

DEPARTMENT OF PLANNING

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USE PERMITS

○ What is a Use Permit?

The Comprehensive Zoning Ordinance (CZO) lists within each zoning district of the County, those uses, development, and activities, that are “generally permitted” and those which may be allowed only after obtaining a Use Permit. The primary purpose of the Use Permit procedure is to assure that a particular activity or use of land can be integrated into and be compatible with its immediate surroundings. If allowed, the Planning Commission can impose certain conditions which can affect the design (such as height, size, and color) of the structure in which the use/activity is occurring or the manner and conduct of the overall operations (such as hours of operation, traffic, off street parking restrictions). If a Use Permit is approved, the Planning Commission also usually reserves the authority to modify or impose additional conditions. A Use Permit can also be denied if there are no assurances that the use would be compatible in the particular location.

○ What are the requirements for submitting a Use Permit Application?

Use Permits are subject to review & approval by the Planning Commission and a public hearing will be required. If a Use Permit is being sought, the following criteria are required to initiate the processing of the application:

- a. \$300.00 filing & processing fee along with a completed application form/petition. Fees are non-refundable;

*Note: When an Applicant applies for a Use Permit after being cited for taking action without having obtained necessary approvals (after-the-fact), the application fee set forth above **shall be doubled**. The payment of the fee required by this section shall not relieve the Applicant from compliance with the Comprehensive Zoning Ordinance or from penalties imposed there under.*

- b. Letter of Authorization, if applicable;
- c. Original plus eleven (11) copies of the Project Description; and
- d. Twelve (12) copies (drawn to scale) of:
 - Plot/Site Plan: showing all existing and proposed structures, including fences and walls. In addition, the site plan should also show existing structures to be removed and/or modified; on-site traffic circulation patterns & access; details of parking areas

including dimensions of parking stalls and maneuvering; and details for each existing & proposed structure including building heights, setbacks from property lines, street setbacks, floor area, and building area;

- Location Map: identifies the project site relative to the surrounding neighborhood; and
- Building Plans: Detailed plans for all new structures, including building elevations and section drawings which show finish and existing grades, and setback from property lines; and floor plans which include the dimensions of rooms/habitable areas and activity areas.

e. Photos: The Applicant should include as part of their transmittal, photos of the project site showing the following:

- Street access (ingress & egress) to the project site;
- Uses on adjoining properties; and
- Building setbacks from property lines, distances to neighboring buildings, parking areas, and other uses on the site.

o **What is a “Project Description”?**

The project description is generally the heart of the Use Permit application. It must thoroughly describe the proposed and intended use of the property. Some of the basic information required in a project description will vary and be dependent on the type of use or activity proposed. In addition to describing the proposed use, activity, or development, certain information is helpful in evaluating a Use Permit. For example, the following should be described for a commercial use in a residential district: character of location and immediate surroundings, existing uses, number of employees, hours/days of operation, provisions for off street parking, nature and conduct of operation, use or activity, provisions or adequacy of necessary utilities, roads, etc.

Finally, the Applicant must demonstrate to the satisfaction of the Planning Department and Planning Commission that the proposed use is compatible use and would not generate any adverse impacts to surrounding property or the environment.

Pursuant to Article 3 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kaua’i County Code (1987), the purpose of the Use Permit procedure is to assure the proper integration into the community of uses which may be suitable only in specific location of a district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-3.2 of the CZO specifies a USE PERMIT may be granted only if the Planning Commission finds that the use meets the following criteria:

- a. the use must be a compatible use;
- b. the use must not be detrimental to persons or property in the area;
- c. the use must not cause substantial environmental consequences; and

- d. the use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and General Plan.

It is important to note that the Applicant is bound by the representations made in the Project Description. Any other subsequent use, change, or activity that is contrary to the representations made in the project description may be subject to additional review by the Planning Department and/or Planning Commission through a public hearing procedure.

- o ELECTRONIC DOCUMENT SUBMITTALS:

The submittal of electronic documents, either in whole or in part of this application IS REQUIRED. Electronic document submittals shall adhere to the following formats: PDF (Adobe Reader), JPEG, or Word. However, .PDF files are highly encouraged. ALL maps, drawings and/or plans **must** be drawn to an appropriate scale (architectural or engineering), and must be indicated on the document.

Pre-Application Meeting: The department encourages Applicant(s) to schedule a pre-application meeting with staff to discuss the application and processing requirements.

APPLICATION CHECK LIST

a.	Pre-Application meeting with Department of Planning	
b.	Completed Zoning Permit Application	
c.	Fees	
d.	Project Description/Petition	
e.	Scaled Drawings: <ul style="list-style-type: none"> o Site/Plot Plan o Location Map o Building/Floor Plans 	
f.	Photos (labeled and keyed to a general site map)	

NOTE: The above provides a general summary and overview of the requirements for a Use Permit application. Other requirements will apply during the process and instructions will be made available. Please verify with the Department of Planning at (808) 241-4050 for any additional details, requirements, and questions before preparing/submitting a Use Permit application.