

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, April 22, 2020, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihue, on the following:

*20 MAR 27 A9:46

Bill No. 2781

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMMERCIAL ZONING DISTRICT OF THE COMPREHENSIVE ZONING ORDINANCE TO IMPLEMENT THE 2018 GENERAL PLAN UPDATE (County of Kauai Planning Department, Applicant) (ZA-2020-6)

This Bill proposes to amend Chapter 8, Kauai County Code 1987, as amended, by amending pertinent parts of Table 8-2.4, Table of Uses, to allow for residential housing in the Commercial Zoning District.

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 the Bills are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at their subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2781 was passed on first reading and ordered to print by the Council of the County of Kauai at its meeting held on March 25, 2020, by the following vote:

AYES:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL - 6,
NOES:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Brun	TOTAL - 1*,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihue, Hawaii
March 25, 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 - April 2, 2020)

**A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8,
KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO
THE COMMERCIAL ZONING DISTRICT
OF THE COMPREHENSIVE ZONING ORDINANCE
TO IMPLEMENT THE 2018 GENERAL PLAN UPDATE**

(County of Kaua'i Planning Department, Applicant) (ZA-2020-6)

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

SECTION 1. Findings and purpose. The Council of the County of Kaua'i finds that there is a need to amend the Comprehensive Zoning Ordinance to encourage mixed-use development and housing as called for in the 2018 General Plan Update.

The 2018 General Plan Update provides a clear community vision with goals of sustainability, unique character, resilience, and equity. The 2018 General Plan also sets forth nineteen policies that articulate the type of growth that is desired by the community. Some of the nineteen policies include: designing healthy and complete neighborhoods, providing local housing, reducing the cost for housing, making strategic infrastructure investments, managing growth to preserve rural character, and helping businesses to thrive.

Many of the nineteen policies in the 2018 General Plan encourage future growth within or adjacent to existing towns. Therefore, an amendment to the General-Commercial and the Neighborhood-Commercial Zoning District will implement the vision, goals, and policies to support more mixed-use development and housing within the town core areas.

SECTION 2. Chapter 8, Kaua'i County Code 1987, as amended, is hereby amended by amending Table 8-2.4 – Table of Uses, in pertinent part, to allow residential housing in the Commercial Zoning District as follows:

"TABLE 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT									
		Residential		RR	Commercial		Industrial		AG	O	
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG			
8-2.4(i) (3)	Churches, temples and monasteries				P						
8-2.4(i) (4)	Clubs, lodges and community centers				P						
8-2.4(i) (5)	Household services				P						
8-2.4(i) (6)	<u>Multiple family dwellings and single family attached dwellings</u>				P						
[8-2.4(i) (6)] 8-2.4(i) (7)	Museums, libraries and public services				P						
[8-2.4(i) (7)] 8-2.4(i) (8)	Personal services, such as barber shops, laundromats, and shoe repair shops				P						
[8-2.4(i) (8)] 8-2.4(i) (9)	Professional offices				P						
[8-2.4(i) (9)] 8-2.4(i) (10)	Public parks and monuments				P						
[8-2.4(i) (10)] 8-2.4(i) (11)	Retail shops and stores				P						
[8-2.4(i) (11)] 8-2.4(i) (12)	Restaurants and food services				P						
[8-2.4(i) (12)] 8-2.4(i) (13)	Single family detached dwellings on lots or parcels of no less than six thousand (6,000) square feet[, and to a density not to exceed six (6) units per acre]				P						
[8-2.4(i) (13)] 8-2.4(i) (14)	Transient Vacation Rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas.				P						
8-2.4(j) (1)	Accessory uses and structures					P					
8-2.4(j) (2)	Automobile sales, repair and storage					P					
8-2.4(j) (3)	Automobile services					P					
8-2.4(j) (4)	Churches, temples and monasteries					P					
8-2.4(j) (5)	Clubs, lodges and community centers					P					
8-2.4(j) (6)	Commercial indoor amusement and parks					P					
8-2.4(j) (7)	Department stores					P					
8-2.4(j) (8)	Hotels and motels					P					
8-2.4(j) (9)	Household services					P					
8-2.4(j) (10)	Light manufacturing, such as handicrafts and garment fabrication					P					
8-2.4(j) (11)	Minor food processing, such as cracked seeds, jellies, candies and ice cream					P					
8-2.4(j) (12)	Museums, libraries and public services					P					
8-2.4(j) (13)	Offices and professional buildings					P					
8-2.4(j) (14)	Parking garages					P					
8-2.4(j) (15)	Personal services					P					

Sec.	USE	ZONING DISTRICT									
		Residential		RR	Commercial			Industrial		AG	O
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG			
8-2.4(j) (16)	Public offices and buildings						P				
8-2.4(j) (17)	Public parks and monuments						P				
8-2.4(j) (18)	Research and development						P				
8-2.4(j) (19)	<u>Residential dwellings, detached, attached or multi-family dwellings</u>						P				
[8-2.4(j) (19)] 8-2.4(j) (20)	Restaurants and food services						P				
[8-2.4(j) (20)] 8-2.4(j) (21)	Retail sales						P				
[8-2.4(j) (21)] 8-2.4(j) (22)	Supermarkets and shopping centers						P				
[8-2.4(j) (22)] 8-2.4(j) (23)	Transient Vacation Rentals, provided they are located within the designated Visitor Destination Areas established pursuant to Article 17 of this Chapter. These uses are prohibited in non-VDA areas.						P				
[8-2.4(j) (23)] 8-2.4(j) (24)	Transportation terminals and docks						P				
[8-2.4(j) (24)] 8-2.4(j) (25)	Warehouses						P				
[8-2.4(j) (25)] 8-2.4(j) (26)	Wholesale Outlets						P				
8-2.4(k)(1)	Animal hospitals					U					
8-2.4(k)(2)	Automobile sales, repair and storage					U					
8-2.4(k)(3)	Botanical and zoological gardens					U					
8-2.4(k)(4)	Communications facilities					U					
8-2.4(k)(5)	Construction materials storage					U					
8-2.4(k)(6)	Diversified agriculture					U					
8-2.4(k)(7)	Food processing and packaging					U					
8-2.4(k)(8)	Light manufacturing					U					
[8-2.4(k)(9)]	[Multiple family dwellings and single family attached dwellings]					[U]					
[8-2.4(k)(10)] 8-2.4(k) (9)	Private and public utilities and facilities					U					
[8-2.4(k)(11)] 8-2.4(k)(10)	Project development in accordance with Article 10 of this Chapter					U					
[8-2.4(k)(12)] 8-2.4(k)(11)	Research and development					U					
[8-2.4(k)(13)] 8-2.4(k)(12)	Schools and day care centers					U					
[8-2.4(k)(14)] 8-2.4(k)(13)	Warehouses					U					
[8-2.4(k)(15)] 8-2.4(k)(14)	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District.					U					

Sec.	USE	ZONING DISTRICT									
		Residential		RR	CN	Commercial		Industrial		AG	O
		R-1 to R-6	R-10 to R-20			CG	IL	IG			
8-2.4(l)(1)	Animal hospitals					U					
8-2.4(l)(2)	Bars					U					
8-2.4(l)(3)	Botanical and zoological gardens					U					
8-2.4(l)(4)	Commercial outdoor amusement					U					
8-2.4(l)(5)	Communications facilities					U					
8-2.4(l)(6)	Construction materials storage					U					
8-2.4(l)(7)	Diversified agriculture					U					
8-2.4(l)(8)	Food processing and packaging					U					
8-2.4(l)(9)	Nightclubs and cabarets					U					
8-2.4(l)(10)	Private and public utilities and facilities					U					
8-2.4(l)(11)	Project development in accordance with Article 10 of this Chapter.					U					
[8-2.4(1)(12)]	[Residential dwellings, detached, attached or multi-family]					[U]					
[8-2.4(1)(13)] 8-2.4(1)(12)	Schools and day care centers					U					
[8-2.4(1)(14)] 8-2.4(1)(13)	Warehouses					U					
[8-2.4(1)(15)] 8-2.4(1)(14)	Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District					U					
8-2.4(m)(1)	Accessory uses and structures						P				
8-2.4(m)(2)	Animal hospitals						P				
8-2.4(m)(3)	Automobile services, sales, repair and storage						P				
8-2.4(m)(4)	Cemeteries, mortuaries and crematoriums						P				
8-2.4(m)(5)	Communication facilities						P				
8-2.4(m)(6)	Construction material storage						P				
8-2.4(m)(7)	Food processing and packaging						P				
8-2.4(m)(8)	Light manufacturing						P				
8-2.4(m)(9)	Manufacturing in retail sales						P				
8-2.4(m)(10)	Private and public utilities and facilities						P				
8-2.4(m)(11)	Public parks and monuments						P				
8-2.4(m)(12)	Research and development						P				
8-2.4(m)(13)	Restaurants, bars and food services						P				
8-2.4(m)(14)	Retail sales						P				
8-2.4(m)(15)	Warehouses						P				
8-2.4(n)(1)	Accessory uses and structures							P			
8-2.4(n)(2)	Animal hospitals							P			
8-2.4(n)(3)	Automobile services, sales, repair and storage							P			

Sec.	USE	ZONING DISTRICT									
		Residential			Commercial		Industrial				
		R-1 to R-6	R-10 to R-20	RR	CN	CG	IL	IG	AG	O	
8-2.4(n)(4)	Cemeteries, mortuaries and crematoriums							P			
8-2.4(n)(5)	Communication facilities							P			
8-2.4(n)(6)	Construction material manufacturing							P			
8-2.4(n)(7)	Construction material storage							P			

SECTION 3. If any provision of this Ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this 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 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 5. This Ordinance shall take effect upon approval.

Introduced by:



MASON K. CHOCK
(By Request)

DATE OF INTRODUCTION:

March 25, 2020

Līhu'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. 2781, 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 25, 2020, by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL - 6,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Brun	TOTAL - 1*,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
March 25, 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).