

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, May 18, 2022, at 8:30 a.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihue, on the following:

Bill No. 2854

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ALL-HAZARD STATEWIDE OUTDOOR WARNING SIREN SYSTEMS (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-2)

This Bill proposes to amend Chapter 8, Kaua'i County Code 1987, as amended, Section 8-1.4(e) of the Comprehensive Zoning Ordinance, entitled "Applications of Regulations." Currently, Section 8-1.4(e) does not specify that All-Hazard Statewide Outdoor Warning Siren Systems are exempt from Kaua'i County zoning permitting requirements. All-Hazard Statewide Outdoor Warning Siren Systems are intended to provide an outdoor method of alerting people and communities of upcoming hazard events on or nearby coastal areas. County permitting for these structures within coastal areas require Special Management Area permits as well as shoreline variances which could lead to an extensive process which includes an Environmental Assessment (EA) and Kaua'i Planning Commission approvals. This Bill seeks to expedite the regulatory review of these systems which is necessary for the health, safety, and welfare of those living or frequenting coastal areas.

Bill No. 2855

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WAREHOUSES IN THE COMMERCIAL GENERAL ZONING DISTRICT (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-3)

This Bill proposes to amend Chapter 8, Kaua'i County Code 1987, as amended, Section 8-2.4 Table of Uses, to remedy an inaccuracy in the Commercial General Zoning District. Currently, the Table of Uses, Section 8-2.4(j)(25) outright permits Warehouses in the Commercial General Zoning District and Section 8-2.4(l)(13) requires Warehouses in the Commercial General Zoning District to obtain a Use Permit. This Bill seeks to correct the oversight in the current Table of Uses to ensure that there is consistency. This Bill would permit Warehouses in the Commercial General Zoning District.

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. 2854 and Bill No. 2855 were passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on April 20, 2022, by the following vote:

AYES:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
April 20, 2022

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

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 29, 2022)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUAI COUNTY CODE 1987, AS AMENDED,
RELATING TO ALL-HAZARD STATEWIDE
OUTDOOR WARNING SIREN SYSTEMS**

(County of Kaua'i Planning Department, Applicant) (ZA-2022-2)

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

SECTION 1. Findings and Purpose. The Kaua'i County Council finds that All-Hazard Statewide Outdoor Warning Siren Systems are intended to act as an outdoor alerting method for people and communities of upcoming hazard events on or nearby coastal areas who may not otherwise have access to other alerting methods via radio. Expediting the regulatory review of these systems is necessary for the health, safety, and welfare of those living or frequenting these coastal areas.

SECTION 2. Chapter 8, Section 8-1.4, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 8-1.4 Application of Regulations.

(a) For the purposes of this Chapter, the County of Kaua'i shall include the districts of Waimea, Kōloa, Līhu'e, Kawaihau, and Hanalei as described in Sec. 4-1(4), H.R.S.

(b) Unless otherwise expressly prohibited by law, the provisions of this Chapter shall apply to all areas within the County boundaries.

(c) In administering and applying the provisions of this Chapter, unless otherwise stated, they shall be held to be the minimum requirements necessary to accomplish the purpose of this Chapter.

(d) For parcels containing multiple zoning designations, each designation shall be considered individually in applying the standards of this Chapter, with the exception that any lot or parcel located in the State Land Use Commission Agricultural District and containing fifty (50) acres or more in the County Open District shall be considered together with the County Agriculture District for the purpose of determining parcel acreage to apply subdivision standards.

(e) Nothing in this Chapter shall regulate the placement, design and construction of the Hawai'i Emergency Management Agency- (HI-EMA) Managed All-Hazard Statewide Outdoor Warning Siren Systems; or utility poles, towers, and transmission lines by a public utility company as defined in Sec. 269-1, H.R.S., provided, that the siren systems, poles, and towers shall be no higher than twenty (20) feet above the height limits for structures applicable in the Use District in which the poles and towers are constructed.

(f) Nothing in this Chapter shall regulate the minimum size of lots in a subdivision which are to be used for government or public utility facilities. The creation of such lots shall be in compliance with the provisions of Chapter 9, County Subdivision Ordinance, of the Code.

(g) Nothing in this Chapter shall prohibit the use of [factory built] factory-built housing or trailer homes as permitted dwellings, buildings, or structures for the purpose of human habitation or occupancy within the various Use Districts provided that all such [factory built] factory-built housing and trailer homes must first:

(1) Meet all applicable development standards, density limitation and other such requirements for the particular Use District;

(2) Be permanently affixed to the ground;

(3) Have had their wheels and axles, if any, removed;

(4) If licensed pursuant to Hawai'i Revised Statutes Chapter 249, have been registered as a stored vehicle in accordance with Hawai'i Revised Statutes Sec. 249-5;

(5) Meet the standards and requirements contained in Sec. 12-4.4 of Chapter 12, Building Code; and

(6) Meet all other applicable governmental rules, regulations, ordinances, statutes and laws.

(h) Recreational trailers may be used as temporary dwellings for travel, recreational or vacation purposes in accordance with Chapter 16 (Recreational Trailer Camps) of Title 11, Administrative Rules, Department of Health, State of Hawai'i, or any other State or County laws, ordinances or rules relating to the use of public or private lands, parks or [camp grounds] campgrounds for camping or recreational purposes. Except as provided herein, no recreational trailer shall be used as a dwelling or building for the purpose of human habitation or occupancy."

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 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 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:

April 20, 2022

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. 2854, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on April 20, 2022, by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
April 20, 2022



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

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 8,
KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO
WAREHOUSES IN THE COMMERCIAL GENERAL ZONING DISTRICT**

(County of Kauai Planning Department, Applicant) (ZA-2022-3)

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 section 8-2.4 Table of Uses to remedy an inaccuracy in the Commercial General Zoning District.

As currently written in the Table of Uses, section 8-2.4(j)(25) outright permits warehouses in the Commercial General Zoning District. Whereas Section 8-2.4(l)(13) requires warehouses in the Commercial General Zoning District to obtain a Use Permit.

The proposed amendment seeks to rectify the oversight and permit warehouses in the Commercial General Zoning District.

SECTION 2. Chapter 8, Kauai County Code 1987, as amended, is hereby amended by amending Table 8-2.4 – Table of Uses, Sections 8-2.4(j) and 8-2.4(l), in pertinent part, as follows:

“Table 8-2.4 Table of Uses

Sec.	USE	ZONING DISTRICT									
		Residential		RR	Commercial		Industrial		AG	O	UNV
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG			
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					

Sec.	USE	ZONING DISTRICT									
		Residential		RR	Commercial		Industrial		AG	O	UNV
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG			
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					
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)	Residential dwellings, detached, attached, or multi-family dwellings					P					
8-2.4(j)(20)	Restaurants and food services					P					
8-2.4(j)(21)	Retail sales					P					
8-2.4(j)(22)	Supermarkets and shopping centers					P					
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)(24)	Transportation terminals and docks					P					
8-2.4(j)(25)	Warehouses					P					
8-2.4(j)(26)	Wholesale outlets					P					

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(l)(12)	Schools and day care centers					U						
[8-2.4(l)(13)]	[Warehouses]					[U]						
8-2.4(l) [(14)] <u>(13)</u>	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						

Notes:

- 1 Requirements for Additional Dwelling Units (ADU) are contained in Article 15.
- 2 Only produce raised or grown on the property and/or associated farm or value-added goods derived primarily from produce or livestock raised on the subject property and/or associated farm.

KEY: U = Use Permit Required

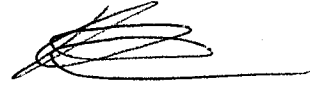
P = Permitted Use or Structure (Zoning Permit may be required)"

SECTION 3. If any provision of this Ordinance or application thereof to any person, persons, or circumstance 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.

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MASON K. CHOCK
(By Request)

DATE OF INTRODUCTION:

April 20, 2022

Lihu'e, Kaua'i, Hawai'i

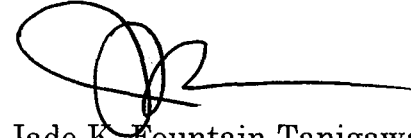
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Lihu'e, Hawai'i
April 20, 2022



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