

**A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, ARTICLE 4,  
KAUA‘I COUNTY CODE 1987, RELATING TO  
DEVELOPMENT STANDARDS WITHIN THE RESORT DISTRICT**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I:

SECTION 1. Findings and purpose. The Kaua‘i County Council finds that our community’s resources such as shoreline, waters, and inland recreational resources have become increasingly inaccessible as resort development adjacent to these areas increases. The absence of public access ways *mauka* and *makai* diminishes the quality of life and constitutes an infringement upon the historic rights of the people to enjoy these integral privileges. It must also be recognized that there is a balance to be struck when permitting access through private property which may conflict with the exclusivity traditionally associated with fee-simple ownership of land. Therefore, this section is enacted within the context of our understanding of the traditional Hawaiian way of life in which cooperation and non-interference with the well-being of other residents were fundamental parts of the culture. The purpose of this section is to guarantee the provision of public access-ways to the sea, shoreline, and inland recreational areas of the island.

SECTION 2. Chapter 8, Article 4, of the Kauai County Code 1987, is hereby amended to read as follows:

**Sec. 8-4.5 Development Standards.**

(a) Residential. Subject to the density and acreage limitations in the particular Resort District as provided in Sec. 8-4.2, the standards for the development of single family detached residential structures shall be the same as those provided in Sec. 8-3.1.

(b) Hotels. Buildings containing hotel rooms shall be considered the same as multiple family dwellings subject to the same standards as provided in Secs. 8-3.5 through 8-3.8, inclusive, with the following exceptions:

(1) there is no maximum distance requirement from buildings containing dwelling units to parking areas;

(2) only one (1) parking space must be provided for each three (3) hotel rooms;

(3) the maximum allowable land coverage shall be fifty percent (50%); No hotel room in a structure containing more than three (3) rooms shall be converted to a dwelling unit without first obtaining a Class IV Zoning Permit.

(c) Motels. Development standards for motels shall be the same as those for multiple family dwellings as provided in Secs. 8-3.5 through 8-3.8, inclusive, with the following exceptions:

(1) parking spaces must be within one hundred fifty (150) feet of the dwelling unit or motel room served;

(2) at least one (1) parking space shall be provided for each motel room.

(d) Other Permitted Uses. Parking service, open space and other requirements applicable to each use other than dwelling units shall be the same as the regulations established in the district other than Resort where such uses are permitted and regulated.

(e) Other Requirements. Other requirements for development standards in resort districts are as follows:

(1) The Planning Director or the Planning Commission may revise the requirements if the plan review required for a zoning permit indicates that the specific nature of the overall development reasonably warrants the revisions.

(2) The Planning Commission [may] shall require the dedication of adequate public access ways not less than six (6) feet in width to publicly-owned land or waters and may require the preservation of all historic and archaeological sites, know or discovered on the parcel subject to development. Public access ways to be dedicated shall include access to land and waters and lateral access ways to connect each access point.

“Lateral Access” or “Lateral Public Access” means public access alongside a shoreline or coastline to connect existing or proposed accesses by right-of-way or easement, only if public access is reasonable and not practically precluded by factors such as topography.

SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or property or circumstances is held invalid, the invalidity does not affect 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 declared to be 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, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. Effective Date. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Joann A. Yukimura  
(By request)

DATE OF INTRODUCTION:

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Līhu‘e, Kaua‘i, Hawai‘i