

**KPAR-8-1.5-2**

**DEFINITIONS, COMPREHENSIVE ZONING ORDINANCE**

**DWELLING UNITS; DWELLING, MULTIPLE FAMILY**

*(Previously Adopted by the Commission February 26, 2013; Approved by the Mayor 3/21/2013)*

**AUTHORITY:**

Pursuant to Article XIV Section 14.03.E the Planning Commission of the County of Kaua'i adopts the following administrative rules pertaining to the responsibility of the Department to enforce Chapter 8, Section 8-1.5 of the Kaua'i County Code, 1987, as amended, concerning the definitions of "Dwelling Unit" and "Dwelling, Multiple Family."

Under the Comprehensive Zoning Ordinance:

"Dwelling Unit" means any building or any portion thereof which is designed or intended for occupancy by one (1) family or persons living together or by a person living alone and providing complete living facilities, within the unit, for sleeping recreation, eating and sanitary facilities, including installed equipment for only one (1) kitchen. Any building or portion thereof that contains more than one (1) kitchen shall constitute as many dwelling units as there are kitchens."

"Dwelling, Multiple Family" means a building or portion thereof consisting of two (2) or more dwelling units and designed for occupancy by two (2) or more families living independently of each other, where any (1) of the units is structurally dependent on any other unit.

**RULE:**

1. "[A]ny building or portion thereof" shall be interpreted by the Department as any enclosed portion of residential structure.
2. "Installed equipment" is further defined by the Commission and shall be interpreted by the Department as any appliance used to cook and prepare food including but not limited to a stove tops or ranges, griddle, rice cooker, toaster oven, microwave, hot plate, and or deep fryer. Installation, by nature, shall be considered complete upon a connection to an electrical socket. Installed equipment can be distinguished from blenders and food processors which are used only to prepare food.
3. "[L]iving independently of each other" shall be interpreted by the Department as any building or portion of residential structure designed and constructed in a manner to impede the free flow of all individuals permanently or temporarily residing in the structure from entering and exiting all rooms in the structure. This independence shall be evidenced by, for example, including but not limited to: locks on doors meant to only allow unlocked ingress in one direction; doors facing each other within the structure with keyed locks facing each other; and/or separate clearly marked or identified entrances to a building or portion thereof for complete living facilities.

**KPAR-8-1.5-1**

**DEFINITIONS, COMPREHENSIVE ZONING ORDINANCE**

**KITCHENS, INSTALLED EQUIPMENT**

*(Previously Adopted by the Commission February 26, 2013; Approved by the Mayor 3/21/2013)*

**AUTHORITY:**

Pursuant to Article XIV Section 14.03.E of the Kauai County Charter the Planning Commission of the County of Kaua'i adopts the following administrative rules pertaining to the responsibility of the Department to enforce Chapter 8, Section 8-1.5 of the Kaua'i County Code, 1987, as amended, concerning the definition of "Kitchen."

Under the Comprehensive Zoning Ordinance, "Kitchen" is defined as, "any room used or intended or designed to be used for cooking and preparing food."

**FINDINGS:**

As enforcement of Ordinance 935 hinges upon the definition of "Kitchen," and there have been abuses to create structures considered "Dwelling, Multiple Family" from those previously permitted as "Dwelling, Single Family Detached."

**RULE:**

1. "Installed equipment" is further defined by the Commission and shall be interpreted by the Department as any appliance used to cook and prepare food including but not limited to a stove tops or ranges, griddle, rice cooker, toaster oven, microwave, hot plate, and or deep fryer. Installation, by nature, shall be considered complete upon a connection to an electrical socket or fuel source. Installed equipment can be distinguished from blenders and food processors which are used only to prepare food.
2. Under Ordinance 935, "[a]ny room used or intended...for cooking and preparing food" shall be interpreted by the Department as to include any room where installed equipment is connected to or intended to be connected to an electrical socket. Evidence of any instructions, written, oral or posted, to "unplug" installed equipment when the installed equipment is not in use shall be considered installation.
3. All plans submitted to the Planning Department must demarcate surfaces where installed equipment will be connected to an electrical socket and used. Surfaces shall be outlined on all plans with a dashed line, labeled and cross hatched. Uses of installed equipment outside these surfaces will be considered a violation of Ordinance 935.
4. Rooms "[d]esigned to be used for cooking and preparing food" shall require surfaces for installed equipment to be no more than eight-feet from a sink and a refrigerator.