

CHAPTER 8

COMPREHENSIVE ZONING ORDINANCE

(The purpose of this Chapter is to provide regulations and standards for land development and the construction of buildings and other structures in the County of Kauai. By utilizing the findings and analysis of the County General Plan, this Chapter establishes several land districts and delineates the respective types of permitted uses and development that can take place in those districts. The regulations and standards prescribed by this Chapter are intended to promote development that is compatible with the Island's scenic beauty and environment and to preclude inadequate, harmful or disruptive conditions that may prove detrimental to the social and economic well-being of the residents of Kauai.)

Article 1. General Provisions

Sec. 8-1.1 Title

Sec. 8-1.2 Purpose

Sec. 8-1.3 Nature Of County Zoning Ordinance

Sec. 8-1.4 Application Of Regulations

Sec. 8-1.5 Definitions

Article 2. Designation Of Districts, Method And Effect Of Establishment Of Districts, And Zoning Maps

Sec. 8-2.1 Districts

Sec. 8-2.2 Method And Effect Of Establishment Of Districts

Sec. 8-2.3 Zoning Maps

Article 3. Residential Districts (R)

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Sec. 8-3.2 Types Of Residential Districts

Sec. 8-3.3 Generally Permitted Residential Uses And Structures

Sec. 8-3.4 Uses And Structures In Residential Districts That Require A Use Permit

Sec. 8-3.5 Development Standards For Residential Structures Not Involving The Subdivision Of Land

Sec. 8-3.6 Development Standards For Residential Structures Which Involve The Subdivision Of Land

Sec. 8-3.7 Standards Of Development Applicable To All Residential

Development

Sec. 8-3.8 Application Of Density And Development Standards

Sec. 8-3.9 Permits Required

Sec. 8-3.10 Application To Residential Development In Other Districts

Sec. 8-3.11 Development Of Other Uses In A Residential District

Sec. 8-3.3 Generally Permitted Residential Uses And Structures.

(a) The following types of residential uses and structures are permitted in districts R-1, R-2, R-4, and R-6 so long as the dwelling unit limitations established in Sec. 8-3.2 are not exceeded:

(1) Single family detached dwellings;

(2) Accessory structures and uses, including one (1) guest house on a lot or parcel 9,000 square feet or larger;

(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; and

(4) Notwithstanding subsection (3) above, multiple family and single family attached dwellings developed pursuant to a Federal, State or County housing program.

(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.

(c) Public and private parks and home businesses are permitted in all districts.

(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. (Ord. No. 164, August 17, 1972; Sec. 8-3.3, R.C.O. 1976; Ord. No. 388, June 30, 1980; Ord. No. 430, August 17, 1982; Ord. No. 466, September 13, 1984; Ord. No. 551, March 8, 1989)

"Home Business" means any use customarily conducted entirely within a dwelling and carried on solely by the inhabitants thereof, in connection with which there are: no display from the outside of the building; no mechanical equipment used except as is normally used for domestic or household purposes; and no selling of any commodity on the premises; which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The office, studio, or occupational room of an architect, artist, engineer, lawyer or other similar professional person; a family child care home; business conducted entirely by phone or by mail (not involving frequent bulk shipments); and an office for "homework" of a person in business elsewhere; all shall be permitted as home businesses except that no activity involving, encouraging, or depending upon frequent visits by the public and no shop or clinic of any type shall be deemed to be a home business.