

RECEIVED

MAR 13 P1:18

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

CLERK OF THE COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, April 8, 2020, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2777

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEFINITIONS (*County of Kaua'i Planning Department, Applicant*) (ZA-2016-3)

This Bill proposes to amend Chapter 8, Section 8-1.5, Kaua'i County Code 1987, as amended, relating to Definitions. The purpose of this Bill is to amend the definitions of "Applicant" and "Owner" by eliminating the seventy-five percent (75%) or more equitable and legal title requirement. This Bill would also eliminate from the definition of "Applicant," "any person leasing the land of another under a recorded lease having a term of not less than five (5) years."

Bill No. 2778

A BILL FOR AN ORDINANCE AMENDING SECTION 8-4.3(d), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEVELOPMENT STANDARDS FOR RESIDENTIAL STRUCTURES NOT INVOLVING THE SUBDIVISION OF LAND (*County of Kaua'i Planning Department, Applicant*) (ZA-2020-13)

This Bill proposes to amend Section 8-4.3(d), Kaua'i County Code 1987, as amended, relating to Residential Development Standards For Residential Structures Not Involving The Subdivision Of Land, to amend the lot coverage standards for development of properties within the "R-10" and "R-20" Zoning Districts. The proposed amendment seeks to encourage development of infill workforce housing within the existing State Land Use Urban District, pursuant to goals and objectives of the 2018 Kaua'i General Plan.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of these Bills are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend these Bills at their subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2777 and Bill No. 2778 were passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 11, 2020, by the following vote:

AYES: Chock, Cowden, Evslin, Kagawa, Kaneshiro
NOES: None
EXCUSED & NOT VOTING: Brun, Kualii
RECUSED & NOT VOTING: None

TOTAL - 5,
TOTAL - 0,
TOTAL - 2*,
TOTAL - 0.

Lihu'e, Hawaii
March 11, 2020

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kauai

*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication - The Garden Island - March 18, 2020)

ORDINANCE NO. _____

BILL NO. 2777

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO DEFINITIONS**

(County of Kaua'i Planning Department, Applicant) (ZA-2016-3)

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

SECTION 1. Chapter 8, Section 8-1.5, Kaua'i County Code 1987, as amended, is hereby amended by amending the definitions of "Applicant" and "Owner" to read as follows:

““Applicant” means [any person having a controlling interest (seventy-five percent (75%) or more of the equitable and legal title) of a lot; any person leasing the land of another under a recorded lease having a stated term of not less than five (5) years] an owner; or any person who has full written authorization of [another having the controlling interest or recorded lease for a stated term of not less than five (5) years.] the owner.

“Owner” means the holders of [at least seventy-five percent (75%) of the] equitable and legal title of [a lot.] land in fee simple.”

SECTION 2. Severability. If any provision of this Ordinance or the application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 3. 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 need not be included.

SECTION 4. This Ordinance shall take effect upon its approval.

Introduced by:



MASON K. CHOCK
(By Request)

DATE OF INTRODUCTION:

March 11, 2020

Lihu'e, Kaua'i, Hawai'i

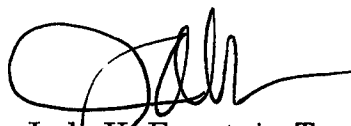
V:\BILLS\2018-2020 TERM\PDB - Planning Commn Definitions (Applicants and Owners)MC-CNT_lc.doc

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2777, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 11, 2020, by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
March 11, 2020



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).

**A BILL FOR AN ORDINANCE AMENDING SECTION 8-4.3(d),
KAUAI COUNTY CODE 1987, AS AMENDED,
RELATING TO DEVELOPMENT STANDARDS FOR RESIDENTIAL
STRUCTURES NOT INVOLVING THE SUBDIVISION OF LAND**

(County of Kaua'i Planning Department, Applicant) (ZA-2020-13)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and purpose. The purpose of this Ordinance is to amend the lot coverage standards for development of properties within the "R-10" and "R-20" Zoning Districts.

The 2015 Land Use Buildout Analysis, which was prepared for the 2018 Kaua'i General Plan, found that over eighty percent (80%) of residences are developed as single family construction within the Agriculture, Open, and R-1 through R-4 Zoning Districts. According to the buildout analysis, this type of residential housing development exacerbates Kaua'i's low-density development paradigm, encouraging sprawl, and keeping housing accessibility and affordability out of reach of residents.

The proposed amendment seeks to encourage development of infill workforce housing within the existing State Land Use Urban District, pursuant to goals and objectives of the 2018 Kaua'i General Plan.

SECTION 2. Chapter 8, Kaua'i County Code 1987, as amended, is hereby amended by amending Section 8-4.3(d) as follows:

"(d) Parcel Dimension Requirements. Parcel dimension requirements shall be as follows:

(1) A parcel large enough to qualify for two (2) or more dwelling units shall conform to the following requirements before any person is permitted to develop more than one (1) single family dwelling unit and accessory buildings on the parcel:

(A) The minimum frontage on a public or private street shall be twenty-five (25) feet unless the parcel is a flag lot.

(B) The minimum average width of the existing parcel, excluding the flag portion of a flag lot, shall be sixty (60) feet.

(2) Requirements for parking, access, driveways, building height, utilities and other regulations not specified in this Section shall be the same as those required of all residential development as established in Sec. 8-4.5.

(3) The amount of land coverage created for R-1 to R-6 Zoning Districts including buildings and pavement, shall not exceed sixty percent (60%) of the lot or parcel area. Land coverage for the R-10 Zoning District shall not exceed eighty percent (80%) and land coverage for the R-20 Zoning District shall not exceed ninety percent (90%).

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 4. Ordinance material to be repealed is bracketed. New 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 need not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:



MASON K. CHOCK
(By Request)

DATE OF INTRODUCTION:

March 11, 2020

Lihu'e, Kaua'i, Hawai'i

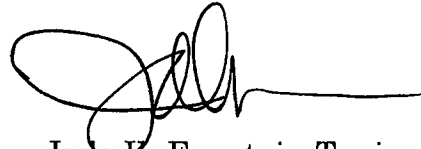
V:\BILLS\2018-2020 TERM\2020-116 Parcel Dimension Requirements (MC) AA_mn.doc

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2778, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 11, 2020, by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL - 5,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL - 2*,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
March 11, 2020



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).