

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTERS 15, 12, AND 8,
KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO
WILDFIRE AND WILDLAND URBAN INTERFACE (WUI)**

(County of Kaua‘i, Applicant) (ZA-2026-6)

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

SECTION 1. Purpose. The purpose of this Ordinance is to establish Wildfire and Wildland Urban Interface (WUI) (also known as Wildland Urban Interface) standards by amending Chapter 15, Kaua‘i County Code 1987, as amended, relating to General Provisions Relating to Building and Construction Regulations, Chapter 12, relating to the Building Code, and Chapter 8, relating to the Comprehensive Zoning Ordinance (CZO), in order to enhance public safety, reduce property loss, and protect lives from wildfire hazards.

SECTION 2. Findings. The Council finds that wildfire activity in the United States has become larger, more frequent, and more widespread over recent decades, and that the total area burned in the State of Hawai‘i has increased more than fourfold over the past century, posing a threat to property and safety. The Council further finds that more than 38,000 homes and over 200 lives have been lost in the United States to four (4) major wildfire events since 2018, including the Camp Fire (2018), the Marshall Fire (2021), the Lāhainā Fires (2023), and the Los Angeles Fires (2025), which were human-caused, occurred during extreme wind events, and resulted in urban conflagrations that rapidly spread through densely populated areas.

The Council finds that, according to United States Department of Agriculture (USDA) Forest Service national wildfire risk datasets, homes in Kaua‘i County face a higher wildfire risk than approximately ninety-one percent (91%) of U.S. counties, indicating communities on Kaua‘i are subject to a very high level of wildfire risk, thereby necessitating regulatory measures to mitigate these risks. The Council also finds that proactive planning measures—including requirements related to building materials, connective fuels, and multiple means of ingress and egress, emergency accesses, and evacuation routes—can reduce property loss, limit fire spread between structures, and protect residents during wildfire events.

The Lāhainā Fire Incident Analysis Report identified ten (10) key priorities for enhancing wildfire safety statewide, including the adoption and implementation of Wildfire and Wildland Urban Interface (WUI) codes, ember-resistant construction standards, and defensible space and fuel management requirements. The General Plan for the County of Kaua‘i provides policy guidance to promote public safety and hazard resiliency by directing that building codes and permitting standards align

with disaster risk reduction efforts and address hazardous fuels such as dry vegetation. The General Plan further includes an action to implement the Kaua'i Community Wildfire Protection Plan, which recommends increasing the use of fire-resistant building materials in new residential construction, managing defensible space, and requiring multiple means of ingress and egress.

The Council finds that, based on the foregoing, the adoption and implementation of Wildfire and Wildland Urban Interface (WUI) regulations will provide a comprehensive framework to reduce wildfire risk and address associated wildfire hazards.

SECTION 3. Chapter 15 (General Provisions Relating to Building and Construction Regulations), Kaua'i County Code 1987, as amended, is amended by adding a new Article to be appropriately designated (likely as Chapter 15, Article 6) and to read as follows:

"Article . Wildfire and Wildland Urban Interface (WUI) Construction Requirements

Section 15- .1. Purpose.

The purpose of this Article is to establish Wildfire and Wildland Urban Interface (WUI) (also known as Wildland Urban Interface) standards in order to enhance public safety, reduce property loss, and protect lives from wildfire hazards.

Section 15- .2. Wildfire and Wildland Urban Interface (WUI) Construction Requirements.

(a) General Provisions.

(1) Lands Included.

(A) All lands on which a residential structure is proposed to be constructed.

(2) Other Laws and Regulations. All improvements subject to this Article shall comply with other applicable laws and regulations, including but not limited to the State and County Fire Codes, Building Code, Floodplain Management Code, Subdivision Ordinance, and Sediment and Erosion Control Ordinance. In case of a conflict between this Article and the requirements of any other Federal, State, or County law, such as the State Fire Code or the County Fire Code, the more restrictive requirements shall apply.

(3) Interpretation. In the interpretation and application of this Article, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the County; and

(C) Deemed to neither limit nor repeal any other requirement, power, or duty prescribed under Federal, State, or County law.

(4) Warning and Disclaimer of Liability. The degree of wildfire and wildland urban interface required by this Article is considered reasonable for regulatory purposes and is based on wildfire hazard assessment considerations. Wildfires can and will occur on occasion. This Article does not imply that land outside the area of the subject property or uses and structures within this area will be free from wildfire risk. This Article shall not create liability on the part of the County of Kauaʻi or any officer or employee for any damages that result from reliance on this Article or any administrative decision lawfully made based on this Article.

(b) Definitions.

“Accessory Structure” means a structure which is subordinate to, and the use of which is incidental to that of the main structure or use on the same lot or parcel and not used for human occupancy of habitation.

“Advancing Standards Transforming Markets (ASTM)” means the organization (formerly referred to as the American Society for Testing and Materials) that develops standards and publishes voluntary consensus technical international standards for a wide range of materials, products, systems, and services.

“County” means the County of Kauaʻi.

“Firestopping” means the process of filling openings and joints between walls, floors, and roofing material to inhibit the spread of fire between compartments within a structure.

“Ignition-resistant” as applied to building construction material means a material treated or manufactured to delay ignition and tested to conform to ASTM E84 or ASTM E2768. Examples include but are not limited to fire-retardant-treated wood, dense hardwoods like ipe, and fiber-cement boards.

“Noncombustible” as applied to building construction material means a material of which no part will ignite and burn when subjected to fire and tested

to conform to ASTM E136. Examples include but are not limited to concrete, metal, glass, and stone.

“**Noncombustible roof covering**” means a roof covering consisting of any of the following: (1) cement (or fiber-cement) shingles or sheets, (2) ferrous shingles or sheets, or (3) slate shingles.

“**Noncombustible zone (NCZ)**” means the area of land that extends 5 feet measured from the edge of the exterior walls of a structure and any unenclosed appendages or projections (including but not limited to lānais, porches, and stoops). This area is also referred to as Zone 0 in Chapter 8.

“**Roof assembly**” means a system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly can include an underlayment, thermal barrier (i.e., insulation), ignition barrier, insulation, or a vapor retarder.

“**Roof covering**” means the covering applied to the roof deck for weather resistance or appearance. The roof covering and underlying components are part of the fire rating for the roof assembly.

“**Roof deck**” means that flat or sloped surface of a roof not including its supporting members or vertical supports.

“**Structure, Residential**” means a structure that is used for habitation purposes and having all necessary facilities for residency such as living, sleeping, cooking, eating, and sanitation. These structures include but are not limited to single-family dwelling units, farm dwelling units, multifamily dwelling units, additional dwelling units (ADUs), additional rental units (ARUs), and guest houses, as defined in Section 8-1.5, Kaua‘i County Code 1987, as amended. A residential structure is not an accessory structure.

“**Structure, Unenclosed Accessory**” means an accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

“**Wildfire**” means an uncontrolled fire spreading through the natural or built environment exposing and possibly consuming structures.

“**Wildland**” means an area in which development is essentially nonexistent, except for roads, railroads, power lines, and similar facilities, and often characterized by natural and invasive vegetation.

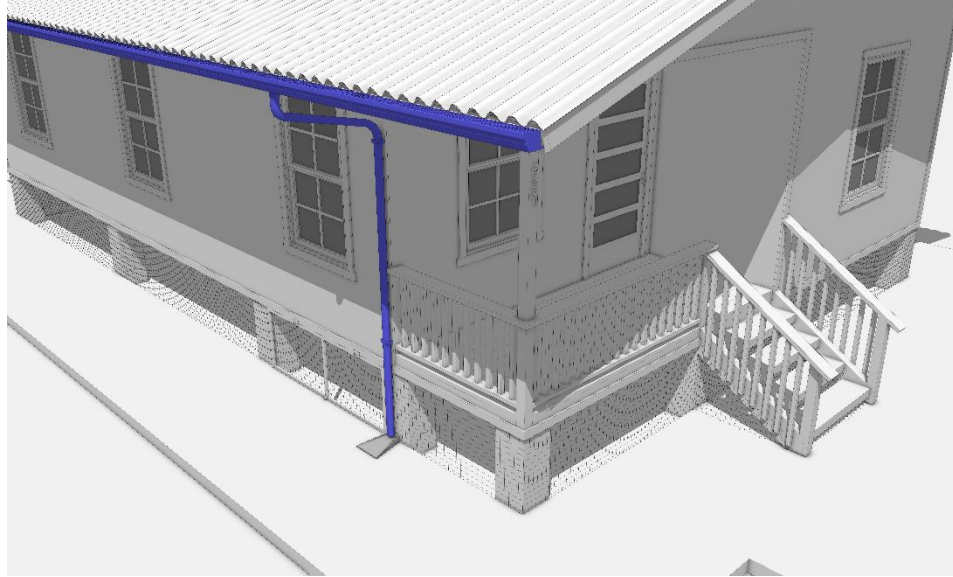
“Wildfire and Wildland Urban Interface (WUI)” or “Wildland Urban Interface (WUI)” means the zone of transition between unoccupied land and human development. It is the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

(c) Residential Construction.

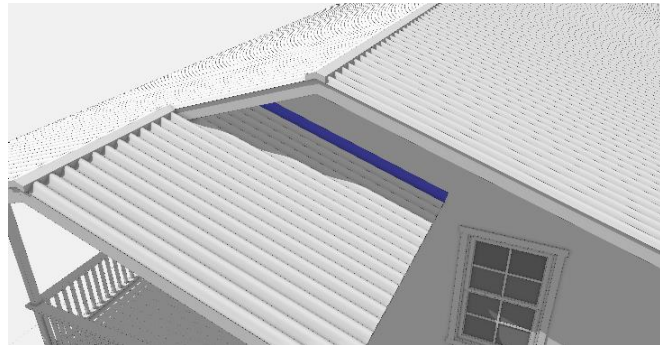
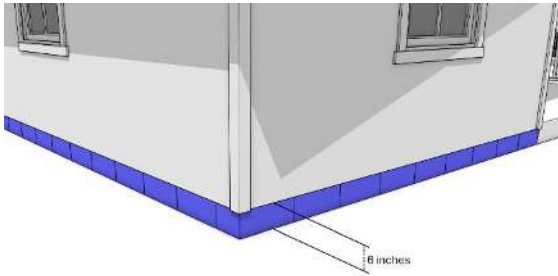
(1) Construction Requirements. For any newly proposed Residential structures, or substantial improvements of existing structures, the following construction requirements shall be met:



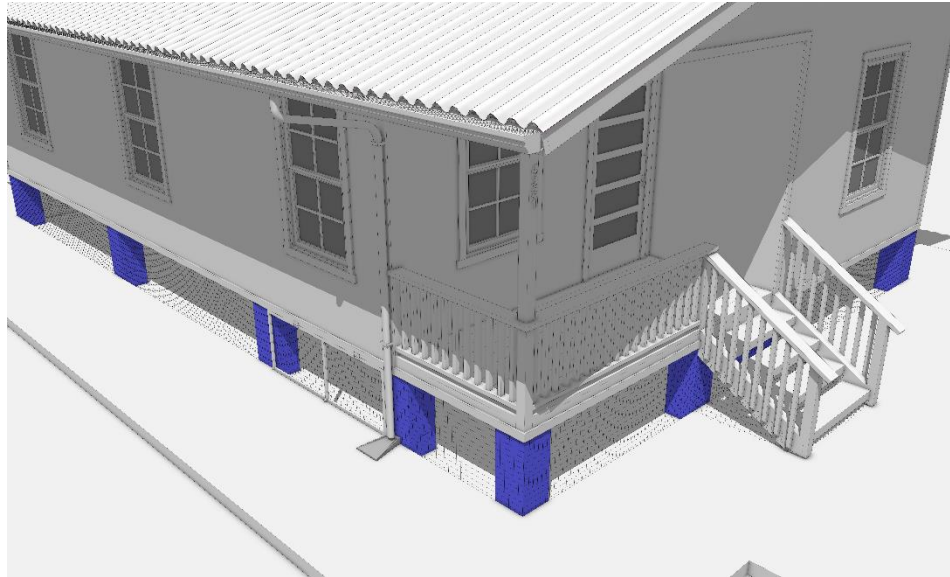
(A) Roofs. Roofs shall have a roof assembly that complies with a Class A rating when tested in accordance with ASTM E108, or an approved noncombustible roof covering. For roof assemblies where the profile allows a space between the roof covering and roof deck, the space shall be fire-stopped to prevent entry of flames or embers.



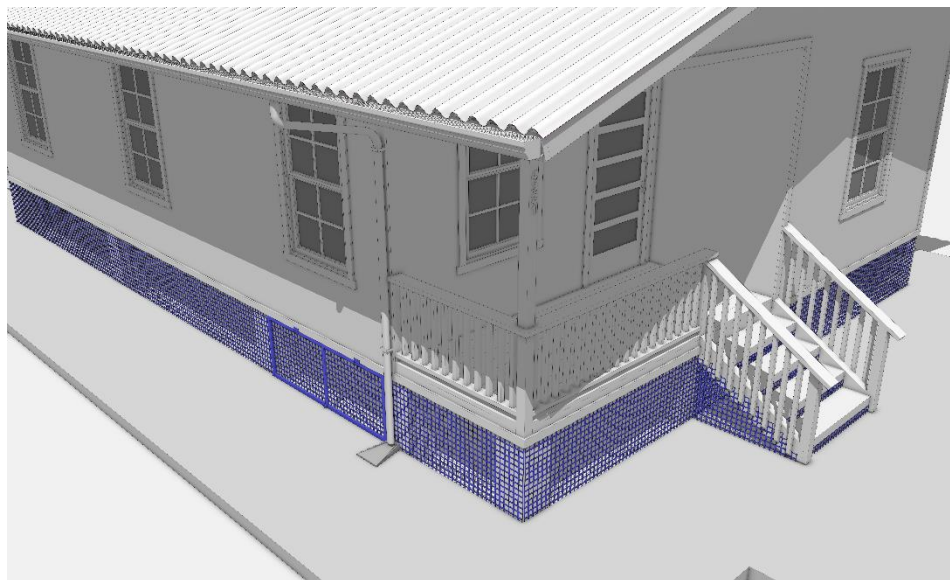
(B) Gutters and Downspouts. Gutters and downspouts shall be constructed of metal material. Gutters shall be covered with a noncombustible material to prevent the accumulation of debris within the gutter.



(C) Exterior walls. A minimum of 6 inches of noncombustible material vertically on the exterior of the wall shall be installed at the ground, decking, and roof intersections. This material shall extend behind the associated siding to reduce ember entrapment.



(D) Post and pier. If any residential structure is elevated, the post and pier material shall be noncombustible or at a minimum 6 inches of noncombustible material shall be installed vertically on the exterior of the post and pier at grade and abut against the adjacent 5-foot hardscape noncombustible zone (NCZ).



(E) Underfloor Enclosure. Residential structures elevated on post and pier at four feet or less (or any portion of the structure) and any attached appendages and projections such as decks, lānais, porches, and stoops elevated on post and pier at four feet or less (or any of the projection) shall have the underfloor areas enclosed to the ground with noncombustible corrosion-resistant mesh screen size not to exceed

1/8 inch (3.2 mm). The mesh shall meet the following additional requirements:

(i) Extended down to be flush with grade and abut against the adjacent 5-foot hardscape noncombustible zone (NCZ). For structures on a slope that may have portions elevated higher than four feet, the mesh screen enclosure of that portion of the structure is not required. The mesh enclosure for the portions of the structure that are elevated at four feet or less shall be extended below grade by at least four inches and firestopped to prevent ember intrusion.

(ii) Any associated material including but not limited to framing material or covering material (such as lattice) shall be noncombustible; and,

(iii) At least one area of the underfloor area mesh screening shall be constructed and framed in a manner to allow a minimum 16" x 24" of the mesh screen to be removed for access and maintenance purposes of the underfloor area. The framing and any other associated material for this access section of the mesh screening shall be made of noncombustible material.

(iv) Residential structures elevated on post and pier in order to meet floodplain management standards shall still meet all requirements of KCC Section 15-1.5(a)(3)(A) and shall have underfloor areas screened in a manner that has a minimum of two (2) floodwater openings pursuant to KCC Chapter 15-1.5 whereby any floodwater opening device that permits the automatic entry and exit of floodwaters shall be fire-stopped to prevent entry of flames or embers subject to review and approval of the Fire Chief and Floodplain Manager.

(F) Appendages and projections. Unenclosed appendages and projections attached to buildings such as decks, lānais, porches, and stoops elevated on post and pier shall have underfloor areas enclosed to the ground with noncombustible corrosion-resistant mesh screen size not to exceed 1/8 inch (3.2 mm) and shall meet the following additional requirements:

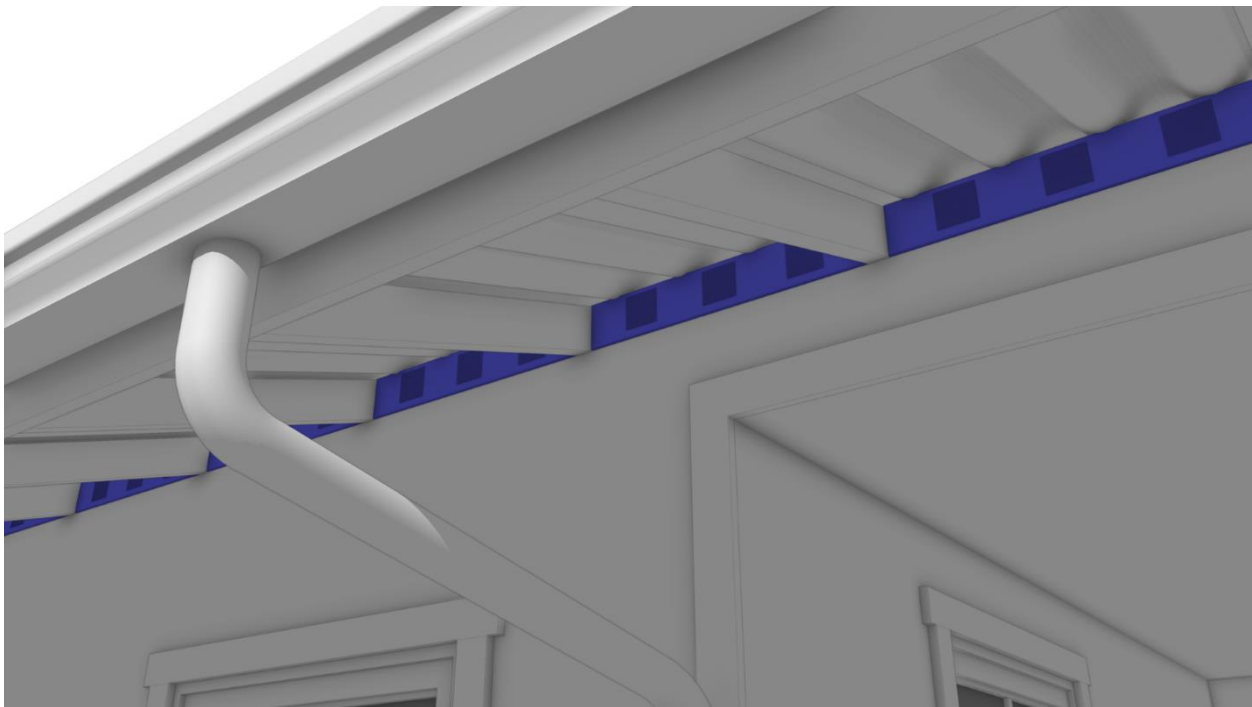
(i) When elevated, to prevent any ember intrusion beneath the underfloor area, all floorboards shall be flush with each other without any parallel space apart from each other.

(ii) Noncombustible or ignition-resistant material is required for all exterior flooring material.

Exception: if the exterior flooring material, such as floorboards, are comprised of combustible material, at a minimum all floorboards perpendicular to a wall or a post shall be ignition resistant within 6 inches of the deck-to-wall or deck-to-post intersection.

(iii) Noncombustible or ignition-resistant material is required for all walls and posts that are perpendicular to the deck.

Exception: if the wall or post is comprised of combustible material, at a minimum the wall or post shall have 6 inches of noncombustible flashing installed at the wall-to-deck or post-to-deck intersection.



(G) Vents. Ventilation openings for enclosed attics (e.g., gable ends, ridge ends, and enclosed eave soffit spaces), enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, underfloor ventilation, foundations, and crawl spaces; under eaves and cornices; or for any other opening intended to permit ventilation, either in a horizontal or vertical surface, shall resist the intrusion of burning embers and flames by meeting one of the following requirements:

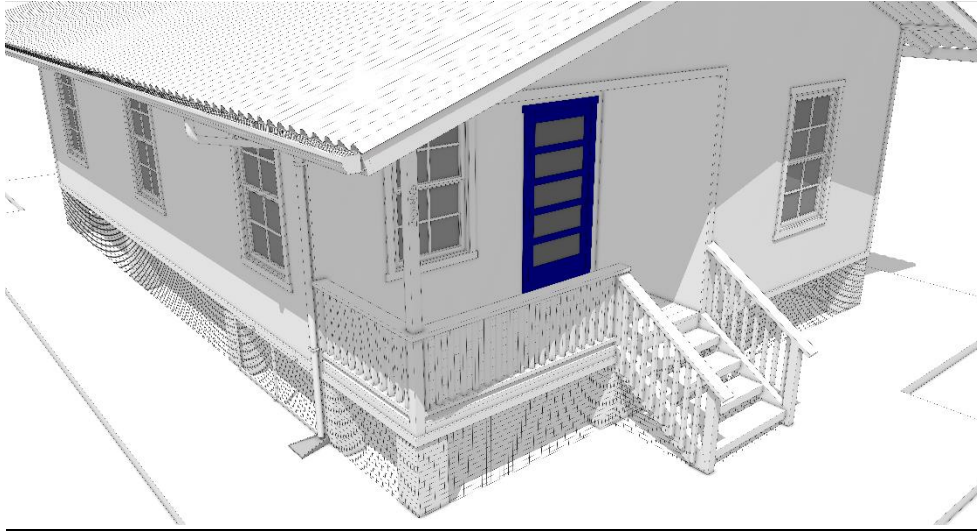
(i) Performance-based requirements: Corrosion-resistant ember and flame-resistant vents tested to conform to ASTM E2886.

(ii) Prescriptive-based requirements: Vents shall be made of a noncombustible material and covered on the exterior with noncombustible corrosion-resistant mesh with openings not to exceed 1/8 inch (3.2 mm).

Exceptions: Dryer vents shall have a solid metal louver or flap in lieu of mesh. Plumbing vents are excluded from these requirements.



(H) Exterior glazing. Each residential structure's exterior windows, window walls, glazed doors, and windows within exterior doors shall be dual pane tempered glass or have a fire protection rating of not less than 20 minutes and tested to conform to ASTM E119 and ASTM E2010.



(I) Exterior doors. Exterior doors shall be solid core wood or have an exterior surface with noncombustible or ignition-resistant building material or have a fire protection rating of not less than 20 minutes.



(J) Addressing. Each residential structure shall have its address numbers placed or marked with reflective material on its exterior thoroughfare facing wall, with numbers at least three (3) inches in height."

SECTION 4. Chapter 12 (Building Code), Kaua'i County Code 1987, as amended, is amended by amending its Section 12-1.3 (Administration), paragraph (23) (relating to Amending Section 105.2 Work exempt from permit), item 2. in pertinent part to read as follows:

“2. One-story detached accessory buildings used as tool and storage sheds, playhouses, animal shelters, green houses, trash enclosures and similar uses, provided the floor area does not exceed [300] 200 square feet and complies with Chapter 8, Comprehensive Zoning Ordinance; Chapter 15, Article 1, Floodplain Management, Kaua'i County Code 1987, as amended and the Administrative Laws and Rules of the Department of Health, State of Hawai'i.”

SECTION 5. Chapter 8 (Comprehensive Zoning Ordinance), Kaua'i County Code 1987, as amended, is amended by amending its Section 8-1.5 (Definitions) by deleting the definition for “Dwelling, single family attached.”

“**Dwelling, single family attached**” means a building consisting of two or more dwelling units designed for occupancy by two or more families living independently of each other where each unit is structurally independent although superficially attached or close enough to appear attached.”

SECTION 6. Chapter 8 (Comprehensive Zoning Ordinance), Kaua'i County Code 1987, as amended, is amended by amending its Section 8-1.5 (Definitions) by adding the following new definitions to be appropriately inserted and to read as follows:

“**Accessory Structure Zone**” means an area that applies to both the accessory structure itself and the area that extends five (5) feet from the exterior of an accessory structure and any attached appendages and projections. It includes requirements for ember ignition mitigation and noncombustible materials.

“**Advancing Standards Transforming Markets (ASTM)**” means the organization (formerly referred to as the American Society for Testing and Materials) that develops standards and publishes voluntary consensus technical international standards for a wide range of materials, products, systems, and services.

“**County**” means the County of Kaua'i.

“**Defensible space**” means an area either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared, maintained, or modified to slow the rate and intensity of an advancing wildfire through an urban or rural area and to create an area for structure defense operations to occur.

“**Fire-prone vegetation**” means material that in its natural state can readily ignite, burn, and rapidly transmit fire. For the purposes of this Article this definition is limited solely to the three following plant species: 1) *Megathyrsus maximus* or commonly known as “Guinea Grass,” 2) *Leucaena leucocephala* or commonly known as “Haole Koa,” and 3) *Cenchrus ciliaris* or commonly known as “Buffel Grass.”

“**Firewood**” means any kindling, logs, timber, or other portions of a tree of any species four (4) feet or less in length, cut or split, or intended to be cut or split, into a form and size appropriate for use as fuel for fires in an open pit, imu, grill, fireplace, stove, or other wood burning furnace or device.

“**Noncombustible**” means a material that will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat, as determined by ASTM E136 or other approved standards.

“**Noncombustible zone (NCZ)**” means the area of land that extends 5 feet measured from the edge of the exterior walls of a structure and any unenclosed appendages or projections (including but not limited to lānais, porches, and stoops). This area is also referred to as Zone 0.

“**Residential Structure Zone**” means an area that applies to the residential structure itself, and it includes requirements for ember ignition mitigation, ignition-resistant and noncombustible construction to reduce the risk of structure ignition.

“**Structure, Residential**” means a structure that is used for habitation purposes and having all necessary facilities for residency such as living, sleeping, cooking, eating, and sanitation. These structures include but are not limited to single-family dwelling units, farm dwelling units, multifamily dwelling units, additional dwelling units (ADUs), additional rental unit (ARUs), and a guest house. A residential structure is not an accessory structure.

“**Unenclosed Accessory Structure**” means an accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

“**Wildfire**” means an uncontrolled fire spreading through the natural or built environment exposing and possibly consuming structures.

“**Wildland**” means an area in which development is essentially nonexistent, except for roads, railroads, power lines, and similar facilities, and often characterized by natural and invasive vegetation.

“**Wildfire and Wildland Urban Interface (WUI)**” or “**Wildland Urban Interface (WUI)**” means the zone of transition between unoccupied land and human development. It is the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

“**Zone 0: 5-Foot Noncombustible Zone (NCZ)**” means an area that extends five feet from the exterior of a residential structure and any attached appendages and projections. It shall consist of noncombustible hardscape and materials. The purpose

of this zone is to prevent direct flame contact and reduce the risk of ember ignition at the structure's base.

“**Zone 1: 30-Foot Defensible Space**” means an area that extends from the edge of Zone 0 to 30 feet away from the structure or to the property line, whichever is closer. It requires vegetation management such as pruning lower limbs, spacing trees and shrubs, and removing combustible materials to reduce fuel loads and slow fire spread toward the structure. Fire-prone vegetation is prohibited.”

SECTION 7. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by amending its Section 8-1.5 (Definitions) by amending the following definition(s) in pertinent part to read as follows:

“**Structure**” means anything affixed, constructed, or erected that requires location on the ground or is attached to something having location on the ground, excluding:

- (a) Vehicles designed and used only for the transportation of people or goods;
- (b) Utility poles and towers constructed by a public utility; and
- (c) Development or construction that meets all the following criteria:
 - (1) Does not exceed two hundred (200) square feet in size,
 - (2) Does not exceed ten (10) feet in height,
 - (3) Does not encroach into the respective lot's property line setbacks pursuant to KCC Chapter 8,
 - (4) Does not encroach into the respective lot's building-to-building setbacks pursuant to KCC Chapter 8,
 - (5) Does not exceed the respective lot's land coverage ratio pursuant to KCC Chapter 8,
 - (6) Is not used for residential or habitation purposes, and
 - (7) Is not used for the exchange of goods or services for compensation for a fee or otherwise.

To be considered a single structure, any attached appurtenance to the main structure needs to be structurally dependent upon that main structure. Any appurtenance that is attached to another structure but not structurally dependent upon that structure shall be deemed a separate structure and subject to all zoning regulations accordingly, including but not limited to minimum distance setbacks for separate structures under Section 8-4.3(b).”

SECTION 8. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by amending its Section 8-2.4 (Uses in Districts) by amending its Table 8-2.4 (Table of Uses) in pertinent part by amending the “Use” description for its Section 8-2.4(b) to read as follows:

“Table 8-2.4 Table of Uses											
Sec.	USE	ZONING DISTRICT									
		Residential			RR	Commercial Industrial				AG	O
		R-1 to R-6	R-10 to R-20			CN	CG	IL	IG		
8-2.4(b)	Multiple-family and single-family attached dwellings	P	P								

SECTION 9. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by amending its Section 8-2.4 (Uses in Districts) by amending its Table 8-2.4 (Table of Uses) in pertinent part by amending the “Use” description for its Section 8-2.4(j)(9) to read as follows:

“Table 8-2.4 Table of Uses											
Sec.	USE	ZONING DISTRICT									
		Residential			RR	Commercial Industrial				AG	O
		R-1 to R-6	R-10 to R-20			CN	CG	IL	IG		
8-2.4(j)(9)	Multiple-family dwellings and single-family attached dwellings					P					

SECTION 10. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by amending its Section 8-2.4 (Uses in Districts) by amending its Table 8-2.4 (Table of Uses) in pertinent part by amending the “Use” description for its Section 8-2.4(k)(22) to read as follows:

“Table 8-2.4 Table of Uses											
Sec.	USE	ZONING DISTRICT									
		Residential			RR	Commercial Industrial				AG	O
		R-1 to R-6	R-10 to R-20			CN	CG	IL	IG		
8-2.4(k)(22)	Residential Single-family detached dwellings, detached, attached, dwellings or multi-family dwellings						P				

SECTION 11. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by amending its Section 8-2.4 (Uses in Districts) by amending its Table 8-2.4 (Table of Uses) in pertinent part by amending the “Use” description for its Section 8-2.4(r)(21) to read as follows:

“Table 8-2.4 Table of Uses											
Sec.	USE	ZONING DISTRICT									
		Residential			RR	Commercial			Industrial		
		R-1 to R-6	R-10 to R-20			CN	CG		IL	IG	
8-2.4(r)(21)	Single-family [attached and] detached dwellings										P

SECTION 12. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by amending its Section 8-4.3 (Development Standards for Residential Structures Not Involving the Subdivision of Land) in pertinent part to read as follows:

“(a) Parcel Area. The parcel area required for single family detached dwelling units shall be calculated in accordance with the density and acreage limitations in the particular Residential Density District, as provided in Sec. 8-4.2, except that, one single family detached dwelling unit may be constructed on any legal lot or parcel of record as of August 17, 1972, even if the lot or parcel is smaller than is required in the density district in which the lot or parcel is located.

(b) Setback requirements. Setback requirements shall be as follows:

(1) Front setback: No structure, including but not limited to garages, carport, decks above grade, and accessory or storage structures may be closer than 10 feet to the right-of-way line of a public thoroughfare or the property line of a private street or the pavement line of a driveway or parking lot serving more than three dwelling units.

(2) Rear setback: No structure shall be closer than five (5) feet or ½ the total height of the building wall nearest the rear property line, whichever is greater

(3) Side setback: No building shall be closer to a side property line than five (5) feet or ½ the total height of the highest building wall from the ground level nearest the property line, whichever is greater.

(4) No eave, roof overhang, or other appurtenance to a building, other than a fence under six (6) feet in height, shall project into any setback more

than ½ the distance of the setback, or four feet, whichever is less. Fences under six (6) feet in height constructed within the setback shall be comprised of noncombustible material.

(5) No balconies, overhead walkways, decks, carports or other exterior spaces intended for human occupancy above the ground floor of any building, shall penetrate the setback area.

[(6) Accessory buildings and garden or service shelters not higher than seven feet nor covering more than 400 square feet, nor exceeding 20% of the rear side property line in the longest dimension facing the rear property line, may be built without setback.]

[(7)] (6) Greater setbacks because of topographic, drainage, sun exposure or privacy conditions may be required and made a condition for a Zoning Permit.

(7) Minimum distance between structures shall be 10 feet.

(8) In consultation with the Fire Chief, and where all respective property owners provide written consent, the Planning Director may reduce minimum distances of buildings to property lines for shared wall construction if the proposed building's wall adjacent to the respective property line is constructed with noncombustible material.

(9) In consultation with the Fire Chief, the Planning Director may reduce minimum distances between structures proposed on a property for shared wall construction if the abutting walls or shared walls of the respective structure or structures are constructed with noncombustible material.

[(c) Minimum distance between structures. Minimum distance between structures shall be 10 feet.]

[(d)] (c) Parcel Dimension Requirements. Parcel dimension requirements shall be as follows:

(1) A parcel large enough to qualify for two or more dwelling units shall conform to the following requirements before any person is permitted to develop more than one single family dwelling unit and accessory buildings on the parcel:

(A) The minimum frontage on a public or private street shall be 25 feet unless the parcel is a flag lot.

(B) The minimum average width of the existing parcel, excluding the flag portion of a flag lot, shall be 60 feet.

(2) Requirements for parking, access, driveways, building height, utilities and other regulations not specified in this Section shall be the same as those required of all residential development as established in Sec. 8-4.5.

(3) The amount of land coverage created for R-1 to R-6 Zoning Districts including buildings and pavement, shall not exceed 60% of the lot or parcel area. Land coverage for the R-10 Zoning District shall not exceed 80% and land coverage for the R-20 Zoning District shall not exceed 90%.

[(e)] (d) Open Space. When development on a parcel meeting the density and parcel area requirements of this Section results in the designation of areas within the parcel for open space use, the area shall be designated on a map of the parcel as permanent open space and the map shall be recorded with the Bureau of Land Conveyances. In addition, the areas shall automatically be transferred to the Open District for zoning purposes.”

SECTION 13. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by amending its Section 8-4.4 (Development Standards for Residential Structures Which Involve the Subdivision of Land), including deleting Subsection 8-4.4(b) and renumbering Subsection 8-4.4(c), in pertinent part to read as follows:

“(a) Single Family Detached Dwellings. Subject to the density and acreage limitations in the particular Residential Density District, as provided in Sec. 8-4.2, the following criteria shall apply where an applicant seeks subdivision approval to create lots for single family detached dwellings:

(1) Lot Area.

(A) The minimum average lot area shall be 6,000 square feet;

(B) No lot shall be less than 4,500 square feet; and

(C) No more than 20% of the lots in the proposed subdivision shall be less than 6,000 square feet.

(2) Lot Width.

(A) Minimum average lot width shall be 60 feet;

(B) No lot shall be less than 45 feet in width;

(C) No more than 20% of the lots in the proposed subdivision shall be less than 60 feet in width;

(D) No more than six lots less than 60 feet in width shall be located adjacent to one another;

(E) The pole section of a flag lot shall not be less than 15 feet in width.

(3) Lot Length. The average length of any lot shall not be greater than three times the average width.

[(A) The average length of any lot shall not be greater than three times the average width;

(B) The maximum length of the pole portion of a flag lot shall be 150 feet.]

(4) Setback. The minimum distances from property lines shall be as required by Sec. 8-4.3(b), except that the applicant may indicate varying front setbacks on the subdivision map so long as no front setback is less than 10 feet.

(5) Subject to the density and acreage limitations in the particular Residential Density District, as provided in Sec. 8-4.2, where an applicant seeks approval of a horizontal property regime, all single family detached dwelling units shall be located in a manner as to conform to the requirements of this Article as if they were to occur on separate subdivided parcels or lots.

Requirements for parking, access, driveways, building height, utilities and other regulations not specified in this Section shall be the same as those required of all residential development as established in Sec. 8-4.5.

[(b) Single Family Attached Dwellings. Subject to the density and acreage limitations in the particular residential density district, as provided in Sec. 8-4.2, the following standards shall apply where an applicant seeks subdivision approval to create lots for single family attached dwellings:

(1) Lot Area.

(A) The minimum average lot area shall be 3,000 square feet;

(B) No lot shall be less than 2,400 square feet;

(C) No more than 40% of the lots in the proposed subdivision shall be less than 3,000 square feet;

(D) There shall be a permanent open space in common ownership and readily accessible to each single family attached lot

usable for recreation and community activities other than streets, driveways, and parking, equal to no less than 30% of the total area of all single family attached lots.

(2) Lot Width.

(A) The minimum average lot width shall be 30 feet;

(B) No lot shall be less than 24 feet in width;

(C) No more than 40% of the lots in the proposed subdivision shall be less than 30 feet in width;

(D) No more than six lots less than 30 feet in width shall be located adjacent to one another.

(3) Lot Length. The average length of any lot shall not exceed four times its average width.

(4) Setbacks.

(A) Minimum front setbacks shall be the same as required by Sec. 8-4.3(b);

(B) Minimum sideyard setback shall be the same as required by Sec. 8-4.3(b), except that the minimum setback from property lines between single family attached dwellings within the same subdivision shall be either less than six inches or greater than five feet;

(C) Minimum rear setbacks shall be 15 feet unless a maintenance easement is required in which case minimum rear setbacks shall be 25 feet.

(5) Maintenance Easements. Easements shall be provided for maintenance access to the rear or exposed sides of all single family attached lots which do not have exterior access. Side access easements shall be not less than five feet and rear access easements shall be not less than 10 feet.

(6) Distance Between Buildings.

(A) When the parallel walls of two or more single family attached units are not over one foot apart, they shall be considered as one building in determining the minimum distance between buildings;

(B) The minimum distance between buildings shall be the same as required by Sec. 8-4.3(c), except that the minimum side to side distances between any portion of adjacent buildings must be five feet or greater if the side to side distance is more than one foot; and no more than six attached single family dwellings may be placed adjacent to one another where all dwellings are within 20 feet of one another;

(C) Minimum distances between single family attached dwellings and single family detached or multiple family dwellings shall be as required by Sec. 8-4.3(c).

(7) Subject to the density and acreage limitations in the particular residential density district, as provided in Sec. 8-4.2, where an applicant seeks approval of a horizontal property regime, all single family attached dwelling units shall be located in a manner as to conform to the requirements of this Section as if they were to occur on separate subdivision parcels or lots.

(8) Construction Requirements. No lots for single family attached dwellings, as provided in this Section, shall be sold or leased until the dwelling units and other improvements to be erected on the lots, as indicated on construction plans or which were required as a condition of a zoning permit, have undergone at least 50% construction or completion and that the developer has deposited or provided the County of Kaua'i with a 100% Bond from the inception to the completion of the project.

(9) Requirements for parking, access, driveways, building height, utilities and other regulations not specified in this Section shall be the same as those required of all residential developments as established in Sec. 8-4.5.]

[(c)] (b) Multiple Family Dwellings. Subject to the acreage limitations in the particular residential density district, as provided in Sec. 8-4.2, the following standards shall apply where an applicant seeks subdivision approval to create lots for multiple family dwellings:

(1) Lot Area. The minimum lot area shall be 10,000 square feet.

(2) Lot Width. The minimum lot width shall be 80 feet.

(3) Lot Length. The average length of any lot shall not exceed three times its average width.

(4) Setbacks. Minimum setbacks shall be as required by Sec. 8-4.3(b).

(5) Distance Between Buildings. Minimum distance between buildings shall be as required by Sec. [8-4.3(c).] 8-4.3(b).

(6) Maximum Lot Coverage. The amount of land coverage created, including buildings and pavement, shall not exceed 50% of the lot or parcel area. This requirement shall not apply to separate lots or parcels used in common for parking or other community uses.

(7) Requirements for parking, access, driveways, building height, utilities and other regulations not specified in this Section shall be the same as those required of all residential development as established in Sec. 8-4.5.”

SECTION 14. Chapter 8 (Comprehensive Zoning Ordinance), Kaua'i County Code 1987, as amended, is amended by amending its Section 8-4.5 (Standards of Development Applicable to All Residential Development), Subsections 8-4.5(b) and 8-4.5(c), in pertinent part to read as follows:

“(b) Building Height.

(1) No single family detached [or single family attached dwelling,] dwelling or accessory structure shall be more than two stories above and one story below from the finished grade at the main entry, over 20 feet measured from the finished grade at the main entry to the highest exterior wall plate line, and over 30 feet to the highest point of the roof measured at each point along the building from the finished grade at the main entry. The finished grade at the main entry shall not be elevated more than a maximum of four feet from the existing grade. (See Figure 1)

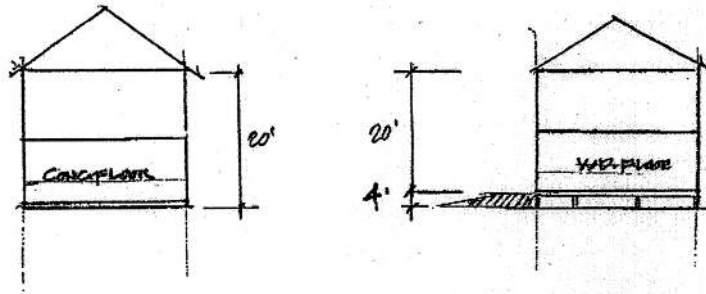


Figure 1.

For the purpose of determining the number of stories in a single family detached dwelling, a loft shall be considered a story, except when the dwelling is constructed in a flood plain area. In a flood plain area a loft shall not be deemed a story for the story limitation purpose of Subsection (b)(1). Lower minimums may be imposed as a condition to a zoning permit to recognize topographic, light and air, privacy or architectural conditions of adjacent development or uses.

(2) No multiple family buildings, hotel or motel, shall be more than 10 feet higher than any residential building located within 30 feet of the building, or shall not exceed four stories nor exceed 40 feet from finished grade at each point along the building to the highest wall plate line. Gables and roof height shall not exceed 1/2 the wall height or 15 feet, whichever is less. The limits contained in this Section shall not apply to spaces containing mechanical equipment, such as elevator machinery and air conditioning units, but the spaces shall not exceed 15 feet above the highest wall plate line.

(c) Utilities and Services. The following standards of development shall apply to all residential development:

(1) Waste collection areas shall be provided for single family detached dwelling and common waste collection areas shall be provided for [single family attached and] multiple family dwelling units, according to standards established by the County Engineer. All waste collection areas shall

be screened by a fence, wall or hedge from public thoroughfares when serving over two dwelling units.

(2) Where a Zoning Permit is issued providing for development at a density of 10 or more dwelling units per acre on a parcel, all electric distribution lines, telephone lines, gas distribution lines, cable television lines, and like facilities located within the parcel to be developed or leading into the parcel shall be installed underground unless the applicant demonstrates, and the Planning Commission determines on the basis of substantial evidence, that installation of any of the foregoing lines and facilities above ground will better protect scenic and environmental values.

The following types of lines and facilities may be exempted from the requirements of this Section:

(A) Poles without overhead lines used exclusively for fire or police alarm boxes, lighting purposes or traffic control;

(B) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building;

(C) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes, and meter cabinets and concealed ducts, provided that the facilities shall be located and designed so as to harmonize with the area, and shall be appropriately screened and landscaped. In appropriate instances, all or part of the transformers and service terminals shall be flush with or below the surface of the ground at the point of installation.

(3) All residential development accessible to a public sewer shall provide for adequate sanitary sewer facilities in accordance with standards established by the Department of Public Works and the State Department of Health. In developments not accessible to public sewers, a private sewage disposal system shall be provided that meets the requirements of the Department of Public Works and the requirements of Chapter 57 of the Public Health Regulations of the State Department of Health.

(4) All residential development in districts permitting densities in excess of one dwelling unit per acre shall be served by a public water distribution system or a private system equivalent to public standards and specifications as established by the Department of Water.”

SECTION 15. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by amending its Section 8-4.5 (Standards of Development Applicable to All Residential Development), by adding new Subsections 8-4.5(e) and 8-4.5(f), to be appropriately inserted and to read as follows:

“(e) Noncombustible Zone. A five (5) foot noncombustible zone with groundcover comprised of hardscape (such as concrete, brick, or gravel) with a depth of at least four (4) inches shall be constructed and maintained for any residential structure. For pervious material like gravel or crushed rock, a protective barrier shall be utilized beneath the pervious hardscape that prevents organic material growth. This five (5) foot groundcover hardscape requirement is not required for accessory structures.

(f) A second county standard access road is required for proposals that include the following:

- (1) Subdivision of 20 or more lots;
- (2) Condominium property regime (CPR) for 20 or more units; or
- (3) A zoning permit for 20 or more dwelling units.

The Planning Director or Planning Commission may require additional access beyond the second county standard access road when recommended by the County Engineer or the Fire Chief.”

SECTION 16. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by amending its Section 8-15.1 (Additional Dwelling Unit on Other Than Residentially Zoned Lots), by amending its Subsection 8-15.1(a) in pertinent part only, to read as follows, with all other Subsection 8-15.1(a) language remaining as-is:

“(a) Additional Dwelling Unit. Notwithstanding other provisions to the contrary, for any lot where only one single family residential dwelling or farm dwelling is a generally permitted use or is allowed through a Use Permit, one additional single family residential dwelling unit [(attached or detached)] or farm dwelling may be developed, provided:”

SECTION 17. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by amending its Section 8-15.2 (Additional Dwelling Unit on Residentially Zoned Lots), by amending its Subsection 8-15.2(a) in pertinent part only, to read as follows, with all other Subsection 8-15.2(a) language remaining as-is:

“(a) Notwithstanding other provisions to the contrary, for any residentially zoned lot where only one (1) single-family residential dwelling is permitted, one (1) additional single-family residential dwelling unit [(attached or detached)] may be developed, provided:”

SECTION 18. Chapter 8 (Comprehensive Zoning Ordinance), Kauaʻi County Code 1987, as amended, is amended by adding a new Article to be appropriately designated (likely as Chapter 8, Article 32) to read as follows:

“Article . Wildfire and Wildland Urban Interface (WUI) Setbacks and Defensible Space Standards.

Section 8- .1 Purpose.

The purpose of this Article is to establish Wildfire and Wildland Urban Interface (WUI) (also known as Wildland Urban Interface) standards in order to enhance public safety, reduce property loss, and protect lives from wildfire hazards.

Section 8- .2 Wildfire and Wildland Urban Interface (WUI) Setbacks and Defensible Space Standards.

(a) General Provision for WUI Setbacks.

(1) For all zoning districts and special planning areas, any subdivision created after *DATE* (the effective date of Ordinance No. ****), the following setbacks shall apply for residential construction on any vacant lot created after *DATE* (the effective date of Ordinance No. ****):

(A) Front Setback. No residential structure may be closer than 10 feet to the right-of-way line of a public throughfare or a private street lot serving more than three (3) dwelling units.

(i) The residential structure may encroach up to five (5) feet into the front setback when the primary entrance (including but not limited to a stoop, porch, or lanai entrance) to the structure is located on the front wall of the structure.

(B) Rear Setback. No residential structure may be closer than 15 feet to the rear lot line.

(i) The Planning Director may allow a residential structure to encroach up to five (5) feet into the rear setback when a vehicular access alleyway or an easement is established in the rear of the property, provided that a minimum structure-to-structure separation distance of thirty (30) feet is maintained

between the residential structure on the subject property and any structure located on a property across such accessway or easement.

(C) Side Setback. No residential structure may be closer than 15 feet to the side lot line.

(i) The Planning Director may allow a residential structure to encroach up to five (5) feet into the side setback when a vehicular access (ex. an alleyway or a pole section of a flag lot) or an easement is established on the side property line, provided that a minimum structure-to-structure separation distance of thirty (30) feet is maintained between the residential structure on the subject property and any structure located on a property across such accessway or easement.

(D) Building-to-Building Setback. No residential structure shall be closer than 30 feet to another residential structure.

(2) No eave or roof overhang shall project into any setback more than four (4) feet.

(3) Accessory structures. With the exception of the front yard entrance encroachment, all accessory structures shall have the same property line setbacks as residential structures, and all accessory structures shall have the same building-to-building setbacks as residential structures.

Exception: Accessory structures setbacks may be reduced to ten (10) feet if the accessory structure is 400 square feet or smaller, and the entire exterior (including but not limited to roof, walls, and footings) are comprised of noncombustible material.

(4) In consultation with the Fire Chief, the Planning Director may reduce minimum distances between structures proposed on a property or between property lines for the following:

(A) Shared wall construction across property lines if the abutting walls or shared walls of the respective structure or structures are constructed with noncombustible material.

(B) Multifamily unit construction.

(b) General Provisions for Defensible Space.

(1) The implementation of this Section shall be by recorded covenants which shall run with the land for any of the following applications:

(A) Subdivision of ten (10) or more lots,

(B) Condominium property regime (CPR) for ten (10) or more units, or

(C) A zoning permit for ten (10) or more dwelling units.

The covenants shall obligate all of the landowners within the project area subject to this Section to be mandatory members of an Association established by the developer, which could include but is not limited to a Homeowners Association (HOA), limited appreciation leasehold estate, land trust, or similar civil property management entity.

(2) There shall be adequate assurance for perpetual compliance by recorded covenants running with the land which shall include but not necessarily be limited to the following:

(A) Provisions included in a recorded Association declaration and within owner deed restrictions obligating owners to build and comply with this Section.

(3) Enforcement. The Association or all of the owners shall be subject to the Enforcement, Legal Procedures, and Penalties established under Section 8-3.5, Kaua'i County Code 1987, as amended.

(4) Other Laws and Regulations. All clearing and maintenance subject to these regulations shall comply with other applicable laws and regulations, including but not limited to the State and County Fire Codes, Building Code, Subdivision Ordinance, and Sediment and Erosion Control Ordinance. In case of a conflict between these regulations and the requirements of any other Federal, State, or County law, such as the State Fire Code or the County Fire Code, the more restrictive requirements shall apply.

(5) The County shall not be liable for expenses incurred in the removal or replacement of any material required for the landowner to comply with this Article or to allow inspection.

(6) Interpretation. In the interpretation and application of this Article, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the County; and

(C) Deemed to neither limit nor repeal any other requirement, power, or duty prescribed under Federal, State, or County law.

(7) Warning and Disclaimer of Liability. The degree of wildfire and wildland urban interface required by this Article is considered reasonable for regulatory purposes and is based on wildfire hazard assessment considerations. Wildfires can and will occur on occasion. This Article does not imply that land outside the area of the subject property or uses and structures within this area will be free from wildfire risk. This Article shall not create liability on the part of the County of Kauaʻi or any officer or employee for any damages that result from reliance on this Article or any administrative decision lawfully made based on this Article.

(8) Residential Structure Zone Requirements.

(A) Maintenance Requirements. For all residential structures, the following maintenance requirements shall be met:

(i) The roof shall be kept clear of debris, paying particular attention to roof intersection area (e.g., roof-to-wall, at entry to through-roof vents, and at the roof edge, if a gutter is installed).

(ii) Gutters and downspouts shall be kept clear of debris such as leaves and pine needles.

(iii) Unenclosed appendages and projections attached to buildings such as decks, lānais, porches, carports, and stoops shall meet the following requirement:

(a) Only noncombustible items or materials are allowed to be stored or placed within the attached unenclosed appendages and projections. Any combustible materials in this area shall be enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any fire ember intrusion into the unit.

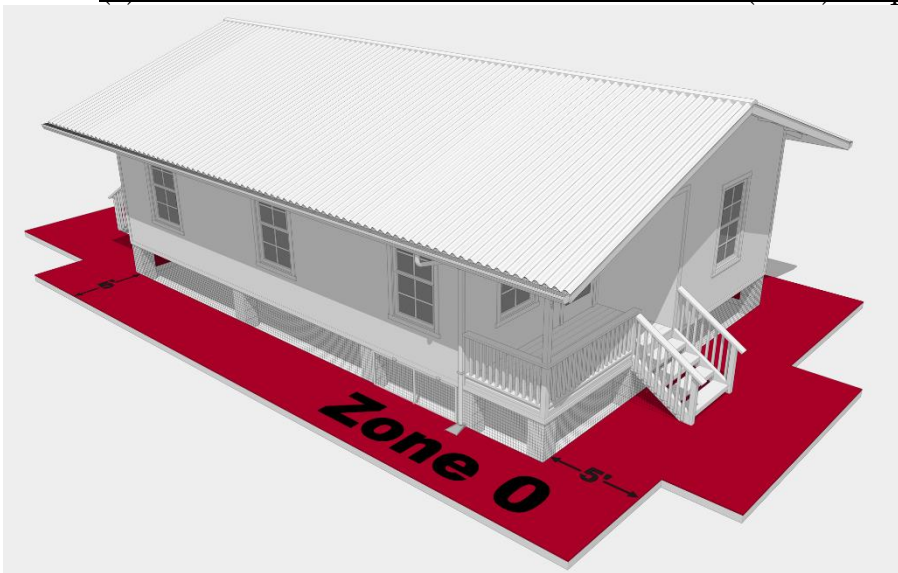
(iv) Underfloor areas beneath elevated residential structure, including unenclosed appendages and projections, that are not enclosed to the ground with noncombustible corrosion-resistant mesh screen shall meet the following requirements:

(a) Only noncombustible items or materials are allowed to be stored or placed within the unenclosed underfloor area. Any combustible materials in this area shall be enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any fire ember intrusion into the unit.



(v) Addressing. Each residential structure shall have its address numbers placed or marked with reflective material on its exterior thoroughfare facing wall, with numbers at least three (3) inches in height.

(9) Zone 0: 5-Foot Noncombustible Zone (NCZ) Requirements.



(A) Maintenance Requirements. This zone is the most critical zone of defensible space and requires the most stringent fuel reduction and regular maintenance to protect against wildfire. In the NCZ the following maintenance requirements shall be met for all residential structures:

(i) A 5-foot groundcover comprised of hardscape (such as brick, gravel, or concrete) with a depth of at least 4 inches shall be maintained in the NCZ. This is not required for accessory structures.

(ii) Ground cover within the NCZ shall be noncombustible and free of debris such as leaves and pine needles.

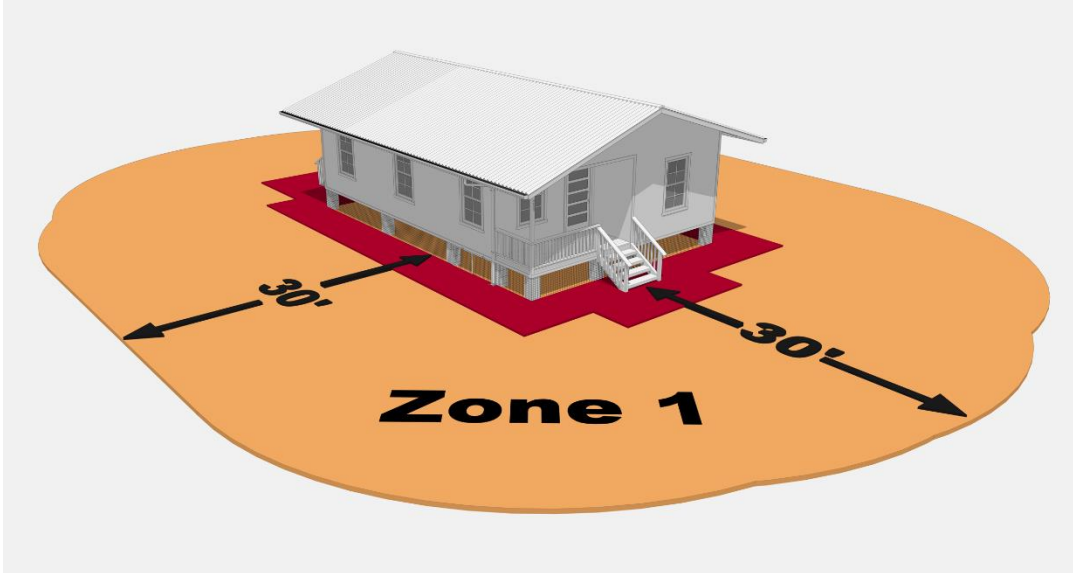
(iii) Vegetation growing within or overhanging into the NCZ is prohibited.

(iv) Vegetation overhanging the roof is prohibited within the NCZ.

(v) Fences within the NCZ shall be noncombustible.

(vi) Only noncombustible items or materials are allowed. Any combustible materials in this area shall be enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any fire ember intrusion into the unit.

(10) Zone 1: 30-Foot Defensible Space Requirements.

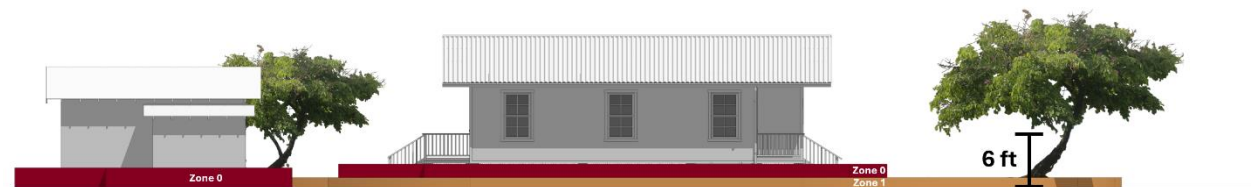


(A) Maintenance Requirements. The area beyond the residential structure shall have a regularly maintained defensible space of 30 feet measured from the edge of the exterior walls of the residential structure and its unenclosed appendages and projections (including but not limited to lānais, porches, and stoops). This includes:

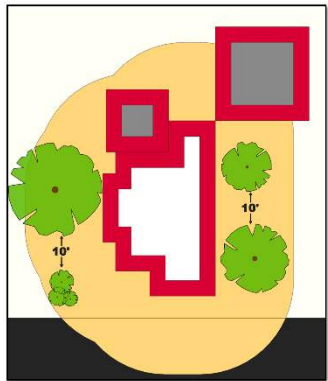
(i) Routine removal of accumulated vegetative debris, which may include but not be limited to fallen pine needles, leaves, twigs, and any dead vegetation, including piles from pruning.

(ii) Vegetation with canopies within 30 feet of a residential structure shall be maintained as follows:

(a) Vegetation with a trunk of 4 inches in diameter or greater when measured at a height of 4.5 feet above the ground:

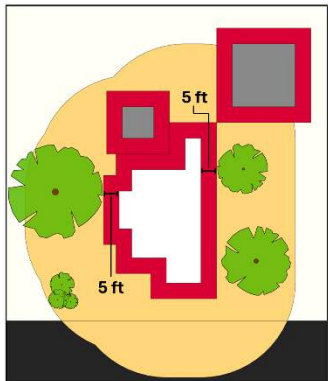


(1) Shall have limbs and branches pruned to a minimum height of 6 feet off the ground.



- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft - 30 ft)
- Thoroughfare
- Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.

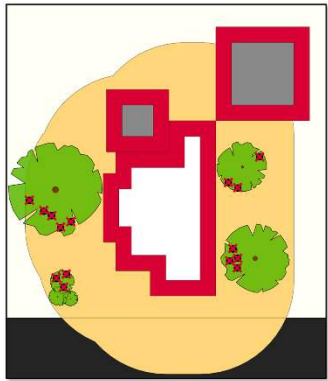
(2) Shall have a minimum of 10 horizontal feet of spacing between the tree canopy and the next closest tree, shrub, or bush canopy, but may be clustered in small groupings with a combined canopy not larger than 10 feet in horizontal diameter.



- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft - 30 ft)
- Thoroughfare
- Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.

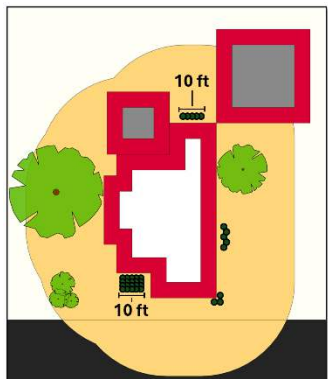
(3) Shall have a minimum of 5 horizontal feet between a tree canopy and the residential structure.

(b) Vegetation with a trunk less than 4 inches in diameter when measured at a height of 4.5 feet above the ground or less than 4.5 feet tall:



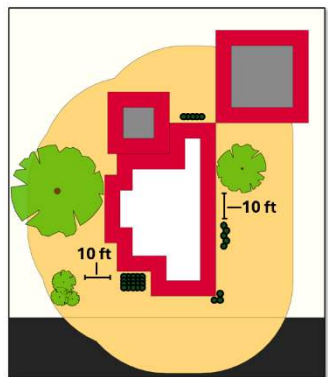
- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft - 30 ft)
- Thoroughfare
- Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.
- ✗ Prohibited location for vegetation with a trunk **less** than 4 inches in diameter at 4.5 ft above ground.

(1) Are prohibited under larger trees.



- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft - 30 ft)
- Thoroughfare
- Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.
- Vegetation with a trunk **less** than 4 inches in diameter at 4.5 ft above ground.

(2) Are prohibited from having a canopy larger than 10 feet in horizontal diameter, but may be clustered in small groupings with a combined canopy not larger than 10 feet in horizontal diameter.



- Primary Structure
- Accessory Structure
- Zone 0 (0 ft - 5 ft)
- Zone 1 (5 ft - 30 ft)
- Thoroughfare
- Vegetation with trunk **greater** than 4 inches in diameter at 4.5 ft above ground.
- Vegetation with a trunk **less** than 4 inches in diameter at 4.5 ft above ground.

(3) Shall have a minimum horizontal space between canopies of at least 10 feet.

(iii) Firewood is prohibited in this 30-foot defensible space area from the residential structure. Firewood is only allowed in this area if it is enclosed entirely within a

noncombustible storage unit sealed in a manner that prohibits any ember intrusion into the unit during a wildfire event.

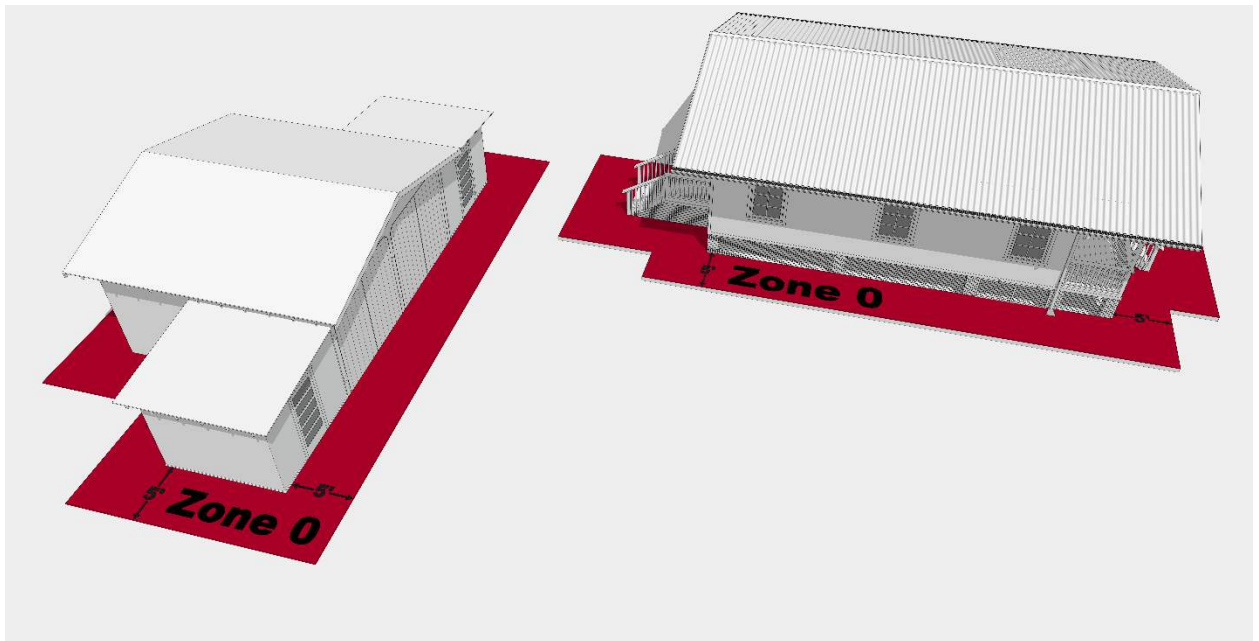
(iv) Fire-prone vegetation is prohibited 30 feet from any residential structure, measured from the edge of the exterior walls of the residential structure and its unenclosed appendages, and projections (including but not limited to lānais, porches, and stoops).

(v) The following plant species are exempt from these requirements:

(a) Colocasia esculenta, also known as kalo or taro.

(b) Musa, also known as banana.

(11) Accessory Structure Zone Requirements.



(A) Maintenance Requirements for Accessory Structure. For all accessory structures, the following maintenance requirements shall be met:

(i) The roof shall be kept clear of debris, paying particular attention to roof intersection area (e.g., roof-to-wall, at entry to through-roof vents, and at the roof edge, if a gutter is installed).

(ii) Gutters and downspouts shall be kept clear of debris such as leaves and pine needles.

(iii) Unenclosed appendages and projections attached to buildings such as decks lānais, porches, carports, and stoops shall meet the following requirement:

(a) Only noncombustible items or materials are allowed to be stored or placed within the attached unenclosed appendages and projections. Any combustible materials in this area shall be enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any fire ember intrusion into the unit.

(B) Maintenance Requirements for Noncombustible Zone. Each accessory structure shall have its own 5 feet of NCZ that does not overlap the 5-foot NCZ required for a residential structure, appendages and projections (including but not limited to lānais, porches, and stoops), or other accessory structures. In the accessory structure's NCZ, the following standards shall apply:

(i) With the exception of maintained lawn grass at a height not to exceed 6 inches, vegetation growing within or overhanging into the NCZ is prohibited.

(ii) Vegetation overhanging the roof is prohibited within the NCZ.

(iii) Fences within the NCZ shall be noncombustible.

(iv) Only noncombustible items or materials are allowed. Any combustible materials in this area shall be enclosed entirely within a noncombustible storage unit sealed in a manner that prohibits any fire ember intrusion into the unit.

(12) Fire Prevention Outreach and Education Requirements.

(A) Conduct a workshop titled "How to Have a Fire Adapted Home and Community." At least once per year, the Homeowners Association (HOA), or applicable property management entity, shall coordinate with the Fire Department, Kaua'i Emergency Management Agency, and Planning Department to set up and conduct at least one workshop for the HOA board that is open to all residents of the subject property that teaches the principles of fire prevention and evacuation. Topics for discussion shall include but need not be limited to defensible space, landscaping, and home hardening. Workshops shall be scheduled

for evenings or weekends when most homeowners are available. Material shall be available at the workshops that promote fire risk reduction practices and strategies.

(B) A report on the workshop format and participation shall be provided to the Fire Department and Planning Department no later than June 30 of every calendar year.

(13) Relationship to Special Planning Areas. Where the requirements of this Chapter 8, Article 32 (Wildfire and Wildland Urban Interface (WUI) Setbacks and Defensible Space Standards) conflict with the requirements of Special Planning Areas adopted under Chapter 10, Kaua'i County Code 1987, as amended, the requirements of this Article 32 shall supersede."

SECTION 19. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the 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 severable.

SECTION 20. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the effective date (Month Day, Year) and designated Ordinance number of this Ordinance shall be substituted in place of: "*DATE* (the effective date of Ordinance No. ****)."

SECTION 21. Material to be deleted is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring need not be included.

SECTION 22. This Ordinance shall take effect upon its approval.

Introduced by:

ADDISON BULOSAN
(By Request)

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

V:\BILLS\2024-2026 TERM\Bill WUI Wildfire and Wildland Urban Interface ZA-2026-6 JA_sf.docx