

**A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY  
CODE 1987, AS AMENDED, TO ALLOW MULTIPLE FAMILY DWELLING  
UNITS IN ALL RESIDENTIAL ZONING DISTRICTS**

(Kauai County Council, Applicant)

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

**SECTION 1.** Findings and Purpose. The Council of the County of Kauai finds that there is a shortage of primary dwelling units in the current housing inventory stock for Kauai.

Currently the Comprehensive Zoning Ordinance prohibits the construction of multiple family dwelling units in the Residential Zoning Districts (R-1 through R-6) without a Use Permit. The Use Permit process serves as a deterrent to the construction of multiple family dwelling units.

Through economies of scale, multiple family dwelling units allow for reduced construction cost to density ratios. Additionally, through denser development patterns, multiple family dwelling units provide for a more efficient use of County and State infrastructure.

The primary market for multiple family dwelling units within the residential zoning districts is the local and workforce population, in particular new home buyer families and the elderly population.

To more efficiently provide for Kauai's housing needs, the County of Kauai should facilitate the construction and development of multiple family dwellings in all residential zoning districts

The purpose of this ordinance is allow for the construction of multiple family dwelling units in all residential zoning districts.

**SECTION 2.** Chapter 8 of the Kauai County Code 1987, as amended, is hereby amended by amending Table 8-2.4 Table of Uses, Sections 8-2.4(a)(1) through 8-2.4(f)(19), to read as follows:

**"Table 8-2.4 Table of Uses**

TABLE 6-27: 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(a)(1)	Single family detached dwellings	P	P							
8-2.4(a)(2)	Accessory structures and uses, including one (1) guest house on a lot or parcel 9,000 square feet or larger	P	P							
[8-2.4(a)(3)]	[Two (2) multiple family dwelling units or two (2) single family attached dwelling units upon a parcel of record as of June 30, 1980]	[P]	[P]							
[8-2.4(a)][(4)]	[Notwithstanding subsection (3) above, multiple family and	[P]	[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		
	single family attached dwellings developed pursuant to a Federal, State or County housing program]									
8-2.4(b)	Multiple family and single family attached dwellings [are permitted in districts R-10 and R-20 in addition to those types of residential uses and structures permitted under Subsection (a) above]	P	P							
8-2.4(c)	Public and private parks and home businesses are permitted in all districts	P	P							
8-2.4(d)	Adult family boarding and family care homes that comply with all State Department of Social Services and Housing and State Department of Health rules, regulations and requirements provided, however, that the Planning Director may require a use permit for such applications that may create adverse impacts to the health, safety, morals, convenience and welfare of the neighborhood or community that the proposed use is located	P	P							
8-2.4(e)	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	P							
8-2.4(f)(1)	Botanical and zoological gardens	U	U							
8-2.4(f)(2)	Cemeteries, mortuaries and crematoriums	U	U							
8-2.4(f)(3)	Churches, temples, and monasteries	U	U							
8-2.4(f)(4)	Clubs, lodges and community centers	U	U							
8-2.4(f)(5)	Diversified and specialized agriculture and nurseries	U	U							
8-2.4(f)(6)	Dormitories, guest and boarding houses; but not hotels and motels	U	U							
8-2.4(f)(7)	Golf courses	U	U							
8-2.4(f)(8)	Medical and nursing facilities	U	U							
8-2.4(f)(9)	Museums, libraries and public services and facilities	U	U							
8-2.4(f)(10)	Private and public utilities and facilities, other than maintenance and storage of equipment, materials, and vehicles	U	U							
8-2.4(f)(11)	Project developments in accordance with Article 10 of	U	U							

Sec.	USE	ZONING DISTRICT								
		Residential		RR	Commercial		Industrial		AG	O
		R-1 to R-6	R-10 to R-20		CN	CG	IL	IG		
	this Chapter									
8-2.4(f)(12)	Retail shops and stores	U	U							
8-2.4(f)(13)	School and day care centers	U	U							
8-2.4(f)(14)	Transportation terminals and docks	U	U							
[8-2.4(f)(15)]	[Three (3) or more multiple family dwelling units upon a parcel of record as of June 30, 1980, in the R-1, R-2, R-4, or the R-6 District]	[U]	[P]							
[8-2.4(f)(16)]	[Three (3) or more single family attached dwelling units upon a parcel of record as of June 30, 1980, in the R-1, R-2, R-4 or the R-6 District]	[U]	[P]							
8-2.4(f)(17) <u>15</u>	Residential care homes	U	U							
8-2.4(f)(18) <u>16</u>	Adult family group living home	U	U							
8-2.4(f)(19) <u>17</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	U							

**SECTION 3.** Severability Clause. If any provision of this Article or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this Article and the application of such provisions to other persons or circumstances shall not be affected thereby.

**SECTION 4.** Material to be deleted is bracketed. New material is underscored. In printing this ordinance, the brackets, bracketed material, and underscoring need not be included.

**SECTION 5.** This ordinance shall take effect upon its approval.

Introduced by: /s/ ARRYL KANESHIRO

DATE OF INTRODUCTION:

**September 7, 2016**

**Līhu'e, Kaua'i Hawai'i**

V:\BILLS\2014-2016 TERM\09-07 Amended Bill No. 2634 Multiple Family Dwelling Units in All Residential Zoning Districts YS\_cy.docx

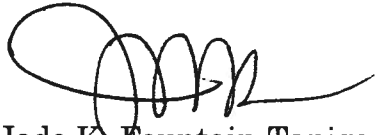
CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2634, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on September 7, 2016, by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro	
	Yukimura, Kualii, Rapozo	TOTAL – 7*,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent, but shall be recorded as an affirmative for the motion.

Lihu'e, Hawai'i  
September 8, 2016


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

CERTIFICATE OF THE COUNTY CLERK

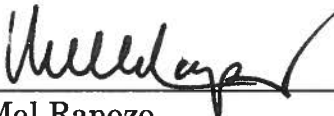
I hereby certify that heretofore attached is a true and correct copy of Bill No. 2634, which was adopted on second and final reading by the Council of the County of Kaua'i at its meeting held on January 12, 2017 by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
January 13, 2017

  
Scott K. Sato  
Deputy County Clerk, County of Kaua'i

ATTEST:

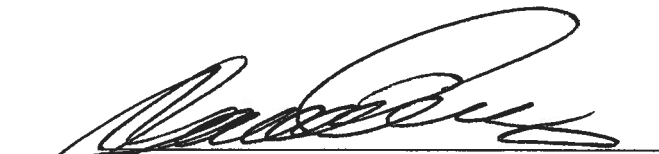
  
Mel Rapozo  
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

January 13, 2017

Approved this 19<sup>th</sup> day of

January, 2017.

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