County of Kauai Use Permit Application

Sec. 8-20.3 Application.

An application for a Use Permit may be filed by any person authorized to file an application for a Zoning Permit under **Section 8-19.2**. The application, whenever feasible, shall be filed together with the application for the required zoning permit, and a single application shall be used for both permits in those cases. The application shall contain the information required by Section 8-19.2 and other information justifying the issuance of the Use Permit. (Ord. No. 164, August 17, 1972; Sec. 8-19.3, R.C.O. 1976)

Sec. 8-20.4 Fees.

There shall be no additional filing and processing fee for a Use Permit application filed in conjunction with an application for a Zoning Permit. In other cases, a non- refundable fee of Fifty Dollars ($50) shall accompany the application for the Use Permit. (Ord. No. 164, August 17, 1972; Sec. 8-19.4, R.C.O. 1976)

Sec. 8-20.5 Standards.

(a) A Use Permit may be granted only if the Planning Commission finds that the establishment, maintenance, or operation of the construction, development, activity or use in the particular case is a compatible use and is not detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the community, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters, and will not be inconsistent with the intent of this Chapter and the General Plan.

(b) The Planning Commission may impose conditions on the permit involving any of the following matters: location, amount and type and time of construction, type of use, its maintenance and operation, type and amount of traffic, off-street parking, condition and width of adjoining roads, access, nuisance values, appearance of the building, landscaping, yards, open areas and other matters deemed necessary by the Planning Commission. (Ord. No. 164, August 17, 1972; Sec. 8-19.6, R.C.O. (1976)

Sec. 8-19.2 Applications.

The owner or lessee (holding under recorded lease the unexpired term of which is more than five (5) years from the date of filing the application), or any person duly authorized by the owner or lessee of the property affected, or any utility company possessing the power of eminent domain, may file a written application with the Planning Department for a zoning permit of the required type on a form prescribed by the Planning Department. The application shall contain or be accompanied by:

(1) A non-refundable filing and processing fee in the amount indicated in Section 8-19.3(a).

(2) A description of the property in sufficient detail to determine its precise location.

(3) A plot plan of the property, drawn to scale, showing all existing and proposed structures and any other information necessary:

(A) to show conformity with the standards established in this Chapter, and

(B) to a proper determination relative to the specific request.

(4) Any other plans and information required by the Planning Department. (Ord. No. 164, August 17, 1972; Sec. 8-18.2, R.C.O. 1976)

Sec. 8-19.3 Class I Zoning Permits.

(a) The filing and processing fee is Five Dollars ($5).

(b) The Planning Director or his designee shall check the application to determine whether the construction, development, activity or use conforms to the standards established by this Chapter and may require additional information if necessary to make the determination.

(c) A Class I Zoning Permit shall be issued with or without conditions or denied by the Planning Director or by any member of the Planning Department to whom the Planning Director has delegated authority.

(d) If the Planning Director or his designee fails to take action on a completed application within twenty-one (21) days of its filing, unless

the applicant assents to a delay, the application shall be deemed approved.

(e) An applicant who is denied a Class I Zoning Permit or who disagrees with the conditions that have been imposed on its issuance may appeal the decision to the Planning Commission in accordance with Section 8-19.7. (Ord. No. 164, August 17, 1972; Sec. 8-18.3, R.C.O. 1976)