

Farm Review Committee Checklist for Permit Approval

Owner _____ Date _____

Unit _____ Structure name _____

Permits (Attach completed zoning and Building Permits):

Purpose or use of structure or improvement (Please review the allowed and prohibited uses in Appendix A):

Check one:

This is an allowed use Requires a Special Use Permit

Check all that apply:

Requires Zoning Permit Requires Building Permit
 Qualifies for Act 203 Exemption Has electrical or plumbing

[Planning] Directors Mandatory Requirements (Please attach completed and signed documents):

Director's Mandatory Declaration Involving Agricultural Related Structures.
 Director's Mandatory Conditions of Approval Concerning Non-Residential Structures on Agricultural Lands - Farm Plan Form for Class I Applications

Drawings (Please attach):

Plan view of structure
 Elevation

- Plot Plan showing location on property relative to all boundaries

Setbacks:

- Structure is at least 50 feet from all unit boundaries
- Meets the CZO requirements listed in Appendix B
- If structure is to be located on Units 11,15 or 17, the structure is at least 100 feet from all unit boundaries.
- My unit has additional recorded setback agreements with adjoining units (please attach).

View Planes:

- The planned improvement will not unreasonably interfere with or substantially impair the view planes toward the mountains and ocean from any other unit's area.
- Roof line of the structure is at least twenty-five (25) feet below the generally considered relative flat area/view plane of the "High Meadow."
- My unit has additional recorded view plane agreements with adjoining units (please attach).

Notes, Comments and Additional Information (add sheets if necessary):

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Owner's signature

Date

APPENDIX A: Use

Allowed Uses in Open District per the CZO:

| Sec. | USE | R-1 to R-6 | R-10 to R-20 | RR | CN | CG | IL | IG | AG | O |
|--------------|--|------------------|--------------------|----|----|----|----|----|----|---|
| 8-2.4(s)(1) | Accessory uses and structures | | | | | | | | | P |
| 8-2.4(s)(2) | Day-use areas | | | | | | | | | P |
| 8-2.4(s)(3) | Diversified agriculture | | | | | | | | | P |
| 8-2.4(s)(4) | Livestock and grazing, except as provided in Sec. 8-2.4(t)(6) | | | | | | | | | P |
| 8-2.4(s)(5) | Outdoor recreation | | | | | | | | | P |
| 8-2.4(s)(6) | Parks and monuments | | | | | | | | | P |
| 8-2.4(s)(7) | Private recreation areas | | | | | | | | | P |
| 8-2.4(s)(8) | Resource management | | | | | | | | | P |
| 8-2.4(s)(9) | Single family detached dwellings | | | | | | | | | P |
| 8-2.4(s)(10) | Undeveloped campgrounds | | | | | | | | | P |
| 8-2.4(t)(1) | Communications facilities | | | | | | | | | U |
| 8-2.4(t)(2) | Day care centers | | | | | | | | | U |
| 8-2.4(t)(3) | Developed campgrounds | | | | | | | | | U |
| 8-2.4(t)(4) | Home businesses | | | | | | | | | U |
| 8-2.4(t)(5) | Intensive agriculture | | | | | | | | | U |
| 8-2.4(t)(6) | Livestock and grazing within the Urban District as established by the State Land Use Commission | | | | | | | | | U |
| 8-2.4(t)(7) | Organized recreation camps | | | | | | | | | U |
| 8-2.4(t)(8) | Outdoor recreation concessions | | | | | | | | | U |
| 8-2.4(t)(9) | Police and fire facilities | | | | | | | | | U |
| 8-2.4(t)(10) | Quarries | | | | | | | | | U |
| 8-2.4(t)(11) | Recreation vehicle parks | | | | | | | | | U |
| 8-2.4(t)(12) | Religious facilities | | | | | | | | | U |
| 8-2.4(t)(13) | Utility installations | | | | | | | | | U |
| 8-2.4(t)(14) | Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District | | | | | | | | | U |

KEY:

U = Use Permit Required

P - Permitted Use or Structure (Zoning Permit may be required)

Prohibited uses per the Co-Tenancy Agreement:

14. PROHIBITED USES AND ACTIVITIES

The following does not prohibit the usual activities of the above mentioned church, monastery or healing or retreat centers. The following uses and activities are prohibited on any portion in, unless the owner of the portion on which such use or activity is proposed shall have first obtained written authorization to commence such use or activity from no less than 100% of the owners of the Property, and all necessary governmental authority or permission:

- (a) ~~animal hospitals;~~ (Superseded by First Amendment, unit 15 only)
- (b) the raising of pigs, hogs or boars; (May be superseded by State Law)
- (c) the keeping of any roosters;
- (d) public cemeteries;
- (e) commercial recreation;
- (f) commercial campgrounds;
- (g) mineral extraction and quarries;
- (h) private and public utility facilities;
- (i) transportation terminals;
- (j) communications facilities;
- (k) more than 4 goats, 3 dogs or 5 cats;
- (l) slaughter houses; and
- (m) shooting of firearms for target practice or hunting or anything other than self defense.

In addition:

(aa) Any generators used must be quiet gas generators, and enclosures used if necessary to contain excessive noise; and

(bb) Any wind generators that the noise can not be contained reasonably within the boundaries of wind generators owner's parcel.

Prohibited uses per the Declaration:

Sec 9c: Limitation on Use. **No hotel or timeshare use shall be allowed.** The unit owners shall have the right to rent or lease their units subject to the limitations, restrictions, covenants, and conditions contained in Hawaii State law, County of Kauai ordinance, applicable governmental regulations, recorded restrictions on this Project now of record, any CC&Rs, this Declaration or in the Bylaws of the Association. Such legal precedents are subject to amendment and varying interpretation

Appendix B: CZO Setback Requirements

CZO Sec 8-4.3 :

- (b) Setback Requirements. Setback requirements shall be as follows:
1. No building may be closer than ten (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 (3) dwelling units.
 2. No garage, carport or storage building may be closer than ten (10) feet to the right-of-way line of a public thoroughfare.
 3. No building shall be closer to a side property line than five (5) feet or one-half (1/2) 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 one-half (1/2) the distance of the setback, or four (4) feet, whichever is less.
 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. No building shall be closer than ten (10) feet to the rear property line. Accessory buildings and garden or service shelters not higher than seven (7) feet nor covering more than four hundred (400) square feet, nor exceeding twenty percent (20%) of the rear property line in the longest dimension facing the rear property line, may be built without setback. Accessory buildings higher than seven (7) feet shall not be set back less than five (5) feet from the rear property line or one-half (1/2) the total height of the building wall nearest the property line measured from the ground level to the wall plate line, whichever is greater.
 7. The front side of any building shall not be closer than ten (10) feet from any property line, and the rear side of any building shall not be closer than fifteen (15) feet from any property line.
 8. Greater setbacks because of topographic, drainage, sun exposure or privacy conditions may be required and made a condition for a zoning permit.

(c) Minimum Distance Between Buildings. Minimum distance between buildings shall be as follows:

1. Minimum distance between detached buildings containing dwelling units shall be:

| | |
|----------------------------|---------|
| End to end or side to side | |
| or end to side | 10 feet |
| Front to end or side | 20 feet |

| | |
|---------------------|---------|
| Front to front | 20 feet |
| Front to rear | 25 feet |
| Rear to rear | 30 feet |
| Rear to end or side | 20 feet |

All dimensions shall be increased five (5) feet for each story over one (1) in both buildings.

2. The minimum distance between detached accessory buildings and between dwelling unit buildings and detached accessory buildings shall be ten (10) feet.