. 2465, Draft 1, which was adopted on second and final reading by the Council of the County of Kauai at its meeting held on June 26, 2013, by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL - 7,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Līhu'e, Hawai'i  
June 27, 2013

  
Ricky Watanabe  
County Clerk, County of Kaua'i

ATTEST:

  
Jay Furfaro  
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

June 27, 2013

Approved this 3rd day of

July, 2013.

  
Bernard P. Carvalho Jr.  
Mayor  
County of Kaua'i

