

**Mililani Town Association
(MTA)**



**Design
Committee
Rules**

October 2018

**(Rules are subject to change. View updates on website or
in monthly 'Mililani News'.)**

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MILILANI TOWN ASSOCIATION (MTA)

DESIGN COMMITTEE RULES

INTRODUCTION

The following rules have been prepared from the Declaration of Covenants, Conditions and Restrictions (DCC&R) of Mililani Town, from previous Design Committee Rules, and from the experience of the Design Committee since inception in 1969. Nothing in these rules shall be construed to alter or change the meaning or intent of the Mililani Town Association Declaration of Covenants, Conditions & Restrictions, hereinafter referred to as the DCC&R.

REVIEW AND APPEALS PROCESS

Review Process. The Design Committee has authorized the Design Specialists to approve certain types of plans involving minor alterations in order to save time. Other plans require Design Committee review. The Design Committee or the architect member of the Design Committee reviews all recommendations of the Design Specialists to deny applications as provided in Section 4.03 of the DCC&R. The review process may take up to thirty (30) days after receipt of properly completed applications and plans in accordance with the DCC&R.

Appeals Process. If an Owner would like to appeal the decision of the Design Committee, they may do so by resubmitting their application and plans, with a cover letter requesting that the Design Committee review their application along with the reason(s) for the request. If the Owner would like to address the Committee with their concerns, the Owner must include their intentions in the cover letter. The Design Specialist will inform the Owner in writing if the application is eligible for appeal to the Design Committee. The Design Specialist will also inform the Owner in writing the result of the Committee's decision.

Design Committee Meeting. The Design Committee meets and/or reviews applications a minimum of once a month.

DESIGN REVIEW PROCEDURES

THE FOLLOWING PROCEDURES SHALL BE FOLLOWED AND DESIGN COMMITTEE APPROVAL OBTAINED PRIOR TO OBTAINING OTHER REQUIRED PERMITS OR BEGINNING ANY CONSTRUCTION.

These Design Committee procedures are only to comply with MTA's planning and design standards. Property Owners are responsible for obtaining the necessary City & County building permits and complying with all applicable City & County codes, ordinances and regulations, PDH Development, Lot Deed Restrictions, and Fence and Wall Guidelines.

Step 1: You must submit a Design Committee Application Form, if any of the following criteria are met:

1. You live in a subdivision designated as a Custom Lot.
2. The improvement/modification is visible from an abutting street and is substantial, including those improvements/modifications that are substantial in cost.
3. The annexation documents or deed requires Design Committee approval.

Step 2: Obtain a copy of the **Design Committee Application Form** that is available from the MTA Administration Office, Recreation Center III, and Recreation Center VII, or may be

downloaded from the MTA website at www.mililanitown.org.

Step 3: Prepare all drawings as follows:

1. **Plot plan** (scale 1 inch=20 feet): The plot plan provided by Castle and Cooke Homes Hawaii, Inc. at the time of original sale contains all the required information except the outline of the proposed modification. If the original plot plan is unavailable, prepare a plot plan showing the lot dimensions, property lines, drainage swales, adjacent streets, existing dwellings and improvements, including fences and trash enclosures. Any improvements on adjoining properties (sides and rear) that abut your property line must also be included. Proposed improvements should be emphasized, either darkened or shaded.
2. **Building plans and elevations:** Show floor plan (top view), roof plan and all elevations front, rear and side views. Most important, a cross-section of the point of the roof connection shall be provided. Building plans shall include specifications for the type and finish of all exterior materials, which should match the existing materials and colors on the dwelling as closely as possible. If the structure(s) are to be finished in a different color, swatches of the proposed new colors shall be provided. The Castle & Cooke Fence/Wall Guidelines must be included with plans if wall(s) or fence(s) are being proposed.

Step 4: Submit one (1) copy of the Design Committee Application Form along with two (2) copies of all drawings to the Mililani Town Design Committee located at the MTA Administration Office or our Business Offices located at Recreation Center III and Recreation Center VII. One set of plans shall be returned following Design Committee approval and processing of the Design Application.

Step 5: An Architectural Review Fee may be charged to applicants. The fees cover professional services for preliminary and final plan approval and final field inspection.

Step 6: Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Step 7: Depending on the complexity and adequacy of the plans, the review process may take up to thirty days (30) after receipt of a properly completed application. When the proposed modifications are acceptable, an MTA Design Approval will be issued. The applicant may proceed with any processing required through the City and County of Honolulu.

1. If the Design Committee does not approve the plans, the applicant shall be notified in writing with a request to retrieve the submitted plans. At that time the plans shall be returned with comments including explanations as to qualifications required for approval. The applicant shall revise and resubmit the plans for approval before construction shall be permitted.
 - a. Any construction on a Custom lot, PDH Development or other Special Deed or Annexation Document Requirements is subject to additional requirements.
 - b. Oral requests for approval of any proposed work subject to these rules and regulations shall not be accepted. The fact that an Owner has scheduled work, arranged financing, entered into a contract for materials or labor, received approval from the necessary City and County of Honolulu Agencies or claims he/she shall suffer alleged hardship if submitted plans are disapproved, shall not be a basis for Design Committee approval. Projects, once begun, shall be completed in accordance with approved plans and within timeframes as set forth in Step 8 of these Rules. Financial inability to conclude the

project shall not excuse an Owner from the commitment to complete a project, once started.

- c. Contractors and suppliers shall not submit their materials or products to the Design Committee for "blanket approval." All requests for Design Committee approval shall originate from the Owner.
- d. The MTA Owner has the sole responsibility for insuring that work contained in approved plans is performed in accordance with these rules and regulations and the DCC&R.

Step 8: Time Requirements for Completing Modifications and Improvements

1. Required Start Date: All approvals issued by the Design Committee are null and void if construction does not commence within one (1) year of the Committee's approval date.
2. Completion with Reasonable Diligence. An Owner shall start the modification, addition, improvement or painting within one (1) year of the Design Committee's approval issue date. The Owner must undertake the modification, addition, improvement or painting with reasonable diligence once the work has commenced. The reasonable time for work to be completed is defined in Step 8, item 3. Failure to start the work within one (1) year of the approval issue date or failure to undertake the work with reasonable diligence once work has commenced during the one (1) year period will require the Owner to submit a new Design Committee Application Form, along with relevant plans and specifications, as amended.
3. Reasonable Time for Work to be Completed:
 - a. Unless an Approval states a different reasonable time for work to be completed, the painting must be completed within sixty (60) days from the date of commencement of the painting.
 - b. Unless an Approval states a different reasonable time for work to be completed, the roofing must be completed within sixty (60) days from the date of commencement of the roofing.
 - c. Unless an Approval states a different reasonable time for work to be completed, the construction of a new residence must be completed within two (2) years from the date of commencement of the work.
 - d. Unless an Approval states a different reasonable time for work to be completed, all work not addressed above must be completed within one (1) year from the date of commencement of the work.
 - e. If the Approval states a reasonable time for work to be completed, all work must be completed within that period of time.
 - f. If the Owner does not complete the work within the above time requirements, the Owner is presumed to have not undertaken the work with reasonable diligence unless the Owner submits evidence acceptable to the Design Committee that additional time was necessary to complete the work. The evidence must be submitted to the Design Committee on or within fifteen (15) days of the time the work was to have been completed as provided by the above time requirements. Determination whether the

Owner has submitted evidence acceptable to the Design Committee shall be made by a majority vote of the members of the Design Committee.

Note: The Design Committee shall not be bound by any previous decision when considering plans and specifications resubmitted to the Committee as a result of an Owner exceeding the time requirements for completion of any project.

Step 9: Notification of Completion and Final Inspection: Upon completion of the Owner's addition, modification, alteration, or any other work, the Owner shall give written notice of completion to MTA. MTA will complete the inspection within thirty (30) days of the written notice of completion by the Owner. MTA will notify the Owner if the Owner failed to comply with the approved plans and direct the Owner to remedy such noncompliance. If the Owner has failed to remedy such noncompliance within sixty (60) days (or such longer period permitted by the Design Committee in writing), MTA may either remove the improvement or remedy the noncompliance, and the Owner shall reimburse MTA for all expenses incurred by it.

Step 10: Construction without Permit: If an addition, modification, alteration, or any other work has been made on or within the Owner's residential lot, without first obtaining a Mililani Town Association Design Approval, the Owner shall, either on their own or upon written notification by the Mililani Town Association:

1. Immediately cease and desist from any and all further work.
2. Within thirty (30) days of receiving said notice, submit a MTA Design Committee Application Form with applicable plans/attachments as required by the Design Committee, or return the lot to its condition prior to commencement of the work.
3. If the plans are approved, the construction may resume. If disapproved, the Owner shall make the necessary modifications and resubmit plans before resuming any construction.

Note: Design Committee approval is required if your property is a Custom Lot. For **all other properties**, Design Committee approval is required if the improvement/modification is visible from an abutting street and is substantial with costs over several hundred dollars; or the annexation documents or deed require Design Committee approval.

Step 11: Construction Different from Plans: If construction or materials deviate from approved plans, the Owner shall make corrections to match the approved plans or submit revised plans for consideration of the Design Committee. If MTA notifies the Owner of such a failure, the Owner shall make the corrections within thirty (30) days or submit revised plans within seven (7) days, unless the MTA's notice allows a longer response time.

Design Rules

Note: Design Committee approval is required if your property is in a Custom Lot. For **all other properties**, Design Committee approval is required if the improvement/modification is visible from an abutting street and is substantial including those improvements/modifications that are substantial in cost; or the annexation documents or deed require Design Committee approval.

1.0 Additions, Enclosures and New Home:

Design Committee approval is required for any addition, enclosure and new home, such as, but not limited to, one or several rooms, covered or enclosed lanai or balcony, deck, roof eave extensions, new carport, enclosed carport, new garage, boat port/garage, second story addition or extension.

All building plans shall include a plot plan indicating the location of the structure and distance to all property lines. Provide cross section drawings, complete finished elevation drawings, roofing plan, materials to be used, siding material and direction, paint color(s) and roofing material and color. No second kitchen facilities are allowed, however, if there is a wet bar, the Design Committee requires an affidavit from City & County to state that this lot shall be used exclusively for residential purpose only and no more than one family shall occupy such lot. Any external staircases will be reviewed on a case-by-case basis and will either need to be located to the rear of the property or concealed from view from the street.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Reconstructing the above listed items with the same material and color as previously approved does not require resubmittal of a new application. However, reconstruction is NOT authorized where the construction was previously done with unapproved materials and/or colors or no approval has been given.

1.1 **Architectural Standards:** Whenever an addition or enclosure, as indicated above in Rule 1.0, is added to an existing residential structure, the architectural design, color, roof materials, roof slope, exterior siding, window design, door details shall match the existing condition of the original or existing structure, including the height of all openings for windows and doorframes.

1.2 **Roofs:** Prior to installing any new roofing materials, please refer to the Roofing Requirements (Rule #20) for further instructions. Connections between existing roofs and new roof additions shall conform to the following conditions:

1.2.1 The connection between an existing flat roof and a new flat roof addition shall maintain similar roof material, color, slope, and design of the existing condition(s) as possible. (Refer to Figure 1)

The connection between an existing pitched roof and an abutting new mansard roof addition shall maintain similar roof material, color, slope and design of the existing pitched roof. The flat roof portion shall comply with Rule #1.2 as applicable. (Refer to Figure 2.)

The connection between a new flat roof and an existing gabled, or hip roof, shall

require that the existing roof corners be retained and roofing materials should be of similar types and colors. (Refer to Figure 3.)

Concerns of the Design Committee typically include the composition of the various rooflines relative to the existing residence and to match the existing conditions as reasonably achievable. Detailed review by the architectural member of the Design Committee may be required. (Refer to Figures 1 through 3.)

All roofs and roof structures shall comply with the most current Rules, Regulations, Codes, etc. as approved by the City & County of Honolulu.

Roof coverings shall be secured or fastened to the supporting roof construction and shall provide weather protection for the building at the roof.

- 1.2.2 Breezeways of an appropriate design may be approved, provided that the Owner has taken into consideration grade elevation changes between the house and the proposed addition. Designs that depart from normal construction in the surrounding area due to grade elevations may require further review by the architectural member of the Design Committee. All roof additions and improvements shall comply with Rule #1.2 as applicable.
- 1.3 New Carport: Design Committee approval is required for the construction of a new carport. Carports shall be enclosed or at least partially enclosed on two sides, and provide architectural standards as noted in Rule 1.1 above.
- 1.4 Enclosed Carport or Garage: Design Committee approval is required for enclosing the carport into a garage and enclosing the garage into a living space. An Owner may enclose the carport into a garage in conjunction with the architectural standards as noted in Rule 1.1 above.
 - 1.4.1 Replacement Parking: An additional structure is required for vehicular parking if the enclosure renders the carport or garage unusable. The existence of adequate on-site covered parking is required by the DCCR and shall be the basis for approval.
 - 1.4.2 New Boat Port or Garage. Design Committee approval is required for the construction of a boat port or an additional garage to house the boat and trailer. Follow the architectural standards noted in Rule 1.1. Refer to Figure 4 for boat parking requirements under the DCCR and Policy Resolution 16.
- 1.5 Garage Door: Design Committee approval is required for the installation of a garage door of an appropriate design and material compatible with these rules. The carport is to be enclosed so the mechanism of the garage door is not visible from the street or neighboring properties. Provide a manufacturer brochure showing type, model, window style, dimensions, and color (must complement current paint color scheme of the property).
- 1.6 Covered/Enclosed Lanai/Balcony or Deck. Design Committee approval is required to construct a covered lanai, first or second story deck, patio/lanai enclosure of an appropriate design and material compatible with these rules and in accordance with guidance in the Lot Deed, Deed Restrictions, and the City & County of Honolulu Land Use Ordinance as amended. Follow the architectural standards noted in Rule 1.1.
 - 1.6.1 Aluminum Screened Enclosure or Retractable Solar Screen. An aluminum or retractable solar screened enclosure may be installed only for the back lanai area with Design Committee approval. On plot plans, show location in back area. Provide

manufacturer's brochure showing materials used, dimensions, color (match existing dwelling colors), and how anchored to lanai posts.

1.7 Natural Disaster Home Reconstruction. In the event of catastrophic damage to residential property due to a natural disaster, act of nature or otherwise in the Mililani Town Association, the following design guidelines shall be in effect:

1.7.1 Rebuilding to Original Design. If rebuilding the entire structure to its original design no approval is required.

1.7.2 Rebuilding with Changes to Original Design. If rebuilding the entire structure and proposing changes to the exterior design, all plans shall be submitted for review by the Design Committee.

1.7.3 Partial Repair to Original Design. If only a partial repair is required and the Owner intends to repair the structure to its original condition, no approval is required.

1.7.4 Partial Repair with Changes to Original Plan. If only a partial repair is required and the Owner intends to redesign any portion of the repair, the plans shall be submitted for review by the Design Committee.

1.7.5 Demolition. Should any portion of the residential structure need to be demolished, the demolition shall be done immediately. The residential lot shall be kept clear of all debris, storage and the lot maintained, in accordance with the provisions outlined in the DCC&R and Design Committee Rules, pending building of the new residence.

1.7.6 Design Review. In all cases that a plan review is required and meets with guidelines as set forth in the governing documents of the Mililani Town Association, a Design Approval shall be issued as expeditiously as possible.

2.0 Air Conditioner:

Design Committee approval is required. Provide a plot plan showing the location of the air conditioning unit(s) being installed.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Reinstalling an air conditioner with the same product and location as previously approved does not require resubmittal of a new application. However, reinstalling is NOT authorized where the product and location was installed without an approval.

2.1 Painting. In those cases where air conditioners shall be visible from the street or adjacent property, the Owner shall paint the entire unit in a manner, which shall blend in with the residence. All mounting surfaces shall be painted to match the existing residence. All plastic drainpipes leading from the air conditioner to the ground or another location shall be painted to match the house or concealed from view.

2.2 Condenser units must be installed at ground level.

3.0 Alternate Energy Devices (i.e. Solar, Photovoltaic, Electric Power Generators, Battery Storage, Etc.):

Approval is required by the Design Committee for the installation of any alternate energy

devices/systems to include solar water heater, solar photovoltaic system, solar air conditioning systems, and other energy saving devices. The application submittal shall include a plot plan showing the location of the devices/systems and shall include the manufacturer's brochures and technical specifications for all devices proposed for the installation. In addition to a plot plan, elevation plans to scale shall be included for all exterior mounted devices showing dimensions for each device of the system.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

General Information:

3.1 Roof Mounted Solar Air Conditioner, Photovoltaic, and Water Heater System. The installations shall conform to the following:

3.1.1 Control Panel and Battery Storage Systems. Exterior mounted electric control panels and battery storage systems shall be located in an inconspicuous location so as not to be visible from the street or neighboring property. The exterior surfaces/enclosures for such systems shall be finished/painted to match adjacent residence surfaces.

3.1.2 Solar Air Conditioner Unit. These units shall follow DCR 2.0, Air Conditioners, in addition to the rules for roof panels, control panel and battery storage, and roof accessories contained in this section (3.0 Alternates Energy Devices). In those cases where air conditioners are visible from the street or adjacent property, the Owner shall paint the entire unit in a manner, to blend in with the residence color scheme. All plastic drainpipes leading from the air conditioner to the ground or another location shall be painted to match the house or concealed from view. Condenser units must be installed at ground level.

3.1.3 Solar and Photovoltaic Roof Panels. Within reason, the solar roof panels shall be mounted with panel edges parallel to the roof edges and roof surfaces on which they are located (Refer to Figure 16 for placement).

3.1.4 Roof Accessories. The collector frame, panel frame, piping (electrical and plumbing) and other roof accessories in areas visible to the public shall be painted a flat black or the color of the roof on which it is located. (Copper piping need not be painted)

3.1.5 Visibility. The amount of visible piping and/or conduits shall be minimized to reduce a cluttered appearance. Visible piping shall be painted to match the surface to which it is attached.

3.1.6 Rack Enclosure. Collectors that are mounted on racks to attain a proper angle are not required to have the racks enclosed. However, those wishing to enclose the racks shall obtain approval. In most cases, enclosures around the supporting frames draw attention to the installation by making the system more visible and bulky while an installation with no enclosures appear less visible when the supporting racks are properly painted.

3.2 Solar Powered Ventilator Fans. Solar powered ventilator fans shall follow the requirements contained in DCR 21.0.

3.3 Electric Vehicle Charging Systems. MTA approval is not required. It shall be installed

following normal electrical regulations and shall complement existing structures.

4.0 Artificial/Synthetic Turf:

Design Committee approval is required. Provide a plot plan marking the location of where the turf will be installed, the manufacturer brochure that includes the installation process and a sample of the turf.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

5.0 Awnings, Stationary or Retractable; Blinds, Retractable or Rollup; Rolling Shutters; Sunshades:

Design Committee approval is required for awnings, blinds, shutters, sunshades, etc. Provide the location on a plot plan along with a manufacturer brochure showing type, style, dimensions and color. In addition, provide details that show how the housing for the shutter system would be concealed and how the jamb system of the shutter assembly will interact with existing design.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Reinstalling the above listed items with the same product and color as previously approved does not require resubmittal of a new application. However, reinstalling is NOT authorized where the product and color was installed with unapproved materials and/or colors or no approval has been received.

5.1 Location. Awnings, blinds, shutters and sunshades shall be mounted under the roof eaves or attached to the exterior of the main dwelling.

5.2 Colors. Garish, busy patterns, and bright colored blinds or awnings are not approvable. Colors shall match the existing color scheme of dwelling(s).

5.3 Reflective Finishes. Reflective finishes (hardware or casings) may not be used on exterior surfaces where such exterior surface is visible from the street or neighboring properties.

5.4 Metal Awnings. Metal awnings may be used only if they are painted a solid flat color to match the existing color scheme of dwelling(s) and be an approvable color from the MTA Color Board.

5.5 High Winds. Awnings, blinds, shutters and sunshades shall be rolled and/or adequately tied down during periods of high winds.

5.6 Good and Clean Condition. All improvements shall be maintained in a good and clean condition and repair.

6.0 Barbecue Pit (Built In):

Design Committee approval is required for installation of all barbecue pits that are visible from the street or adjacent property. Plans shall include a plot plan showing the location of the barbecue and appropriate drawings with dimensions.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from

their respective Board of Directors through the property management company and submit it with the application.

7.0 Concrete and Hardscape Use on a Residential Lot:

Design Committee approval is required for construction of concrete slabs, sidewalks, steps, driveway extensions, etc. Expansion of areas within the lot are limited and determined by the development you live in. A residential lot, located in Mililani Town, shall have a minimum of twenty-five percent (25%) as landscaping. (Refer to Mililani Town Rules for landscape guidance). A residential lot, located in Mililani Mauka, shall have a minimum of twenty-five percent (25%) as landscaping plus 50% of the front plane of the property landscaped. (Refer to Mililani Town Rules for landscape guidance).

The front plane of a lot is located from the front exterior walls of a home and/or garage/carport to the front property line at the public sidewalk area. Exterior porch columns are not the starting point in determining the location of the front plane. (Refer to Figure 8, Typical Lots, for guidance on the front plane.) Concreted areas shall follow the requirements as noted below.

The areas behind the front plane are the side and rear yards, including areas abutting the original house slab. Concreted areas must leave adequate room for landscaping to meet the requirements as noted below.

If the driveway has been widened subsequent to its original construction by the developer, the Design Committee may not approve additional widening based on the conditions of this Rule and any other rules located in this document.

For concrete, on the plot plan, indicate the location and dimensions of the proposed concrete. Include all existing concrete on the plot plan previously approved/installed. Provide the landscape calculations to meet the requirements noted below.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Reconstruction of the concrete and/or hardscape with the same material and color as previously approved does not require resubmittal of a new application. However, reconstruction is NOT authorized where the construction was previously done with an unapproved material and/or color or no approval has been received.

7.1 Single Family Homes in Town Area. Design Committee approval is required for all concrete improvements. The following conditions are to be met for an approval:

7.1.2 A minimum of 25% of the entire lot shall be devoted to landscape (Refer to the Mililani Town Rules for landscape guidance).

7.1.3 A combined total maximum expansion of the driveway shall not exceed six feet (6').

7.1.4 Figure 5 is a guide of a typical lot showing what is permitted. Adapt it to your own lot's conditions.

7.2 Single Family Homes in Mililani Mauka. Design Committee approval is required for all concrete improvements. The following conditions are to be met for an approval:

- 7.2.1 A minimum of 25% of the entire lot shall be devoted to landscape (Refer to the Mililani Town Rules for landscape guidance).
- 7.2.2 A minimum of fifty percent (50%) of the front plane shall be devoted to landscape (Refer to the Mililani Town Rules for landscape guidance). Included in this percentage would be a strip of landscaping that is at least thirty-inches (30”) wide, located on the opposite side of the front yard area next to the side property line within the front plane area.
- 7.2.3 After 50% of the front plane has been landscaped, then a maximum width of six feet (6’) of concrete may be added at either the sloped area next to the driveway or as concrete steps. Any combination of widths next to the driveway is approvable, with a total aggregate width of six feet (6’).
- 7.2.4 If there is additional space left in the front plane of the lot after the above requirements have been met, then the area may be hardscaped with materials, such as, gravel, stepping stones/pavers installed on sand beds. Grouting of hardscape is not permitted or approvable.
- 7.2.5 Figure 6 is a diagram of a typical lot showing what is permitted and approvable.
- 7.3 Single Family Homes in Planned Development Housing (PDH) Developments. Design Committee approval is required for all concrete improvements. The following conditions are to be met for an approval:
 - 7.3.1 A minimum of 25% of the entire lot shall be devoted exclusively for plants that are rooted directly in the ground as indicated in the ‘Landscape’ definition of the Land Use Ordinance (LUO) as amended.
 - 7.3.2 A minimum of fifty percent (50%) of the front plane shall be devoted exclusively for plants that are rooted directly in the ground as indicated in the ‘Landscape’ definition of the Land Use Ordinance (LUO) as amended. Included in this percentage would be a strip of landscaping that is at least thirty-inches (30”) wide, located on the opposite side of the front yard area next to the side property line within the front plane area.
 - 7.3.3 After 50% of the front plane has been landscaped, then a maximum width of six feet (6’) by eighteen feet (18’) in length of concrete may be added at the sloped area next to the driveway. Any combination of widths next to the driveway is approvable, with a total aggregate width of six feet (6’).
 - 7.3.4 Figure 7 is a diagram of a typical lot showing what is permitted and approvable.
- 7.4 Single Family Homes That Follow the Condominium Property Regime (CPR). Design Committee approval is required for any concrete installation, refer to your Condominium documents for specific concrete guidelines.
 - 7.4.1 A minimum of 25% of the entire lot shall be devoted to landscape (Refer to the Mililani Town Rules for landscape guidance).
 - 7.4.2 A minimum of fifty percent (50%) of the front plane shall be devoted to landscape (Refer to the Mililani Town Rules for landscape guidance). Included in this

percentage would be a strip of landscaping that is at least thirty-inches (30”) wide, located on the opposite side of the front yard area next to the side property line within the front plane area.

- 7.4.3 After 50% of the front plane has been landscaped, concrete may be added at either the sloped area next to the driveway or as concrete steps. Refer to your Condominium documents for specific concrete guidelines.
- 7.4.4 If there is additional space left in the front plane of the lot after the above requirements have been met, then, if allowed by your Condominium documents, the area may be hardscaped with materials, such as, gravel, stepping stones/pavers installed on sand beds. Grouting of hardscape is not permitted or approvable.
- 7.5 Multi-Family Developments, such as townhouses and patio homes, that follow the Condominium Property Regime (CPR). Design Committee approval is required for any concrete installations. Areas to be concreted are limited, refer to your documents for specific concrete guidelines.
- 7.6 Zero Lot Line Developments. Design Committee approval is required for any concrete installations. Areas that may be concreted follow the restricted guidance as provided by the separate Declaration of Covenants received at time of purchase. Refer to those documents for specific concrete guidelines. If there are no specific guidelines, concrete installation shall follow the concrete guidelines for developments in Mililani Town, and the concrete guidelines for developments in Mililani Mauka.
- 7.7 Other Concrete Related Improvements. Design Committee approval is required for altering existing or new concreted areas by paint, stencil, use of flagstone, brick pavers, or stone veneer over existing or new concreted areas, or replacement of an existing asphalt driveway with concrete. Follow the guidance as listed below:
 - 7.7.1 The introduction of a new color scheme and design shall blend aesthetically with the color scheme of the existing dwellings, walls/fences, gates, etc.
 - 7.7.2 Garish colors, busy designs, and bright or reflective finishes shall not be approved.
 - 7.7.3 Each application is reviewed on a case-by-case basis. Provide two sets of plans to include: manufacturer brochure of concrete paint color or stain (must use paint or stain specifically for concrete), manufacturer brochure showing the design and color(s) of flagstone, brick pavers, or stone veneer, and plot plan showing the location. Plans should show all existing concreted areas.
 - 7.7.4 Design Committee approval is required for brick and/or stone pavers on sand beds and grasscrete. Indicate location, dimensions and material used on the plot plan. Provide the manufacturer brochure with color and design of the pavers or grasscrete.
- 7.8 Hardscape Materials. Hardscape materials are not considered landscaping material. Examples include, but are not limited to, gravel, brick pavers, stepping stones, etc., may be temporarily affixed to the ground on beds of sand or some type of root barrier system. Any project that appears to show an excessive use of these materials will require the owner to submit an application to the Design Committee, where it will be reviewed on a case-by-case basis.

- 7.8.1 Design Committee approval is required if the use of any hardscape material would exceed the twenty-five (25%) and/or fifty (50%) percent landscape rules. Provide a plot plan showing the location and hardscape design. Include any colors, manufacturer brochures and pertinent information concerning the proposed project.

8.0 Consolidation or Subdivision of Lot:

The Design Committee shall review proposed subdivision, consolidation of lots, or any improvements in conjunction therewith pursuant to Section 7.04 of the DCC&R. The Design Committee shall consider all effects of such consolidation and/or subdivision including specifically the effect on future development.

9.0 Dog House, Kennel or Similar Structures:

A Dog house, kennel or similar structures, thirty (30) inches and above, require approval, shall be considered on individual merit, and shall be shielded from view of a street or adjacent property by a wall or hedge.

For a constructed dog house, kennel or similar structures above 30", plans shall include a plot plan indicating the location of the structure, distance to all property lines, cross section drawings, property elevation drawings, roofing plan, materials to be used, siding material, and paint color(s). If it is to be located on a concrete slab, indicate it on the plans, and apply for it as well.

For a prefabricated dog house, kennel or similar structures above 30", plot plans shall include location and distance to property lines, and drawings or pictures showing the design, material, dimensions, and color(s). If it is to be located on a concrete slab, indicate it on the plans, and apply for it as well.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

- 9.1 Painting and Roofing Materials. A constructed dog house, kennel or similar structures shall be painted to match the color of the house and the roofing materials shall match what is used on the house. A prefabricated dog house, kennel or similar structures shall be compatible with the existing dwelling and features.

- 9.2 Design and Color. Literature or photographs showing the dimensions and color(s) shall accompany a request for a prefabricated dog house, kennel or similar structures.

- 9.3 Setback Requirements. The Owner is responsible for compliance with all City & County of Honolulu setback requirements.

- 9.4 Kennel Materials. Kennel enclosures constructed of chain link may be approved on a case-by-case basis.

- 9.4.1 A dog kennel constructed of chain-link material with only a chain-linked roof area does not need to meet the City & County of Honolulu setback requirements.

10.0 Doors:

Design Committee approval is required for all exterior doors, including but not limited to front/side/rear doors, sliding glass doors, French doors, screen doors, security screen doors, etc. Provide manufacturer brochures showing design, color and dimensions. If door is located other than the front door, then indicate location (left side, right side, or rear area). If painting the door, submit a paint color sample for the door that blends with the existing color palette of the property.

Refer to Paint Rule #18 for instructions on submitting paint samples.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Replacing exterior doors with the same material, design and color as previously approved does not require resubmittal of a new application. However, replacement is NOT authorized where the exterior door was previously done with an unapproved material, design and/or color or no approval has been received.

General Information:

- 10.1 Color. The door color shall blend aesthetically with the color scheme of the existing dwelling. Only security screen doors are allowed to be shades of white, black and bronze.
- 10.2 Reflective Finishes. Reflective finishes may not be used on exterior surfaces (other than the surfaces of hardware fixtures) where such exterior surface is visible from neighboring property.
- 10.3 Good and Clean Condition. Doors shall be maintained in a good and clean condition and repair.
- 10.4 Location and Dimensions. A screen door shall be located on a door leading to the exterior of the dwelling. The dimensions of the security screen door shall cover the threshold of the door frame.

11.0 Exterior Lighting:

Design Committee approval is required for the installation of exterior lighting (e.g. decorative, motion, security lights, etc.). Provide the location on a plot plan along with a manufacturer brochure showing design and type.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Replacing exterior lights with the same style of lights as previously approved or previously installed by the Developer, does not require resubmittal of a new application. However, replacing exterior lights is NOT authorized where the lights were previously installed without approval.

Standards for the installation of any exterior lighting shall include:

- 11.1 Mounting Exterior Light Fixtures. Exterior light fixtures shall be mounted under the roof eaves unless otherwise approved by the Design Committee. In the event the light fixture/source cannot be mounted under the roof eaves, the Owner shall be required to conceal the fixture and light source through the use of an approved cover. If a fixture is mounted on the gable end of the house (for gable roofs), it shall be mounted within twelve (12) inches parallel to the roof slope.
- 11.2 Location of Bulbs shall not project more than 45 degrees away from the parallel or perpendicular plane to the structure to which the fixture is mounted, i.e., not pointing outwardly or to the side.

- 11.2.1 Quartz halogen flood lamp fixtures shall be permitted provided the lights are not pointed such that they exceed the 45-degree angle with the structure.
- 11.3 Illumination of Outdoor Light Fixture. Light illuminating from an outdoor light fixture shall not be directed into an adjoining property or street. Any fixture that generates a complaint from neighboring property (and verified by the Association) shall be redirected, relocated, removed or concealed upon demand by MTA.
- 11.4 Limitations. The Association reserves the right to limit the areas that fixtures shall be installed should such installation not meet Design Committee aesthetic criteria or where a more unobtrusive location can be utilized. Fixtures proposed to be mounted between the first and second floors of a residence that do not have an eave or “eyebrow” may install a fixture at or within twelve (12) inches of the fascia line.
- 11.5 Type of Replacement Fixtures. Replacement of new lighting fixtures mounted at the side of doorways, at the front of the garage or other similar exit/entry locations are limited to “carriage” type of fixtures, with the light source concealed by the use of smoked or obscure glass.
- 11.6 Visibility from Neighboring Properties and Street. In all cases, any exterior light fixture shall have its light source diffused or shielded from view of the street or adjacent properties.

12.0 Fences, Walls, and Gates:

Design Committee approval is required for fence, wall and gate construction. On plot plan indicate location and dimensions. Provide drawings that show finished elevations of the project when completed; cross-section drawings showing footings, and existing and finished grades on both sides; existing conditions on property and/or neighboring properties; material used, stucco/painted (sample required); Castle & Cooke Fence & Wall Guidelines; and anything special about the lot (sightlines for corner houses, zero lot line, house in development under sub-association/CPR (condominium property rules), PDH, etc.). Stone/Veneer Coverings: Indicate location on plot plans. Provide colored brochures of color/design to blend with color scheme of property & match MTA Color Board.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Reconstructing a fence, wall and/or gate with the same material and color as previously approved does not require resubmittal of a new application. However, reconstructing a fence, wall and/or gate is NOT authorized where a fence, wall and/or gate were previously constructed with an unapproved material and/or color or no approval has been received.

- 12.1 Median Strip Outside a Fence or Wall: The Owner is responsible for maintenance of the area alongside a wall or fence within the Owner’s lot. This requirement shall be a condition of approval for the construction of all walls and fences adjacent to the front, side and rear property lines of all lots.
- 12.2 Property Pins. It is the Owner’s responsibility to verify the location of property pins before and after completion of any perimeter wall construction or improvement. Pins should not be removed under any circumstances.
- 12.3 General Information:

- 12.3.1 Existing Walls and or Fences on Neighboring Properties: Owners planning to construct fences, walls, or gates on their properties shall indicate on their plans the location, heights, and types of material of any existing walls and/or fences on adjacent properties.
- 12.3.2 Footings: Footings for fences, walls, and gates including post holes shall be entirely within an Owner's lot and shall not encroach upon an adjacent property unless by specific written agreement between the two property Owners.
- 12.3.3 Height: The maximum height of fences, walls, and gates shall not exceed the height limitations outlined in these rules and the legal limit allowed by City & County of Honolulu. The use of columns and wall caps, incorporated into the overall design of the walls, may not exceed the height limitations. Columns and walls caps are required to be shown and labeled on plans. In addition, where practical, the height of any proposed fence, wall, and gate shall not exceed that of any existing walls and fences on adjacent properties, i.e., the height of fences, walls, and gates on adjacent properties shall be identical.
- 12.3.3.1 Inspection of Permitted Construction of a Wall, Fence, Gate, or Wall/Fence Combinations. An inspection may occur by MTA personnel to ensure the project is proceeding as approved. The height of a wall, fence, gate, or wall/fence combination is measured on the external side/face (such as next to a sidewalk) from the ground/grade level to the top of wall. If the wall footing is visible then it is included in the calculation of the wall height
- *Decorative Interlocking Stacking Block or Equivalent (i.e., Keystone). A permit is not required if this type of material or its equivalent is used as a planter area that does not exceed a height of thirty inches (30").
- 12.3.4 Front Yard Fences and Walls in Mililani Mauka: Per most deed requirements or annexation documents, Mililani Mauka homes have special provisions for front, back, and side yard walls and fences. All fence and wall heights are designated on the Castle & Cooke Fence/Wall Guidelines and must be included in all fence and wall applications, if applicable.

In Mililani Mauka, a front yard shall be defined as being that portion of the yard bounded by a street up to the front plane of the house or garage. (Refer to Figure 8.) For corner lots, refer to Rule #12.3.7, for additional clarification of the front yard definition. Fences and/or walls in the front yard shall be governed by the following:

- 12.3.4.1 Per the requirement, walls or fences shall not exceed two feet, six inches (2'-6") in height measured from the finish grade as established by the developer on the exterior side of the wall or fence facing the street or neighboring property, except where a trash enclosure wall is allowed. (Refer to Rule #12.3.12, Trash Enclosure Fence/Wall)

Exception A:

If the difference in grade between the adjacent sidewalk and the finish floor of the house slab exceeds forty-two inches (42"), then a retaining wall may be created. The top of this retaining wall shall not exceed an elevation that is twelve inches (12") lower than the finish floor of the house slab. (Refer to Figure 9.)

Exception B:

A fence, wall, and gate may be added on top of this retaining wall, provided there is a change of approved material that is open in design. (Refer to Figure 9.) This fence shall not exceed forty-two inches (42") in height from the top of the retaining wall.

- 12.3.4.2 Public Utility Easements: In certain circumstances, due to grading and lot elevations, the Declarant has constructed retaining walls in the front yard for the purpose of protecting utility easements. While these retaining walls may, of necessity, exceed height limits established in the MTA Design Committee Rules, any subsequent construction of perimeter walls by Owners in their front yard shall comply with the established height restrictions for walls and fences in Mililani Mauka.
- 12.3.5 Side Yard Fences and Walls: Side yard walls and fences shall be stepped down to match the same height as the front wall/fence. This matching of heights shall occur in line with the front plane of the carport or dwelling.
- 12.3.6 Side Yard Fences and Walls in Mililani Mauka: Per most deed requirements or annexation documents, Mililani Mauka homes have special provisions for front, back, and side yard walls and fences. All fence and wall heights are designated on the Castle & Cooke Fence/Wall Guidelines and must be included in all fence and wall applications, if applicable.

In Mililani Mauka, a rear yard shall be defined as a yard at the opposite end of a lot from the front yard, except in the case of corner lots. All other yards not defined as front or rear yards shall be treated as side yards. Fences and/or walls in the rear and the side yards shall be governed by the following:

- 12.3.6.1 Lots where the surrounding difference in grade is minimal such that it does not require a retaining wall:
- 12.3.6.1.1 Fences, walls, and gates, starting at the house along the front plane of the house extending to the side property lines and along the side property lines extending back from the front plane of the house or garage and all rear yard fences, shall not exceed six feet, zero inches (6'-0") in height. (Refer to Figure #8.)
- 12.3.6.1.2 The fence, wall, and gates may be made of one material or may be partly wall and partly fence, each to be made of one material only.
- 12.3.6.2 If the surrounding grade condition of a lot requires a retaining wall, the following restrictions shall apply:
- 12.3.6.2.1 Retaining walls, which run along the side property lines extending back from the front plane of the house or garage and all rear yard retaining walls, shall not exceed a height of six inches (6") above the existing (higher) grade. (Refer to Design Rule# 12.3.9, Retaining Walls, for additional information.)
- 12.3.7 Corner Lot Fences and Walls: Corner lots have streets along two or more adjacent

sides and thus technically have more than one front yard. For the purposes of these guidelines, the front yard shall be considered the yard adjacent to the street from which the garage and/or the house is entered. All other yards shall be treated as side yards.

12.3.7.1 For safety and visibility purposes, corner lots, walls, fences or vegetation shall not be constructed, placed or maintained at a height greater than two feet, six inches (2'-6") within the sightline designated by the City & County of Honolulu as shown on the plot plan for the subject lots. (Refer to Figure 8.)

12.3.8 Flag Lot Fences, Walls, and Gates in Mililani Mauka: Per most deed requirements or annexation documents, Mililani Mauka homes have special provisions for front, back, and side yard walls and fences. All fence and wall heights are designated on the Castle & Cooke Fence/Wall Guidelines and must be included in all fence and wall applications, if applicable.

Due to the sightline requirement on this type of lot, a fence, wall, and/or gate located within a minimum of twenty feet (20') from the front property line or public right of way, shall not exceed a height of two feet, six inches (2'-6"). The height of a fence, wall, and/or gate may be increased from the twenty-foot (20') point toward the residence if the Fence & Wall Guideline permits it.

12.3.9 Retaining Walls: If the difference in grade between the adjacent sidewalk and the finish floor of the house slab exceeds forty-two inches (42"), then a retaining wall may be created. The top of this retaining wall shall not exceed an elevation that is twelve inches (12") lower than the finish floor of the house slab, and/or shall not exceed six inches (6") above the existing grade. (Refer to Figure 9.)

12.3.9.1 A fence or wall may be added on top of this retaining wall, provided there is a change of approved material that is open in design and not capable of retaining earth. The material is required to begin at the top portion of the wall structure. The safety railing and wall structure combined cannot exceed a height of six feet (6'-0") at the lot's finished grade in the required yard. On the exterior side of the wall (facing neighboring lot or sidewalk area), wall is same material with a maximum height of six feet (6'-0") in required yard from existing or finished grade, whichever is lower, to top of wall.

The sizes of slats and spacing between each slat are as follows:

12.3.9.1.1 A slat measuring a maximum width of not less than two inches (2") requires the spacing dimension to be between a minimum of two inches (2") to a maximum of four inches (4").

12.3.9.1.2 A slat measuring a width of more than two inches (2") requires the spacing dimension to be between a minimum of four inches (4") to a maximum of six inches (6").

12.3.9.1.3 Another approved material is screen tile above the retaining wall. This wall shall not exceed six feet, zero inches (6'-0") in height, measured from the top of the retaining wall, or existing grade, whichever is shorter. Any wall or fence within the area

inclusive of the sightline to the sidewalk shall not exceed two feet, six inches (2'-6") in height measured from the level of the area on the exterior of the wall facing the street or neighboring property.

12.3.9.2 Approval is required for stairs accessing the area above a retaining wall:

12.3.9.2.1 Stairs that are less than thirty inches (30") in height may be located within the setback area (five feet (5') to each rear and side property lines).

12.3.9.2.2 Stairs that are equal to or more than thirty inches (30") in height may not be located within the setback area (five feet (5') to each rear and side property lines).

12.3.9.3 For construction of retaining walls, refer to Article 4, General Development Standards, Section 4.40: Retaining Walls of the Land Use Ordinance. Owners proposing the construction of retaining walls on their residential lot are advised to consult with the City & County of Honolulu for the most recent amendments to Article 4, Section 4.40, General Development Standards, Retaining Walls, of the Land Use Ordinances and any other applicable sections in addition to the MTA Design Rules.

12.3.10 Parallel Walls/Fences (two walls/fences built along side one another on neighboring properties): Construction of parallel walls/fences shall not be approved because they contribute to visual clutter. However, due to the varying needs of adjacent neighbors, the Design Committee may approve parallel walls/fences on a case-by-case basis. (Refer to Figure10)

12.3.11 Trash Enclosure Wall/Fence may be located up to a maximum distance of four feet, zero inches (4'-0"), measured from the side of the wall enclosure facing the street, beyond the front plane of the garage as long as the wall enclosure:

12.3.11.1 Does not exceed a height of six feet, zero inches (6'-0") from the finish grade elevation and a concrete pad dimension of four feet, zero inches wide by ten feet, zero inches long (4'-0" by 10'-0"), as long as drainage pipes are either located above or below the pad area and the water drains to the front of the property.

12.3.11.2 Abuts the side-return wall to the front of the garage and the front side wall to the street.

12.3.11.3 Does not create a parallel wall forward of the front plane of the residence. (Refer to Figure 10)

12.3.12 Trash Enclosure Fence/Wall in Mililani Mauka: Per most deed requirements or annexation documents, Mililani Mauka homes have special provisions for front, back, and side yard walls and fences. All fence and wall heights are designated on the Castle & Cooke Fence/Wall Guidelines and must be included in all fence and wall applications, if applicable.

Trash enclosure may be located up to a maximum distance of four feet, zero inches (4'-0") or five feet, zero inches (5'-0") as may be allowed per Castle & Cooke's

Fence/Wall Guidelines measured from the side of the wall enclosure facing the street, beyond the front plane of the garage as long as the wall enclosure follows the guidelines as listed in Rule #12.3.4.

12.3.13 Perimeter Walls/Fences and Gates next to MTA Common Restricted Areas and Preservation Areas: Depending on the elevation of an individual lot, perimeter walls, fences and gates next to MTA common restricted areas and preservation areas have special conditions.

12.3.13.1 The maximum height depends on the development you live in. Review your Deed, Lot Deed Restrictions, Plot Plan, and/or Fence and Wall Guideline for guidelines.

12.3.13.2 A gate may not be constructed since access to the MTA common restricted areas and preservation areas is prohibited.

12.3.13.3 Fence(s) or wall(s) installed by the developer may not be altered in material and dimensions unless the Owner's deed states otherwise.

12.3.14 Gates **may not** be constructed to access Private Property which includes perimeter and/or private lots.

12.3.15 Stilted Fencing. Approval is required for the construction of a stilted fence that may be parallel to an existing wall or fence depending on the height and location of the existing wall or fence. The Design Committee will review each application on a case-by-case basis.

12.3.15.1 The construction of a stilted fence consists of posts anchored into the existing grade (ground level) with the solid fencing portion beginning above the top of an existing wall or fence of a neighboring property. Applications are reviewed on a case-by-case basis. See Figure 11 for an example of drawings.

12.3.16 Gate Swing: Gates cannot swing open onto public right of ways (e.g. sidewalks, streets).

12.3.17 Use of Columns and Material In Between Columns. Approval is required for columns and the material in between each column that are used in the overall design of a wall or fence. The distance between columns shall be a minimum of eight feet (8') in length. Columns shall not be constructed without panels in between. Columns may be used within the design of a wall or fence if permitted within a development, on a specific lot, listed on the Fence and Wall Guideline, and or the Lot Deed Restrictions. Exceptions to this rule shall be reviewed on a case-by-case basis.

12.3.18 Materials for Fences, Walls, or Gates: In general, walls, fences and gates, containing one or two materials appropriately mixed, may be approved. However, walls, fences and gates containing more than two materials and those using reflective materials, such as, expanded metal, plastic, fiberglass or exotic designs, shall not be approved unless they tie in with overall design and decoration of home.

12.3.18.1 Fences and walls shall be constructed only of the following materials:
Brick, Cedar, Composite Masonry Unit (CMU), Composite Rock Material

(CRM), Finished Concrete, Concrete Block with or without Stucco, Decorative Tile, Glass or Glass Blocks, Interlocking Stackable Block or equivalent (i.e., Keystone), Koa, Mahogany, Metal (decorative welded grillwork), Natural Stone, Redwood, Vinyl Fencing in colors approved by the Design Committee, WallCrete (Wood Design in the color Earthtone, Old Brick Design in the color of Earthtone and Multi-Color (red brick/with grout), Stacked Stone Design in the color Earthtone), 'Wiki Wiki' walls in colors Traditional Lava, Natural Coral and Earthtone (Dark Blue or Black are not approvable), Wood Composite Fencing Material, and Knot Wood Aluminum (Western Red Cedar, Knotty Pine & Wenge). **All colors must be approved by Design Committee and shall blend aesthetically with the color scheme of the existing dwellings. All materials and styles must tie in with the overall design of the home.**

12.3.18.2 Chain Link Fencing: Chain link fencing is not an approvable material.

12.3.18.3 Gates shall be constructed only of redwood, cedar, koa, mahogany, composite wood, decorative welded metal grillwork, metal, or vinyl material only in colors approved by the Design Committee.

12.3.18.4 No more than two materials shall be used in fence, wall, and gates surrounding all or a portion of a lot. A combination of two materials may be approved only if they are compatible with each other. For example, items of similar composition but dissimilar texture may be considered as separate materials.

12.3.18.5 Fences, walls and gates with decorative additions, such as small roofs, moon gates, etc., shall not be approved unless they tie in with the overall design and decoration of the home. Normally, this would be limited to a new custom home or major remodeling of a home and/or landscape plan.

Note: From time to time, the materials list is updated by the Design Committee to include new materials not currently on the above list. Check the MTA website for any updated lists.

12.3.19 Good Side Out of Fence, Wall, or Gate: Whenever a fence, wall, or gate, by the nature of its construction and materials has a "good side," the "good side" shall face outward from the property toward the adjacent street, etc. Any exposed framing, braces, support material, etc. shall face inward to the property and may, at the Owner's option, be finished with an approved material.

12.3.19.1 When constructing a CRM rock wall, the same material shall be used throughout the entire wall thickness.

12.3.19.2 All jagged edges shall be smoothed, tooled and skilled. This includes the grouting and mortaring in between each rock. Jagged edges on the rocks shall be avoided and monitored by the Owner.

12.4 Joint Ownership and Maintenance Agreement: A *Joint Agreement of Ownership and Maintenance* is required to be submitted with the Design Committee Application Form whenever two adjacent Owners agree to jointly construct a fence or wall over a mutual property line. Refer to Figure 12, Joint Agreement of Ownership and Maintenance, for a sample agreement. Exception to this rule: Rule #12.8, Community Association Property

(CAP) walls cannot be modified in any way without the express written permission of the MTA.

12.4.1 Only the Owner of an existing wall or fence, built entirely on the Owner's property including the footings, may apply for a Design Permit to extend the height or length of an existing wall or fence if the Fence & Wall Guideline allows it and there are no other walls or fences parallel to it.

12.4.2 If two owners from neighboring properties want to connect their wall(s) or fence(s), a joint agreement is required. Refer to Figure 13, Joint Agreement to Connect Wall(s) Between Properties.

12.5 Custom Lot Special Requirements:

Fences and walls of non-reflective materials shall be constructed on custom lots, with a minimum ten feet (10') set back from the front boundary line. The setbacks for buildings, fences and walls along rear property lines, bordering the Mililani Golf Course, shall conform to the Land Court map, and any Planned Development Housing (PDH) requirements imposed by agreement made between Castle & Cooke, Ltd., and the City & County of Honolulu.

12.6 Other Requirements for Fences and Walls: Special requirements may be implemented for individual lots, depending on the location, elevation, terrain, or size of a particular lot. Castle & Cooke's Fence/Wall Guidelines address conditions relating to these "special requirement" and/or exception lots, which are not included in these rules. An Owner of a lot receives a copy that is specific to a unit in his/her particular subdivision at the time of the initial purchase.

12.7 Painting of Walls/Fences/Gates: The introduction of a new color scheme and design shall blend aesthetically with the color scheme of the existing dwellings.

12.8 MTA Walls and Fences and Community Association Property (CAP) Walls: Walls and fences owned by the MTA have the following restrictions:

12.8.1 Per the DCCR, Article III, Section 3.02 (d) "...The Owner of each lot will maintain in good repair any fence or wall along any street boundary of his lot which had been erected by Declarant...". Each owner that abuts the MTA common area wall is responsible for the maintenance and upkeep of that wall. No modification of any kind on CAP walls is permitted without the express written consent of the MTA. Design Committee approval is required for all changes and/or modifications to the wall or fence.

12.8.2 Walls and fences owned by the MTA shall not be removed for work on any Owner's lot without the prior written approval of the MTA. A bond and/or refundable security deposit shall be required to ensure that walls and fences owned by MTA shall be restored to their original condition, including replacement of trees and any other previously installed landscaping.

12.8.3 No common wall or fence located on MTA property shall be altered in height by an adjacent Owner, without the prior written approval of the MTA. Hanging objects, shelves, or making any additions to the interior of any CAP wall will not be approved.

12.8.4 The interior of a CAP wall facing the property of an Owner may be painted or

covered with a texture coat, like stucco, with the approval of the Design Committee. A Design Committee Application must be submitted along with a color sample and signed affidavit stating that the Owner will maintain the interior of the wall. If the CAP wall belongs to a sub-association, then an approval letter from the sub-association must be provided as part of the application.

13.0 Fishpond and Water Feature Structures:

Fishponds, water feature structures, incidental or typical to landscaping, require approval by the Design Committee, and shall be reviewed on their individual merit. Provide a plot plan showing the location & distance from property lines. Include the manufacturer brochures showing dimensions, side/cross section drawing showing depths of water, height, and design of structure.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Standards for the installation:

13.1 Maximum Dimensions

13.1.1 Depth: Sixteen-inch (16") maximum water depth.

13.1.2 Height: Counting the distance from the top of the structure, with all cascading waterfalls, urns, statues, and static displays, the heights are as follows:

13.1.2.1 Front Yard: Total maximum allowable height shall be limited to thirty inches (30").

13.1.2.3 Back Yard: Total maximum allowable height shall be limited to six feet (6') in height.

13.1.3 Width: A surrounding edging or concrete coping shall be limited to a maximum width of thirty-six inches (36").

13.2 Location: Water feature structures are required to be located outside of the five-foot (5') setback area from each side and back property lines, and ten feet (10') from the front property lines.

13.3 Accessories. All feeding boxes, water supply lines, cleanouts, and filters shall be concealed from view.

13.4 Lighting. All ground lighting shall follow the lighting rules listed in these rules.

13.5 Shading. Shade cloths over the fishpond shall be reviewed and may be approved behind the front plane of the house.

13.6 Water Disbursement. Rain overflow water shall be contained within the boundaries of the property.

13.7 Water Features Incorporated into a Wall or Natural Free-Standing Waterfall. Any structure, such as a water feature incorporated into the design of the wall or a natural free-standing waterfall, which exceeds a height of thirty inches (30") is not permitted within the setback areas (five feet (5') from each side and rear property line, and ten feet (10') from the front

property line).

14.0 Flag Holder and Flagpole:

Design Committee approval is required for a flagpole. Provide the following information:

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

14.1 Flagpole. A flagpole may be erected on the residential property with Design Committee approval. The following guidelines shall be adhered to:

14.1.1 A Design Committee Application Form and supporting documents (plot plan showing location of the pole on the property) shall be submitted to the Design Committee for review.

14.1.2 The flagpole will be permanent and free standing. For a temporary flagpole, a small base may be installed in the ground without Design Committee Approval.

14.1.3 The flagpole shall be limited to not more than 20' (twenty feet) in total height from the finish grade level of the residential property.

14.1.4 Flagpole placement shall follow all City & County of Honolulu setback requirements for structures over 30" (thirty inches) in height as follows:

Front property line setback: 10' (ten feet)

Rear and side property line setbacks: 5' (five feet)

14.1.5 The flagpole shall be securely anchored in the ground and have a base diameter of not more than 6" (six inches). No guy wires or external appurtenances of any type shall be used as additional support for the pole.

14.1.6 Reflective materials shall not be used. Painting of the reflective finish in colors of black, bronze or white shall be acceptable.

14.1.7 A flagpole, using a construction material other than metal, shall be reviewed on a case-by-case basis.

14.1.8 Any exterior lighting shall not be directed toward another residence.

14.1.9 The flagpole and all flags shall be erected and flown in accordance with all established City, State and Federal regulations.

14.2 Flag Holder. A flag holder may be erected on the residential structure without Design Committee approval, providing it does not exceed the top pitch of the roof, have a mast (pole), and is securely anchored to the residential structure.

14.2.1 Any exterior lighting shall not be directed toward another residence.

14.2.2 The flag holder shall be erected and the flag flown in accordance with all established City, State, and Federal regulations.

15.0 Gutters & Downspouts:

Design Committee approval is required for the installation of all gutters with downspouts. Submit a

plot plan showing the location of the downspouts. The gutters with downspouts shall be non-reflective and painted to match the surfaces on which they are mounted. Copper gutters with downspout need not be painted.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

16.0 House and Window Trimmings:

Design Committee approval is required for all house and window trimmings, including weathervanes. Submit a plot plan showing the location along with a drawing or picture showing the design, color and size of the attachment.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

House and window trimmings, such as scallops, ornate shutters, and/or wrought iron and other "gingerbread" effects shall not be approved by the Design Committee when they do not blend with the architecture of the existing dwelling, result in a "tacked on" appearance, or do not blend with the surrounding aesthetic quality of the community.

16.1 House Decorations: In general, tacked-on house decorations shall not be approved. Decorations for holidays or special occasions are exempt and need no approval, provided they are not constructed or applied sooner than 30 days before the event and are removed within fifteen (15) days after the event.

17.0 Liquid Petroleum Gas (LPG) Tank:

Design Committee approval is required for the installation of a LPG gas tank on an Owner's lot. Submittals for approval shall include a plot plan indicating the location of the concrete slab, number of tanks, and solid walls surrounding location of the tank.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Other Information:

17.1 Location. Tank to be located on a concrete slab, surrounded by solid walls and shielded from view from the street or neighboring property.

17.2 City & County Codes. Owner is responsible for knowing and following all City & County codes.

18.0 Painting:

Design Committee approval is required for house painting. Submit a Design Committee Application form along with manufacturer samples of paint colors, with a minimum size of two inches by two inches (2" x 2") for review. All paint colors and paint color combinations are subject to approval by the Design Committee.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Repainting with an existing color previously approved, does not require resubmittal of a new application. However, painting is NOT authorized where a dwelling was previously painted with an unapproved color or no approval has been received.

- 18.1 Paint Finishes. The only types of paint finishes that may be used are semi-gloss, satin, flat, low luster and soft gloss finish. Reflective finishes, such as enamel, are not approvable.
- 18.2 Shades of Colors. The colors of all exterior surfaces visible from neighboring property shall be shades of grey, brown, red-brown, yellow-brown, brown-green and grey-green in values from white to 75% of black and blue-green between medium and dark values as represented by the paint colors on the MTA Approved Paint Color Boards located at the Administration Office and several Recreation Centers.
 - 18.2.1 MTA Paint Color Board. The Board displays the hues of paint colors that are approvable when repainting the exterior of your home. The Board specifies paint colors schemes for the Body, Trim and Accent. Although the individual paint color is on the approved list, the composition of the paint color(s) will be reviewed on a case-by-case basis to ensure compatibility with the surrounding neighborhood.
 - 18.2.1.1 The paint trim and accent colors may be switched if they are within the same color scheme. However, switching paint color schemes (e.g. a body color from one scheme and a trim/accent color from another scheme) will be submitted to the Design Committee for review. Paint colors that are not on the Board but fall within the specifications listed in 18.2, can be submitted to the Design Committee for review.
 - 18.2.1.2 Paint Color Schemes are as follows: Body is considered house walls; Trim is considered all window trim, vertical and horizontal trim elements that suggest structure including the fascia; Accent is considered doors and any of the architectural details on the exterior that are not part of the house walls and trim. Some examples are window shutters, columns, exterior molding and some window/door trim kits. Note: Not all properties will have use for the Accent color, submitting for body and trim is acceptable. Additionally, paint schemes must, at minimum, have a body and trim color.
- 18.3 Matching Color Samples to Approved Colors. It is the Owner's responsibility to closely match the color samples, located on the MTA Approved Color Board, and approved by the Design Committee. Any brand of paint may be used.
- 18.4 Change of Color: Samples of colors to be used shall be submitted, which shall be reviewed with the fact in mind that small paint samples frequently do not match the color produced by the manufacturer and, further, that large areas of solid colors may convey an impact, which is not readily determined from small swatches. The complete color scheme shall be submitted when changes in color are desired.
- 18.5 Painting a New Addition: As a condition of approval, paint colors on a new addition/enclosure shall match the colors on the existing structure. New paint shall be carried to a natural breaking point in the building such as a corner or change of materials, etc., in order to blend with the existing structure.
- 18.6 Paint to Match Existing Primary Dwelling. For the purposes of these Rules, the term "paint to match" when applied to solid walls or additions/enclosures is defined as the same as the

original wall color of the primary dwelling or color(s). Using "complementary" paint colors does not satisfy the requirement, "paint to match". If the Owner decides to use any other paint color than a previously approved primary wall color for an addition or enclosure walls, the Owner shall submit a Design Committee Application Form with the appropriate paint samples for review by the Design Committee. If an approval has never been obtained from MTA, then 'paint to match existing' will not be valid since the color choices have not been reviewed.

- 18.7 Painting without a MTA Design Approval. In all instances where painting is performed on any residence or property with paint colors that are not compatible with the MTA Approved Paint Color Board and without a current MTA Design Approval on file, the Owner shall be required to repaint with approvable colors after obtaining a Design Approval.

19.0 Play Equipment, Permanent:

Design Committee approval is required for construction/installation of permanent mounted basketball hoops, play structures, and swing sets. Provide a plot plan showing the location of the structure, dimensions, and distances from the rear and side property lines. Include a manufacturer brochure showing design, dimensions, color and how the structure is anchored to the ground. For the mounted basketball hoop, provide a plot plan showing the location of the basketball hoop.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Other Requirements:

- 19.1 Setbacks. Play structures and/or swing sets higher than thirty inches (30") in height shall observe all City and County of Honolulu setback requirements, i.e., five-foot (5') minimum setback from each side and rear property lines.
- 19.2 Rear and Side Yard Locations and Visibility. Play structures and/or swing sets shall be contained strictly within the rear and/or side yard areas only, with a minimum setback of twenty feet (20') from the front residential plane. The Design Committee reserves the right to require concealment of any play structure and/or swing set if such equipment is deemed to be visually unappealing. Concealment may include, but is not limited to, landscaping, fences, walls, structural enclosures, etc.
- 19.3 Front Yard Location and Visibility. Play structures and/or swing sets less than thirty inches (30") in height may be kept in the front yard areas only if equipment is not visible from neighboring properties.
- 19.4 Deteriorated Equipment. If it is determined that the play equipment has been allowed to deteriorate or become visually unappealing, in the sole discretion of the Committee, the Owner shall be required to restore the play equipment to its original condition, ensure that the play equipment is not visible from neighboring property or remove it in its entirety from the lot.
- 19.5 Permanent Mounted Basketball Equipment. May be permitted in the front driveway area, provided the backboard is flush to the house and confined entirely within the Owner's property. The front of the backboard shall face either the street or neighbor's property (see Figure 14).

19.5.1 Placement of permanent basketball apparatus with the back of the backboard facing a

neighbor's property shall be reviewed on a case-by-case basis. This location is discouraged because of possible damage to adjacent property and the nuisance that over-thrown balls may cause to neighbors.

20.0 Roofing Requirements:

Design Committee approval is required prior to installing any new roofing materials. Submit a Design Committee Application Form, listing the manufacturer, type and color of the roofing material proposed for use on the residence. Please visit our website, administrative office or any business office for the most current MTA Approved Roofing Materials List.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Reroofing with the same material and color as previously approved does not require resubmittal of a new application. However, reroofing is NOT authorized where a dwelling was previously roofed with an unapproved material and/or color or no approval has been received.

Design Committee approval is not required to simply repair or replace a portion of roofing material, provided the same type of material currently on the roof is used and the repairs do not in any way alter the exterior appearance or roofline of the residence.

The Design Committee periodically updates the Approved Roofing Materials List. Owners wishing to install an unapproved roofing material on their residence shall first submit a sample along with the Design Committee Application Form to the Design Committee for review and approval prior to installation. Acceptable colors for each roofing material shall be approved in writing in accordance with these Rules.

It is recommended that if the Owner plans to hire a contractor to install new roofing material, the Owner contact the Hawaii Roofing Contractors Association to verify the license and suitability of that contractor. It is also recommended that the Owner request verification of insurance prior to having any work performed.

20.1 Underwriter's Class AAA Roofing. Construction shall be in accordance with the specifications of Underwriter's Class AAA roofing.

20.2 Built-up roofs shall be approximately flat with a slope of not more than two (2) to twelve (12) inches.

20.3 Flat roofs may be finished with built-up or modified bitumen roofs in colors listed on the MTA Approved Roofing Materials List, located on our website, administrative office or any business office.

20.4 Shake or wood shingle roofs shall slope a minimum of three and a half inches in twelve inches (3-1/2" in 12") for eaves and four and a half inches in twelve inches (4-1/2" in 12") for roofs over the main structure.

20.5 Metal roofing will require a letter from the manufacturer stating the roofing color has been muted with a no gloss finish. All metal roofing must be applied with the proper underlayment over a solid substrate and adhered via mechanical screw.

20.6 Standing seam and corrugated roofing material may not be used and shall not be approved.

21.0 Roof Vent, Attic Vent (solar/non-solar), Exterior Vent, and Chimney:

Design Committee approval is required for roof vent(s), attic vent(s), exterior vent(s) and chimney(s).

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Provide the following information:

21.1 Roof, Attic, and Exterior Vents. Design Committee approval is required for the installation of roof vents, attic vents, and exterior vents. On a plot plan indicate the location and provide a manufacturer brochure showing dimensions, design, height on the roof or depth on the side of the house, and color (must match the exterior finish of the property). The Owner shall attempt to minimize the adverse appearance of vents by installing them below the ridgeline of the roof and in those portions of the roof or side of house not facing the adjoining street.

21.2 Roof Mounted Power Attic Ventilator Fans

21.2.1 Roof Accessories. The vents shall be self-flashed and prevent lateral moisture infiltration. Any other roof accessories, located in areas visible to the street and neighboring property, must be compatible to the color of the roofing material on which they are located.

21.2.2 Visibility. The roof mounted power attic ventilators shall be as inconspicuous on your roof as possible.

21.2.3 Location. The roof mounted power attic ventilators must be mounted with edges parallel to the edges of the roof on which they are located (Refer to Figure 16 for placement).

21.2.4 Thermostat. The ventilator shall feature a thermostat to monitor the buildup of heat in the attic.

21.3 Chimney. Design Committee approval is required for the installation of fireplace chimneys and will be reviewed by the Design Committee on their individual merits. Follow the architectural standards noted in Rule 1.1. The Owner shall comply with all applicable government codes and regulations. On a plot plan indicate the location of the chimney, provide cross section drawings and complete finished elevation drawings for the chimney. The design shall blend aesthetically with the property and color scheme of the existing dwellings.

22.0 Satellite Dish and Antenna Installation Policy:

22.1 Background. This Antenna Installation Policy is adopted by the Design Committee and the Board of Directors of MTA in conformance with the Over-The-Air Reception Devices (“OTARD”) rule of the Federal Communications Commission (47 C.F.R. Part 1, Subpart S, §§1.4000 et seq.), as amended (“FCC Rule”) governing installation of certain antennas described below.

This Antenna Installation Policy shall be binding upon all Owners and shall supersede any previously adopted rules on the same subject matter.

- 22.1.1 Transmission Antennas, such as amateur (“HAM”) radio antennas are not considered “Reception Antennas” and must comply with Design Committee Rules. The use of HAM radio type antennas and masts are considered temporary and shall be removed after each use. HAM radio type antennas and masts may be placed on the ground and not exceed ten feet (10’) in height above normal grade IF not visible from the street or neighboring property. HAM radios that do not comply with this section must be approved by the Design Committee if they are visible from neighboring property.
- 22.1.2 No more than one antenna of each type of service may be installed by any antenna user, unless necessary to obtain reception (or transmission) of an acceptable quality signal. Exceptions to the allowable amount of antenna are considered on a case-by-case basis under appropriate conditions.

22.2 Definitions.

- 22.2.1 “Reception Antenna” means an antenna, satellite dish, or other structure used to receive video programming services intended for reception in the viewing area and/or designed to receive or transmit fixed wireless signals. Examples of video programming services include direct broadcast satellite services, multipoint distribution services, and television broadcast signals. Fixed wireless signals means any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Examples include wireless signals used to provide telephone service or high-speed internet access to a fixed location. “Reception Antenna” does NOT include, among other things, Amateur (“HAM”) radios, Citizens Band (“CB”) radios and Digital Audio Radio Services (“DARS”), AM/FM radio signals. The mast supporting the Reception Antenna, cabling, supports, guy wires, conduits, wiring, fasteners, bolts or other accessories for the Reception Antenna is part of the Reception Antenna. A Reception Antenna that has limited transmission capability designed for the viewer to select or use video programming is a Reception Antenna provided it meets Federal Communications Commission standards for radio frequency radiation.
- 22.2.2 “Similar Structures” are any structure, item, device, or equipment that is comparable in size and weight to a Reception Antenna and pose a similar or greater safety risk to a Reception Antenna.
- 22.2.3 “Transmission Antenna” means any antenna, satellite dish, or structure used to transmit radio, television, cellular, or other signals other than a Reception Antenna. An antenna that is used in conjunction with a Reception Antenna is not a Transmission Antenna if it:
- 22.2.3.1 Meets all requirements for Reception Antennas and Similar Structures;
 - 22.2.3.2 Is necessary to enable the viewer to select the video programming the viewer will receive on the Reception Antenna;
 - 22.2.3.3 Transmits no signals other than those necessary to allow the viewer to select the video programming the viewer will receive on the Reception Antenna; and
 - 22.2.3.4 Is no larger than necessary to transmit the video programming selections of

the viewer.

- 22.2.4 “Exclusive Use Area” means any portion of the Lot over which the Owner has a direct or indirect ownership or leasehold interest. It does NOT include any part of the MTA common area nor the common elements of a condominium.
- 22.2.5 “Lot” means any lot designated on a subdivision map for residential use, or, with respect to any condominium, an apartment of such condominium, or with respect to any apartment house, duplex, or multiple dwelling, a complete residential unit.
- 22.2.6 “Design Committee” means the Design Committee of Mililani Town Association.
- 22.2.7 “Governing Documents” shall mean the Declaration of Covenants, Conditions and Restrictions for Mililani Town Association (“Declaration”), the By-Laws of Mililani Town Association (“By-Laws”), the Mililani Town Rules and the Mililani Town Association Design Committee Rules, as said documents have been or hereafter are amended and/or restated from time to time.
- 22.2.8 “Owner” means each person, corporation or other legal entity who is, or such persons, corporations or other legal entities who are, the beneficial owner of the Lot, and any lessee of the Owner.

22.3 Location, Size and Number Restrictions.

- 22.3.1 A Reception Antenna or Similar Structure must be confined within the Owner’s Lot. If it encroaches on another Lot, the MTA common areas, or any area outside the Owner’s Lot, it does not comply with this rule.
- 22.3.2 Reception Antennas or Similar Structures must be placed in areas that are not visible from neighboring property to the extent possible and consistent with their purposes; provided that nothing in this rule shall require a Reception Antenna to be shielded from view: (1) if it precludes reception of an acceptable quality signal unless no acceptable reception is available in any Exclusive Use Area; (2) if it would unreasonably increase the cost of installation; or (3) if it would unreasonably delay installation, provided further that screening may be required pursuant to Section 22.4.6 below if it would not unreasonably impair the installation, maintenance or use of the antenna or similar structure.
- 22.3.3 Reception Antennas and Similar Structures shall not be placed in areas where they block fire exits, fire lanes, fire hoses, fire extinguishers, safety equipment, electrical panels, water shut-off valves or other areas necessary for the safe operation of the Lot. The purpose of this rule is to permit evacuation of the Lots and MTA common area and to provide clear access for emergency personnel.
- 22.3.4 Reception Antennas and Similar Structures shall not be placed within two feet of electric power lines and in no event shall they be placed within an area where it can be reached by the play in the electric power lines. The purpose of this rule is to prevent injury or damage resulting from contact with the power lines.
- 22.3.5 Reception Antennas that are visible from neighboring property shall be no larger than necessary for reception of an acceptable quality signal unless it would unreasonably

increase the cost of installation or unreasonably delay installation; provided that under no circumstances shall Reception Antennas for direct broadcast satellite services or multipoint distribution services be larger than one meter (about 39.4 inches) in diameter or diagonal measurement if they are visible from neighboring property.

- 22.3.6 Masts shall be no taller than necessary for reception of an acceptable quality signal. Prior written approval of the Design Committee must be obtained for masts, supports, and other structures more than 12 feet tall or whose height exceeds the distance to the property line of the Lot from the point of installation. The Owner shall provide detailed plans and specifications for the installation, including detailed drawings of the structure and methods of anchorage. The purpose of this rule is to address safety concerns relating to wind loads and the risk of falling structures. These safety concerns are heightened whenever structures are installed on a tall mast substantially above ground level. If the installation will pose a safety hazard, then the Board of Directors may prohibit such installation. The notice of rejection will identify the safety risks.
- 22.3.7 No Resident may install more than one (1) television antenna or more than one (1) antenna from any video programming service provider if the antenna is visible from neighboring property provided that this restriction will not apply if: (1) it will impair the ability to receive an acceptable signal; (2) it will unreasonably increase the cost of installation; or (3) it will unreasonably delay installation.

22.4 Installation.

- 22.4.1 Installation of Reception Antennas and Similar Structures shall be by a qualified person knowledgeable about the proper installation of Reception Antennas and Similar Structures. The purpose of this rule is to promote the proper and safe installation of Reception Antennas and Similar Structures.
- 22.4.2 Installation of a Reception Antenna or Similar Structure shall be in accordance with all applicable laws, statutes, ordinances, codes, rules, regulation, including building, fire, electrical and related codes unless those laws, statutes, ordinances, codes, rules or regulations have been preempted by the FCC Rule. A building permit shall be obtained if required by law.
- 22.4.3 Unless contrary to law or these rules, installation of Reception Antennas or Similar Structures shall be in accordance with the manufacturer's installation specifications. The installer shall have a copy of such specifications on site at all times during the installation.
- 22.4.4 Wiring from the Reception Antenna to the television set(s) shall be installed so as to be minimally visible and blend into the material to which it is attached.
- 22.4.5 If Reception Antennas or Similar Structures are visible from outside the Lot, they must be painted to match the color of the building to the extent that the painting will not impermissibly impair the viewer's ability to install, maintain or use the Reception Antenna or Similar Structures. In addition, the Board may require a Resident to install inexpensive screens or plants to shield the Reception Antenna from view. Such a requirement may be imposed by the Design Committee at any

time.

- 22.4.6 Reception Antennas and Similar Structures shall be securely installed and masts shall be constructed of corrosive-resistant noncombustible materials. If necessary for a secure installation, the Reception Antenna and Similar Structure shall be secured to the Exclusive Use Area and have guy wires securing the device to the Exclusive Use Area. Guy wires, bolts, and similar items may not be attached to any areas outside the Lot. The purpose of this Rule is to prevent the falling or other movement of structures. For purposes of these Rules, a relatively small structure, item, device or equipment that is only temporarily on the premises (i.e. a for sale sign placed on the property) for a short period of time shall not be required to comply with the requirements that they be permanently secured.
- 22.4.7 For safety concerns relating to electricity and lightning, all Reception Antennas and Similar Structures shall be permanently and effectively grounded.
- 22.4.8 All installations shall be performed in such a manner that they do not damage the Common Area, or void any warranties of the Association or other Owners or Occupants of the Project.

22.5 Maintenance and Repair.

- 22.5.1 The Owner shall be responsible for the maintenance of any Reception Antenna or Similar Structure installed by the Owner or one of the Owner's Residents. Maintenance and repair shall include, but not be limited to:
 - 22.5.1.1 Reattachment or removal within 72 hours of dislodgement from its original point of installation.
 - 22.5.1.2 Repainting or replacement, if for any reason the exterior surface of the Reception Antenna or Similar Structure becomes worn, disfigured or deteriorated.
 - 22.5.1.3 Repair or replacement, if for any reason the Reception Antenna or Similar Structure no longer retains its original condition.
 - 22.5.1.4 Repair or replacement to prevent the Reception Antenna or Similar Structure from becoming a safety hazard.
- 22.5.2 The Owner of the Lot in which the Reception Antenna or Similar Structure is located is responsible for all costs associated with his Reception Antenna including, but not limited to, costs to: (a) repair, maintain, remove and replace the Reception Antenna; (b) repair damages to the MTA common area, other Lots, and other property caused by the installation, existence or use of the Reception Antenna; (c) pay for medical expenses incurred by persons injured by the installation, existence or use of the Reception Antenna; and (d) reimburse Residents or MTA for damages caused by the installation, existence or use of the Reception Antenna.
- 22.5.3 In the event that the Design Committee reasonably determines that it needs to perform maintenance or repairs on the Project which will require removal of any antenna, the Owner shall remove the antenna installed on the Owner's Lot. The

Design Committee shall give the Owner at least thirty (30) days prior written notice, where practical to do so, in order that the Owner may coordinate with his/her service provider. No notice need be given in case of an emergency. Any removal or relocation of an antenna required under this provision shall be performed by the Owner at his/her sole cost and expense, and the Association shall not be liable for loss or inconvenience to the Owner arising from the removal or relocation.

22.5.4 Any Owner permanently removing any antenna shall, at his/her sole cost and expense, restore the installation location to its original condition.

22.5.5 In the event an antenna is installed by a tenant, the Owner of the subject Lot shall be considered the owner of said antenna and shall be responsible for said antenna as provided for herein.

22.6 Miscellaneous.

22.6.1 In the event of a violation of these rules, MTA may bring an action for declaratory relief with the Federal Communications Commission (FCC) or any court having jurisdiction over the matter. If the rules have been upheld by the FCC or by court decision, any future violations shall result in a fine of \$10 a day commencing 21 days after the FCC or court determination. To the extent permitted by law, MTA shall be entitled to reasonable attorneys' fees and costs and expenses. In addition, MTA may seek injunctive relief.

22.6.2 If any term, provision, or part of this Antenna Installation Policy or the application thereof to any person or to any circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Antenna Installation Policy, or the application of such term, provision, or part to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, provision, or part of this Antenna Installation Policy shall be valid and may be enforced to the fullest extent permitted by law.

23.0 **Security Camera:**

Design Committee approval is required for the installation of security cameras. Provide a plot plan showing the location of the security cameras. Include a manufacture brochure showing design, color and specifications.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Replacing the security camera with the same design and color as previously approved does not require resubmittal of a new application. However, replacing is NOT authorized where the security camera was previously installed without approval.

General Information:

23.1 Security Cameras and Accessories

23.1.1 Mounting of Security Devices. Exterior security cameras shall be mounted under the roof eaves unless otherwise approved by the Design Committee. In the event the device cannot be installed under roof eaves, the Owner shall be required to conceal the fixture. If the device is mounted on the gable end of the house (for gable roofs),

it shall be mounted within twelve (12) inches parallel to the roof slope.

- 23.1.2 Illumination of Security Devices. In all cases, any exterior device and its accessories shall have its light source diffused or shielded from view of the street or adjacent properties.
- 23.1.3 Visibility from Neighboring Properties and Street. At all times, the security cameras shall not be directed into neighboring properties. Please note that any fixture that generates a complaint from a neighboring property is considered a neighbor to neighbor issue and will not be handled by MTA.
- 23.1.4 Limitations. The Association reserves the right to limit the areas that fixtures shall be installed should such installation not meet Design Committee aesthetic criteria or where a more unobtrusive location can be utilized. Fixtures proposed to be mounted between the first and second floors of a residence that do not have an eave or “eyebrow” may install a fixture at or within twelve (12) inches of the fascia line.

24.0 Siding, Veneer and Facade:

The Design Committee may approve select types of exterior house sidings, textured coatings, and veneers. Submit the Siding Fill-In Form (Figure 15) with your application for review. Provide finished elevation drawings for facades, i.e., partial application of siding, mix of directional siding, adding a different siding style or veneers, showing how the project will look when complete. Trim colors in conjunction with siding and/or veneer shall also be submitted for approval. Material samples or brochures indicating specifications shall accompany all applications for approval of sidings and veneers.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Replacing siding with the same material and color as previously approved or previously installed by the Developer, does not require resubmittal of a new application. However, replacing is NOT authorized where the siding was previously installed without approval.

25.0 Skylight:

Design Committee approval is required for the installation of skylights. Indicate the location of the skylight(s) on a plot plan and provide a manufacturer brochure showing dimensions, materials, design and height on roof.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Replacing skylights with the same type as previously approved, does not require resubmittal of a new application. However, replacing is NOT authorized where the skylight was previously installed without approval.

26.0 Structures: Accessory, Gazebo, Greenhouse, Pergola, Storage and/or Tool Shed, Trellis:

Design Committee approval is required for the construction or installation of any of the following structures. Plans shall include a plot plan showing the location of the structure, dimensions, and distances from the rear and side property lines. Elevation drawings including details and dimensions are required. Other requirements are listed below:

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from

their respective Board of Directors through the property management company and submit it with the application.

Replacing or refinishing these structures with the same material and color as previously approved does not require resubmittal of a new application. However, it is NOT authorized when the structure was constructed or installed with unapproved materials and/or colors or no approval has been received.

26.1 Accessory Structures (without kitchen or wetbar): Approvable on a case-by-case basis. Materials must match the overall design of the existing dwelling and surrounding neighborhood. Roofing materials must be chosen from the Approved Roofing Materials List. Accessory structure use is limited to those required by any artist, artisan, or craftsman pursuing their artistic calling. Size approvable based on the square footage of the lot.

26.1.1 Size limitations: On lots five thousand square feet, (5,000 s.f.), and under, the size is limited to one hundred twenty square feet, (120 s.f.), of enclosed structure with an exterior open covered space of up to 50%, or sixty square feet, (60 s.f.). On lots over five thousand square feet, (5,000 s.f.), the enclosed structure size is limited to 2.4% of the total lot square footage, up to a maximum of two hundred forty square feet (240 s.f.), with an exterior open covered space of up to 50%, up to a maximum of one hundred twenty square feet, (120 s.f.).

26.1.2 Rear and Side Yard Locations. Accessory structures shall be located within the rear and/or side yard areas only.

26.1.3 All utility feeds and lines to, and in, the structure must be underground and run into the interior walls. Visible utility lines are not allowed.

26.1.4 It is the responsibility of the Homeowner to know and follow any and all City & County guidelines, rules, regulations, and ordinances, including those limiting the interior walls if a bathroom is constructed as part of the structure.

26.2 Gazebo: Constructed or pre-fabricated with metal or wood roofing is approvable on a case-by-case basis. Materials and colors must match the overall design of the existing dwelling and surrounding neighborhood. Must provide structure details and how it is anchored to the ground.

26.3 Greenhouse: Approvable on a case-by-case basis. May not exceed 120 square feet (one hundred twenty square feet) and should not be visible from an adjacent street or neighbor's property. Materials must match the overall design of the existing dwelling and surrounding neighborhood. Must provide structure details and how it is anchored to the ground.

26.4 Pergola or Trellis: Approvable on a case-by-case basis. Materials must match the overall design of the existing dwelling and surrounding neighborhood. All paint colors must be approved by the Association. Must provide structure details and how it is anchored to the ground.

26.5 Storage and/or Tool Shed: Storage and tool sheds require approval and shall be considered on individual merit. There are two types of these structures: constructed and prefabricated. Please see size limitation (Rule 26.1.1) for maximum size allowed.

For a constructed shed, plans shall include a plot plan indicating the location of the structure, distance to all property lines, cross section drawings, property elevation drawings, roofing

plan, materials to be used, siding material, and paint color(s). If it is to be located on a concrete slab, indicate it on the plans, and apply for it as well.

For a prefabricated storage/tool shed, plot plans shall include location and distance to property lines, and drawings or pictures showing the design, material, dimensions, and color(s). If it is to be located on a concrete slab, indicate it on the plans, and apply for it as well.

26.5.1 Painting and Roofing Materials. A constructed shed shall be painted to match the color of the house and the roofing materials shall match what is used on the house. A prefabricated storage/tool shed shall be compatible with the existing dwelling and features.

26.5.2 Design and Color. Literature or photographs showing the dimensions and color(s) shall accompany a request for a prefabricated storage or tool shed.

26.5.3 Rear and Side Yard Locations. Storage/tool sheds shall be located within the rear and/or side yard areas only.

26.5.4 Setback Requirements. The Owner is responsible for compliance with all City & County of Honolulu setback requirements.

26.5.5 Dimension Limitations. Please see size limitation (Rule 26.1.1) for maximum size allowed. Large structures that have an aggregate footage of at least one hundred twenty square feet (120 s.f.) or two (2) sixty feet, zero inches (60'-0") units shall be anchored to the ground. The homeowner is responsible for follow any and all City & County guidelines, rules, regulations, and ordinances, for the installation/construction of a storage shed(s).

26.6 Canopy, Canvas Covering or Material Tarp: The Design Committee does not allow material canopies, canvas gazebos, or a tarp and the associated framing materials as a permanent shade structure. These items may be erected on a temporary basis for a special event/occasion and must be expeditiously removed immediately after its use. A tarp may be used on a temporary basis, not to exceed fourteen (14) days, to protect or cover an object or objects until a more permanent solution is procured.

27.0 Swimming Pool, Sauna, Spa Requirements:

Design Committee approval is required for the construction of a swimming pool, sauna, or spa, except for wading pools that do not exceed a depth of sixteen inches (16"). All pools, sauna, and spas, above and below grade, must comply with local ordinances regarding fencing, self-closing gates, and safety requirements.

Provide a plot plan showing location and distance to property lines. On cross section drawings indicate the depth and dimensions. Plans must show all walls/fences and gates which are required and must be at least 4-1/2 feet high and the gate must be self-locking. For the equipment enclosure, on the plot plan provide the location of the structure, dimensions, and distances from the rear and side property lines. Elevation drawings including details and dimensions are required. Materials must match the overall design of the existing dwelling.

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

General Information:

- 27.1 Above Grade. A swimming pool, sauna, or spa constructed above grade (on the ground) shall be allowed provided it is not visible from the street or neighboring property.
- 27.2 Below Grade. A swimming pool, sauna, or spa constructed below grade (below the ground) and is visible from the street may be approved provided the Owner complies with the rules for grading, walkways, drainage, etc.
- 27.3 Fences. All applications for approval to construct a swimming pool, sauna, or spa shall be accompanied by drawings for fencing around the pool/sauna/spa area not less than four feet, six inches (4'-6") in height. The spacing between the openings in the fence shall be a maximum of four inches (4") as allowed by City and County Building Codes.
- 27.3.1 Swimming pools, saunas, and spas are not approvable for the front yard area of Mililani Mauka properties due to the requirements of the Castle & Cooke Fence/Wall Guidelines.
- 27.4 Equipment Enclosure. An enclosed structure is required around all pool/sauna/spa equipment (pumps, filters, accessories) to ensure the quiet operation of the equipment.
- 27.5 Access to Lot. MTA or private property shall not be crossed or disturbed without express written permission from the appropriate Owner. A bond may be required to ensure that public or private property utilized is restored to its original condition, including replacement of trees and other landscaping.
- 27.6 Operating Requirements. The Owner shall comply with all Department of Health rules, code and regulations concerning the operation of a private swimming pool, sauna or spa.
- 27.7 Lighting. The Design Committee may approve appropriate underwater lighting in those instances where the source of light is not visible from adjacent properties.

28.0 Window Related Improvements:

Design Committee approval is required for window related improvements. Provide the following information:

Members of sub-associations, condominiums, townhouses, etc. must obtain written approval from their respective Board of Directors through the property management company and submit it with the application.

Reinstalling the above listed items with the same product and color as previously approved does not require resubmittal of a new application. However, reinstalling is NOT authorized where the product and color was installed with unapproved materials and/or colors or no approval has been received.

Types of Improvements:

- 28.1 Rolling Shutters over Windows. Rolling shutters shall be used only for weather related disasters, such as hurricanes, and are not intended for 'daily use', such as for security, privacy, or shading purposes. Alternatives for such daily use needs are available, such as, burglar alarms, dogs, window tinting, drop blinds, curtains, etc.

Design Committee approval is required. Provide the following information:

- 28.1.1 Location. Rolling shutters shall be mounted over windows on the exterior of the dwelling. The dimensions of the shutters shall cover the exterior window area.
- 28.1.2 Plans. Provide details that show how the housing for the shutter system would be concealed and how the jamb system of the shutter assembly will interact with existing trim on the windows.
- 28.1.3 Color. Owners must submit samples of colors that will blend with the existing color scheme of the property. Approvable colors include: Dark Beige, Light Beige, Dark Brown, and Grey.
- 28.1.4 Window Shutters ('Nassau Bahama'). These shutters are for the purpose of covering windows during hurricane force winds. An application will be reviewed on a case-by-case basis. Owners must follow all City & County, State, and Federal safety guidelines for installation, maintenance, and usage of the product. Approval for installation does not constitute a direct or indirect endorsement of the product by MTA. Owners install the product at their own risk.
- 28.1.5 Reflective Finishes. Reflective finishes may not be used on exterior surfaces (other than the surfaces of hardware fixtures) where such exterior surface is visible from neighboring property.
- 28.1.6 Good and Clean Condition. All improvements shall be maintained in a good and clean condition and repair.
- 28.2 Replacement of Windows. Existing windows may be replaced with a different style of window with identical, larger, or smaller dimensions.

Design Committee approval is required. For replacement of **all** windows, provide dimensions, design, and type. For **partial** replacement of windows, provide a plot plan showing the location of new windows, including the dimensions, design, and type. For windows with colored glass, in addition to the listed requirements, provide manufacturer specifications of solar value for exterior visible light reflectance.

28.3 Solar Tints, Window Films, and Glazing (Tinted Glass).

Design Committee approval is required. Provide manufacturer specifications and sample indicating solar values by percentage within the specifications listed below.

All window tint, films, and glass samples are required to be within the range criteria as follows:

- 28.3.1 Total Solar Absorbance: 67% (less than or equal, \leq)
Exterior Visible Light Reflectance: 31% (less than or equal, \leq)
Shading Coefficient: 40% (greater than or equal, \geq).

28.3.2 Approval shall include reviewing the sample through daylight.

28.3.3 Highly reflective solar tints and films for windows shall not be approved.

28.4 Window Grilles

Design Committee approval is required. Provide plot plan indicating the location of the window grilles and dimensions, design and type.

28.4.1 Location and Dimensions. Window grilles may be placed over existing windows. The

dimensions would follow the manufacturer's recommendations.

- 28.4.2 Safety Release Mechanism. Window grilles shall have emergency/safety release mechanisms per manufacturer's recommendations.
 - 28.4.3 Color. Colors must blend with the existing color palette of the property.
 - 28.4.4 Reflective Finishes. Reflective finishes may not be used on exterior surfaces (other than the surfaces of hardware fixtures) where such exterior surface is visible from neighboring property.
 - 28.4.5 Good and Clean Condition. Window grilles shall be maintained in a good and clean condition and repair.
- 28.5 Armor Screen Wind & Impact Abatement System. This system may be used only on a temporary basis in case of hurricane force winds. It is to be removed or placed so as not to be visible from the street or neighboring properties, after each use. Owners must follow all City & County, State, and Federal safety guidelines for installation, maintenance, and usage of the product. Approval for installation does not constitute a direct or indirect endorsement of the product by MTA. Owners install the product at their own risk.

Definitions, Glossary and Other Information

Some of the following clarifications and definitions are extracted from the Declaration of Covenants, Conditions, and Restrictions (DCC&R) of Mililani Town. Others were developed by the Design Committee to guide its deliberations.

Authority of the Design Committee: Authority for establishing the MTA Design Committee and its related duties and powers is outlined and explained in Article IV of the MTA Declaration of Covenants, Conditions and Restrictions (DCC&R). The DCC&R of Mililani Town contains standards and restrictions affecting each Owner in the use of his/her lot. Article III, Sections 3.02 and 3.03(b) govern all residential properties called "private areas." In addition, "custom lot" areas are subject to requirements as set forth in subparagraph (a) of Section 3.03.

Whenever the Owner proposes to make any improvement to or build on the lot or to reconstruct, alter, or refinish the exterior of any improvement already constructed, the Owner shall follow the procedures outlined in the DCC&R or amendments.

All modifications to the exterior of house and lot require approval from the Design Committee.

In rare instances, the Design Committee can in its sole discretion approve plans that do not comply with the Design Committee. Before a variance from the Design Committee Rules can be granted, evidence must be presented that there are special circumstances, hardship or other factors substantial enough to warrant the rare deviation from the Design Committee Rules. Variances cannot be contrary to applicable laws, the DCC&R and other recorded covenants and must be in harmony with the general intent and purposes of the DCC&R and other recorded covenants. No variance shall be effective unless in writing which contains a description of the variance, the rationale for the variance and the signatures of all of the Design Committee members. The granting of a variance shall not be a basis for an owner to replace the non-conforming improvement in the future without the Design Committee granting a further variance from the Design Committee Rules.

Note: Design Committee approval is required if your property is in a Custom Lot. For **all other properties**, Design Committee approval is required if the improvement/modification is visible from an abutting street and is substantial with costs over several hundred dollars; or the annexation documents or deed require Design Committee approval.

Construction Materials: All materials used for structures shall be new and termite and fungus free. Materials shall not be garish by nature or as a result of their use with other materials. A mix of materials may be approved only if the materials complement each other. The availability of a material to be used shall not be a basis for approval. Ownership of or interest in a material distributorship, construction company, or franchise shall not be a basis for approval.

Construction Value: There is no limitation regarding the dollar value of homes or improvements on lots in either the custom or private areas. It is recognized, however, that the standards established herein imply moderate to high value.

Design Committee: The committee created pursuant to Article IV of the DCC&R.

Design Committee Rules: These rules adopted by the Design Committee pursuant to authority outlined in Article IV, Section 4.04 of the DCC&R.

Disposal of Construction Waste and Debris: The Owner shall be responsible for disposing of construction waste and debris and for keeping the public, private and common areas surrounding the Owner's property free of waste and debris at all times during construction.

Duties of the Design Committee: The Design Committee's role is to protect the visual character of Mililani Town and, by inference, the economic values. The Committee is concerned with all exterior house and lot alterations, modifications, garden designs, and construction materials used that are visible from the street and neighboring properties.

The Design Committee shall act in accordance with the DCC&R and these guidelines.

Electric Service: All residential utility, electric, and telephone service lines shall be underground.

Exception Lot: A lot that may not allow the Owner to make improvements in accordance with the DCC&R and Design Committee Rules because of its shape, orientation, locations, and/or zoning requirements. The recorded plot plans for lots shall generally indicate prior agreements made between the developer, Castle & Cooke, Ltd. and the City and County of Honolulu during the planning stages of the development, pertaining to, but not limited to walls and fences, setbacks, etc. These previous agreements shall be followed unless the Owner can obtain a variance with the City and County of Honolulu. Owners desiring to make non-compliant improvements to lots determined to be "exception lots" shall submit to the Design Committee for review on a case-by-case basis.

Grading: Surface drainage shall not be altered or obstructed. Any drainage swale altered during a modification or alteration on the lot shall be reconstructed so as to be functional. Surface runoff shall be dispersed or channeled in a manner so as to prevent erosion or encroachment onto adjacent property, and only in accordance with approved grading plans.

- a) Excavation. Excavation is defined as any disturbance of the surface of the land except temporarily for planting which results in removal of earth or rock to a depth of more than eighteen inches (18"). Whenever an Owner excavates within a lot, the Owner shall ensure it does not adversely affect the drainage of any adjacent properties. Whenever excavation creates an unstable bank condition, or potentially unstable bank condition, the Owner shall take appropriate action to control and retain said embankment. In the judgment of the Design Committee, excavation that creates an excessively high and unsightly retaining wall may be disapproved.
- b) Fill. Fill is defined as any addition, rock, or earth materials to the surface of the land that increases the previous elevation of such surface by more than eighteen inches (18"). Whenever the Owner seeks to fill the lot, the Owner shall ensure it does not adversely affect any adjacent properties. Whenever fill creates an unstable or potentially unstable bank condition, the Owner shall take appropriate action to control and retain said embankment. Fill, which in the judgment of the Design Committee, creates an extremely high and unsightly retaining wall may be disapproved. Whenever fill or excavation requires the construction of a retaining wall, it shall be the Owner's responsibility as Owner to install and maintain said retaining wall. Further, wherever fill or excavation causes destruction of existing draining swales or natural drainage patterns, it shall be the Owner's responsibility to restore such swales and drainage patterns or to otherwise provide for adequate drainage.

Improvements: Includes buildings, outbuildings, roads, driveways, parking areas, fences, retaining walls, stairs, decks, hedges, windbreaks, planted trash surrounds, poles, signs, sheds, and other structures of any type or kind.

Limits of Liability: Approval of plans by the Design Committee is solely for architectural design and for conformance with the requirements of the DCC&R and these rules. No representations are made nor does the Mililani Town Association or the Design Committee assume any responsibility regarding the structural quality or soundness of the work proposed or approved. It is the Owner's responsibility to examine the premises and to undertake adequate design for all improvements or

changes to be constructed on the property.

Neither the Design Committee nor any member thereof shall be liable to any Owner or to any other person for any damage, loss or prejudice suffered or claimed on account of: (a) the approval of any plans, drawings and specifications, whether or not defective, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (c) the development or manner of development of any property within Mililani Town, or (d) the execution and filing of an estoppel certificate...whether or not the facts therein are correct, provided, however, that such member has, with the actual knowledge possessed by him, acted in good faith.

Lot: Any lot designated on a subdivision map for residential use, or with respect to any condominium, an apartment of such condominium, or with respect to any apartment house, duplex, or multiple dwelling, a complete residential unit, and in each case, except when clearly contrary to the context, includes all improvements thereon. Upon the splitting of any lot, pursuant to Section 7.04 of the DCC&R, the term "lot" means each parcel, condominium apartment, or residential unit, into which such lot has been split. Upon the consolidation of two or more lots, pursuant to Section 7.04, the term "lot" means the parcel consisting of the consolidated lot.

Maintenance of Public Areas during Construction: All public areas shall be kept clean during periods of construction. No storage of construction materials and equipment shall be permitted in public areas when construction has been completed. Materials shall not be stored so as to block or partially block public areas, such as the street or sidewalk.

Other Codes, Laws, Rules and Ordinances: Approval of plans does not eliminate the Owner's obligation to comply with all existing laws, ordinances, rules and regulations made by any governmental authorities or with any terms and conditions required under the DCC&R of Mililani Town, or any deed, lease, or mortgage.

Owner: Each person, corporation or other legal entity, or such persons, corporations or other legal entities, who is/are the beneficial Owner of any lot. Provided, however, that with respect to any condominium, the term Owner shall mean apartment Owner as defined in the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes. For the purpose of limitations and restrictions set forth in Article III of the Declaration: (a) Owner shall not include the Declarant with respect to any lots owned by the Declarant, and (b) Owner shall include for the purposes of Article III, unless the context otherwise requires, family, invitees, licensees and lessees of any Owner.

Philosophy of the MTA Design Committee: Mililani Town is a planned community with a variety of residences, community facilities, commercial areas, and other urban elements designed with unifying continuity in mind. The desire to encourage freedom and individual expression in construction improvements shall be limited by protection of the covenants, which are for the benefit of all property Owners within Mililani Town. Administration of these covenants has been assigned to the Design Committee. A primary purpose of the Design Committee is to insure harmonious aesthetic relationships.

The Design Committee interprets the covenants with flexibility and shall approve designs and materials that, in its opinion, shall enhance rather than detract from the community. The committee is aware that matters of taste and personal preference are subjective. It also recognizes that plans and specifications do not always convey the true appearance of a particular design. Furthermore, the Design Committee recognizes new and different designs. Therefore, it shall attempt to be equitable, consistent in application of criteria, and timely in judgment with regard to new trends in design and materials. The Committee shall not approve self-conscious designs or materials that are faddish and of short-lived stylishness.

The Design Committee is continually striving to upgrade the quality of improvements in Mililani Town. Therefore, those designs that may have been previously approved shall not necessarily be a precedent for approval of similar designs. Each case shall be judged on its own merits.

Private Area: Any real property conveyed to any Owner (other than Declarant or the Association) by means of a deed, together with all improvements from time to time constructed thereon.

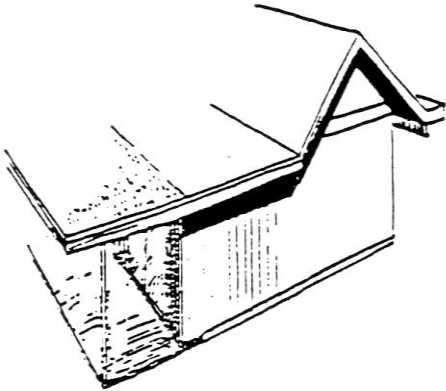
Residence: A building or buildings used for residential purposes, together with any garage, carport or similar outbuilding appurtenant thereto, whether or not a part of the same structure.

Sanitary and Water Piping: All sanitary and water piping shall be concealed.

Visibility from Neighboring Property or Street: The definition is any object or activity that is in line of sight originating from any point six feet (6') above any adjoining property including common areas and streets. The Design Committee shall, at all times, consider the impact of additions, modifications, or improvements to the existing property in relation to neighboring properties. The Committee shall have the right to make suggestions of possible alternate changes to designs submitted, which they feel are too "unfriendly" to neighboring properties. If the design of the addition "crowds" the neighbors' residential lots, the Design Committee shall require the Owner, during the application phase, to set the modification back from the front, side or rear property lines or make suggested modifications to the overall design before the committee continues the review of the application.

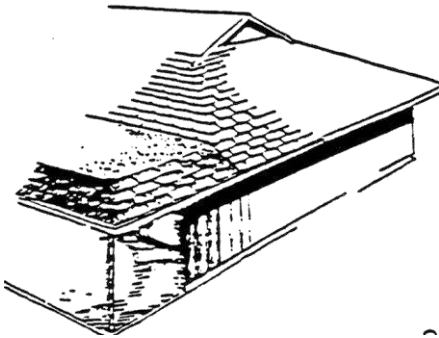
Underground Installation and Easements: The Owner of any residential lot shall be responsible for knowing the location of easements, utility lines, and underground installations prior to the start of any construction project. Owner is responsible for following any restrictions these areas may impose for a proposed project.

Figure 1
Attach Flat Roof to Existing Flat Roof



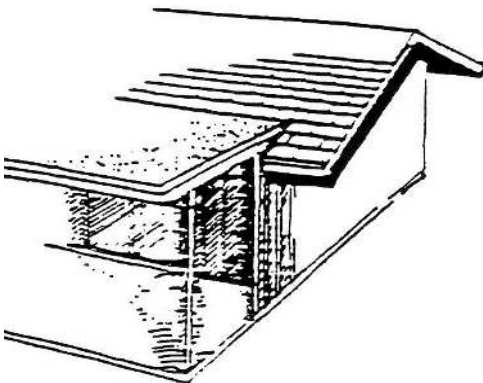
Attaching a new flat roof extension to an existing flat roof.

Figure 2
Attached “Mansard” Roof to Existing “Hip” Roof



Attaching a ‘mansard’ roof extension to an existing hip roof.

Figure 3
Attach Flat Roof to Existing Gabled Roof



Attaching a new flat roof extension to an existing gabled roof.

Figure 4

**POLICY RESOLUTION 16
Enforcement of DCC&R, Section 3.02 (p), Boat Parking**

As many Mililani Town boat owners are aware, a legal interpretation of Section 3.02(p) of the Declaration of Covenants, Conditions, and Restrictions was obtained in First Circuit Court in 1998. Section 3.02(p) pertains to the parking of a boat and/or trailer on a homeowner's property.

On January 5, 1998, MTA was advised by its legal counsel that the First Circuit Court of the State of Hawaii upheld MTA interpretation and enforcement of the restriction on parking boats and trailers on Mililani Town lots. The Mililani Town Declaration of Covenants, Conditions, and Restrictions (DCC&R), Article III, Section 3.02(p) provides that:

“No owner shall park his car on any public park or sidewalk area or on any common area or any portion of his lot visible from an adjacent street, except in a garage or on a paved driveway area, and no boat, trailer, or truck camper will be kept on any lot except in a garage.”

This provision requires those homeowners within the community who own boats must park them and their trailers entirely within the confines of their garages. On February 19, 1997, the MTA Board of Directors adopted Policy Resolution #16 to clarify Section 3.02(p). The resolution states in part:

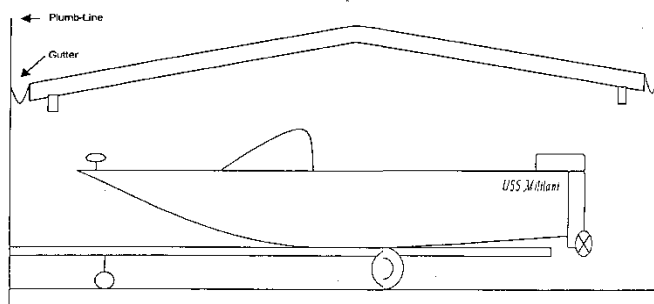
“A boat, trailer, or truck camper, or any combination thereof shall be considered in a garage when the entire boat, trailer, truck camper or combination thereof, including the entire tongue of a trailer, is completely under the roof of garage.”

The obvious intent of both the covenant and the resolution is to preserve the aesthetic quality and attractive exterior appearance of the neighborhood areas and to protect the values of properties within Mililani Town.

As a result of receiving letters from the Association regarding their boats, several boat owners put forth the argument that Section 3.02(p) of the DCC&R is ambiguous and unenforceable or that it merely requires that boat owners park any portion of their boat within the roofline of their garage, with the remainder of the boat protruding onto the driveway of the lot.

To resolve this matter, MTA filed an action the First Circuit Court asking the court to review MTA interpretation of Section 3.02(p). On November 3, 1997, the First Circuit Court rules that Section 3.02(p) is not ambiguous; that the provision requires that residents park their boats and trailers within the confines of garages or carports and that this provision prohibits owners from allowing any portion of their boat or trailer to protrude out from their garages or carports onto the adjacent driveway. The Court also held that Resolution #16 is valid and enforceable.

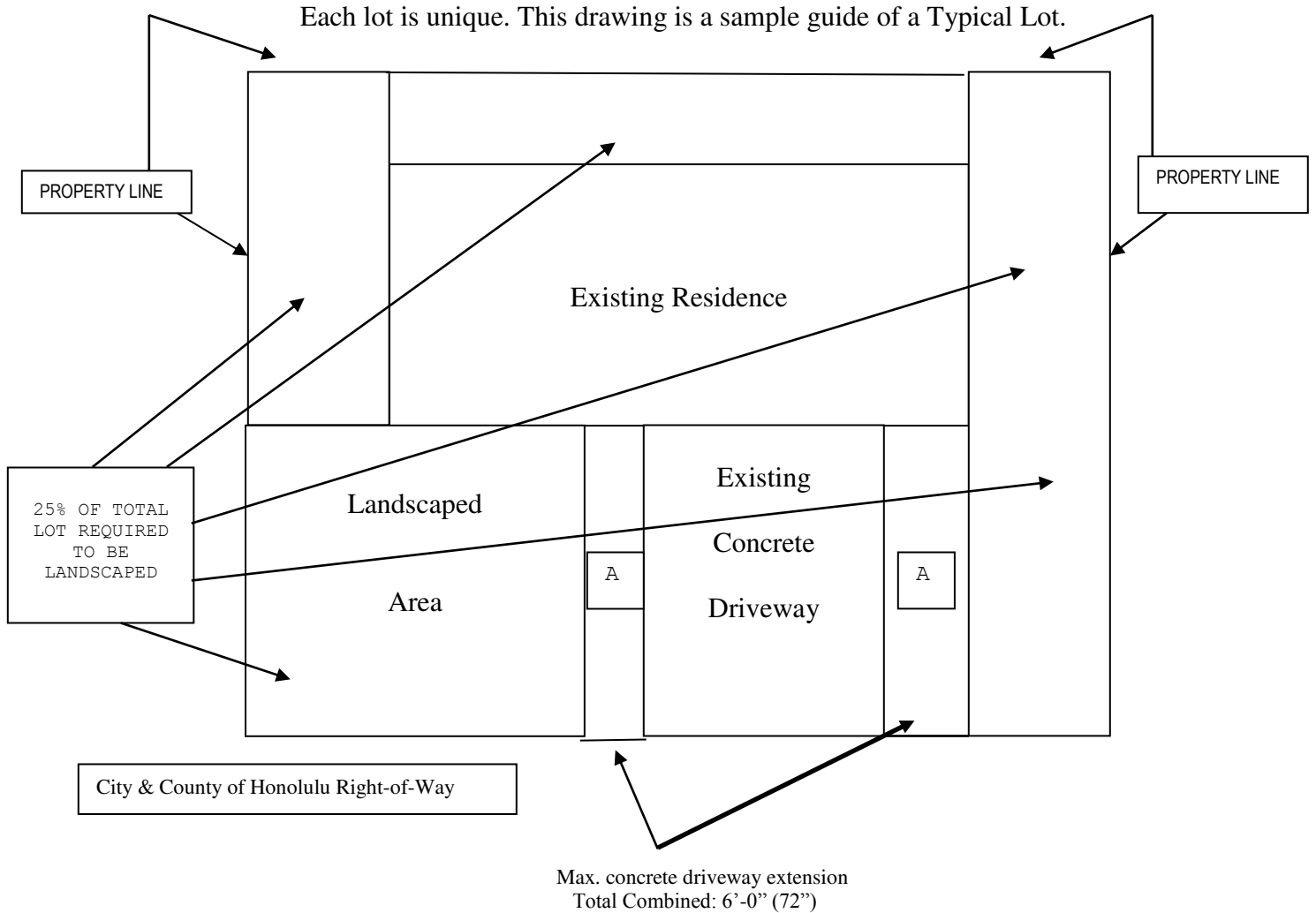
What this ruling by the First Circuit Court means is that Mililani Town boat owners should be aware that their boat must be parked in such a manner as to comply with the intent of both Section 3.02(p) of the DCC&R and MTA Resolution #16, effective November 18, 1998.



Boat Parked in Garage, Carport, or Boatport

Figure 5

**Twenty-Five Percent (25%) Landscaping Rule for Single Family Lots
Located in Mililani Town
(excluding CPR & PDH developments)**



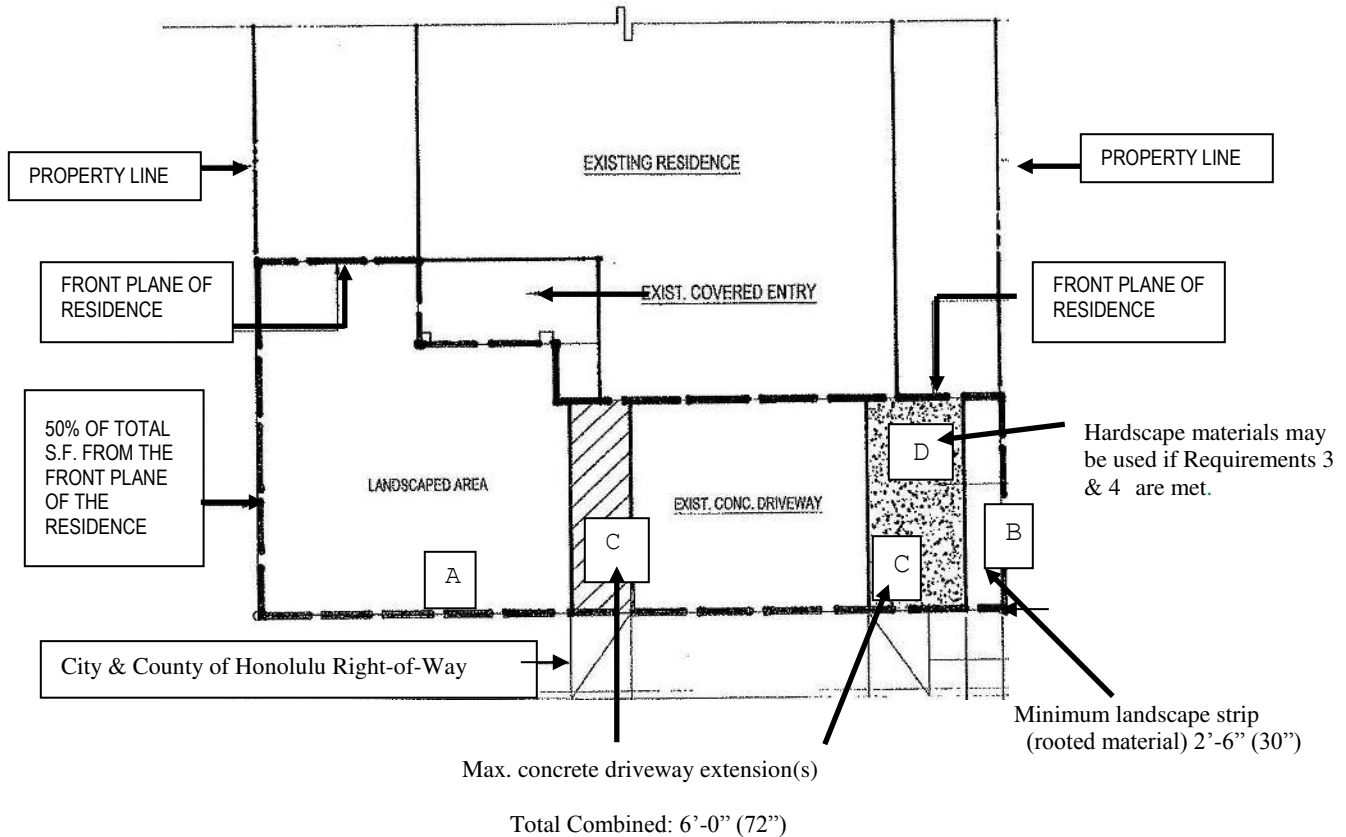
Requirements:

1. Determine the total square footage of lot.
2. Determine 25% of the amount calculated in #1 above. This is the amount of square footage required to be landscaped with rooted plants to meet the 25% Greenscape Rule.
3. Boxed areas A may be expanded with concrete or concrete-grouted materials (permanent) to a total combined maximum of six feet (6'). Combinations, such as, 3' + 3', 4' + 2', 5' + 1', are allowed.
4. If there is space still open after 25% of the lot has been landscaped with rooted plants, then additional hardscape materials may be added.
5. Hardscape is temporary materials located on beds of sand, such as, gravel, brick pavers, stepping stones, etc.

Figure 6

**Fifty Percent (50%) Front Plane Landscaping Rule for Single Family Lots
Located in Mililani Town
(excluding CPR & PDH developments)**

Each lot is unique. This drawing is a guide depicting a Typical Lot.

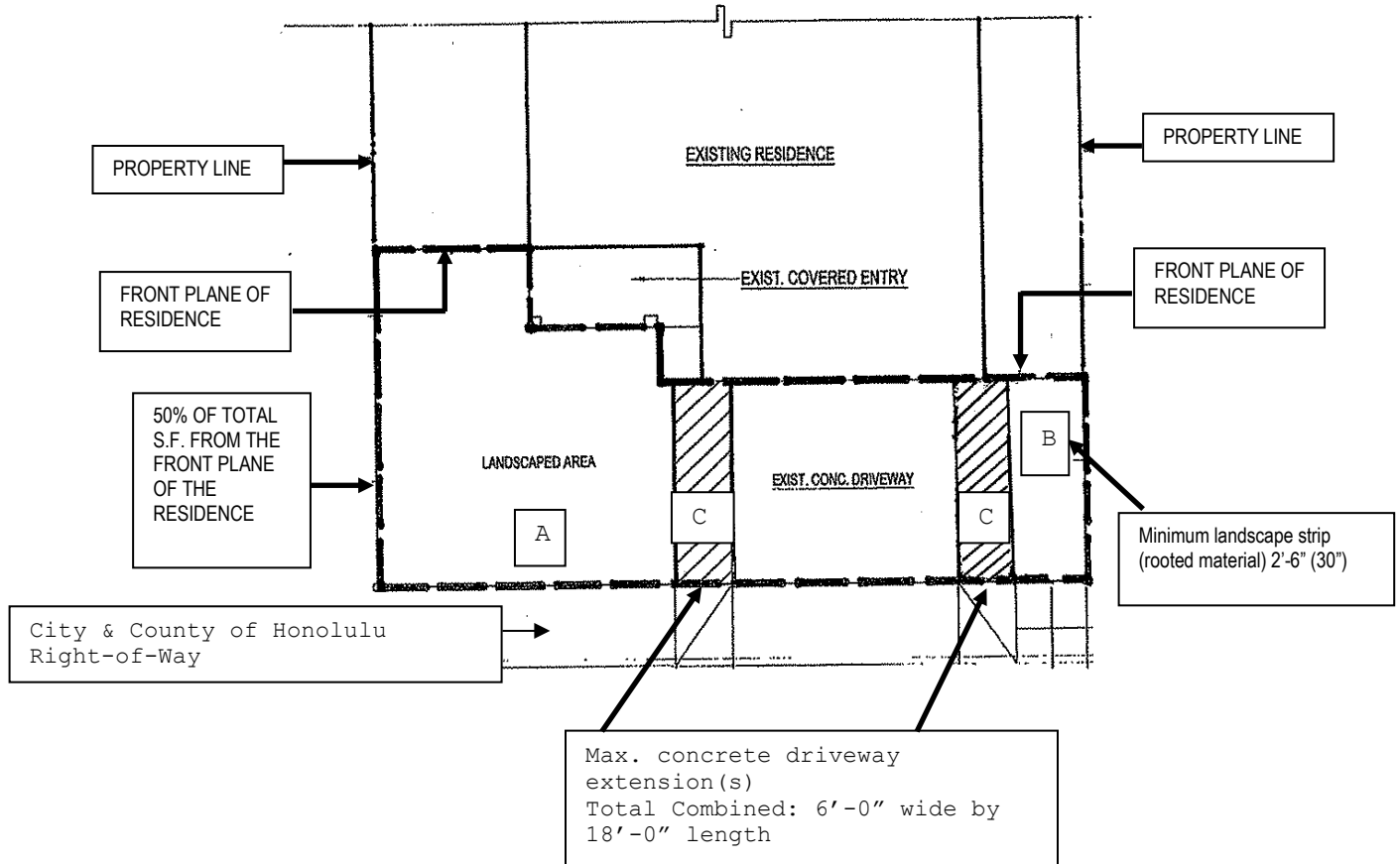


Requirements:

1. Determine the total square footage of land space in the front plane of the lot (as noted in the diagram above).
2. Determine 50% of the amount calculated in #1 above.
3. Of that 50% amount, boxed areas A and B shall be landscaped with plants that are rooted directly into the ground.
4. Boxed area B shall have a minimum thirty-inch (30") strip of rooted material to the property line.
5. Boxed area C may be expanded with concrete or concrete-grouted materials (permanent) to a maximum of six feet (6').
6. After #3 and #4 are met, then hardscape materials may be used in boxed area D.
7. In addition, the Greenscape Rule applies. Twenty-five percent (25%) of the total lot shall be landscaped with rooted materials.

Figure 7

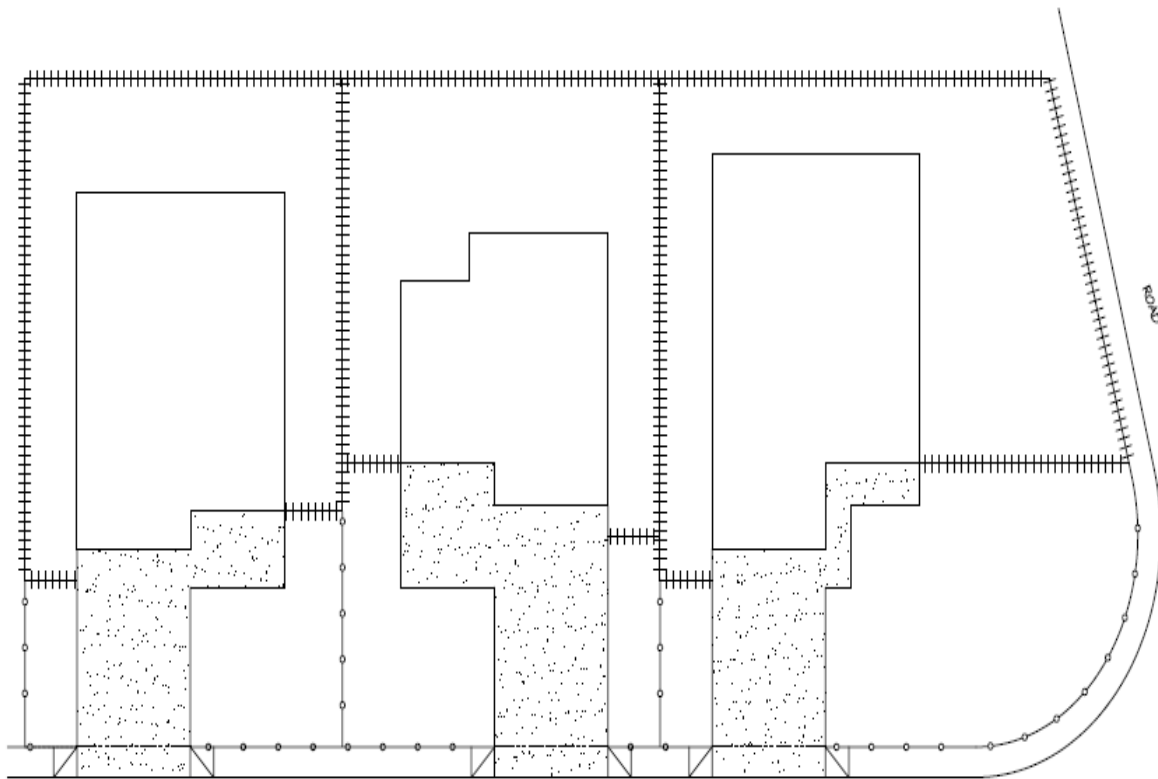
**Fifty Percent (50%) Front Plane Landscaping Rule for Single Family Lots
Located in Mililani Mauka
PDH Developments ONLY**



Requirements:

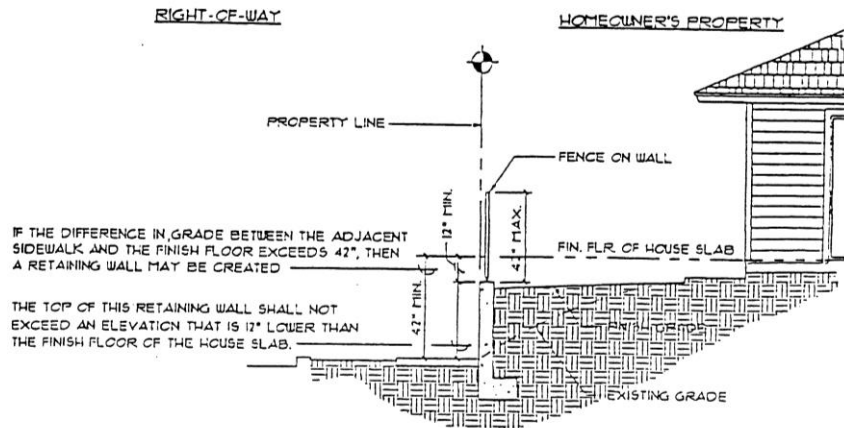
1. Determine the total square footage of land space in the front plane of the lot (as noted in the diagram above).
2. Determine 50% of the amount calculated in #1 above.
3. Of that 50% amount, boxed areas A and B shall be landscaped with plants that are rooted directly into the ground.
4. Boxed area B shall have a minimum thirty-inch (30") strip of rooted material to the property line.
5. Boxed area C (concrete driveway extension(s)) may be expanded with concrete or concrete-grouted materials (permanent) to a maximum of six feet (6') wide by eighteen feet (18') in length.
6. In addition, the Greenscape Rule applies. Twenty-five percent (25%) of the total lot shall be landscaped with rooted materials.

Figure 8
Typical Lots



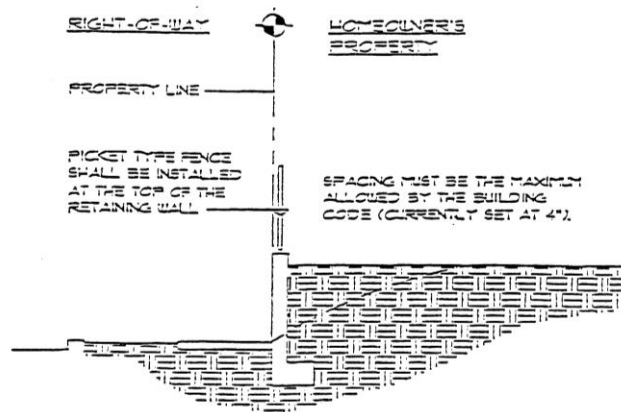
—○— 2'-6" HEIGHT
—++++— 6'-0" HEIGHT
- - - - - PROPERTY LINE

Figure 9
Retaining Wall



SECTION AT FRONT YARD RETAINING WALL
SCALE: 1/2" = 1'-0"

Sketch C



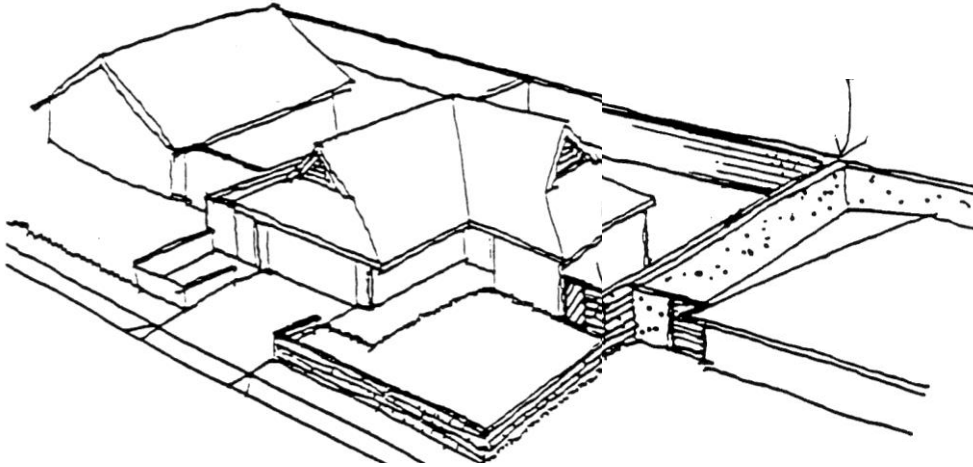
AT CORNER LOTS ONLY
SECTION AT RETAINING CONDITION
SCALE: 1/2" = 1'-0"

At Corner Lots Only

Figure 10

Parallel Walls

Any wall that is built parallel (side by side) to another wall on adjacent properties will be reviewed on a case-by-basis, only by the Design Committee and by the Owner's request.



CROSS SECTION DRAWING

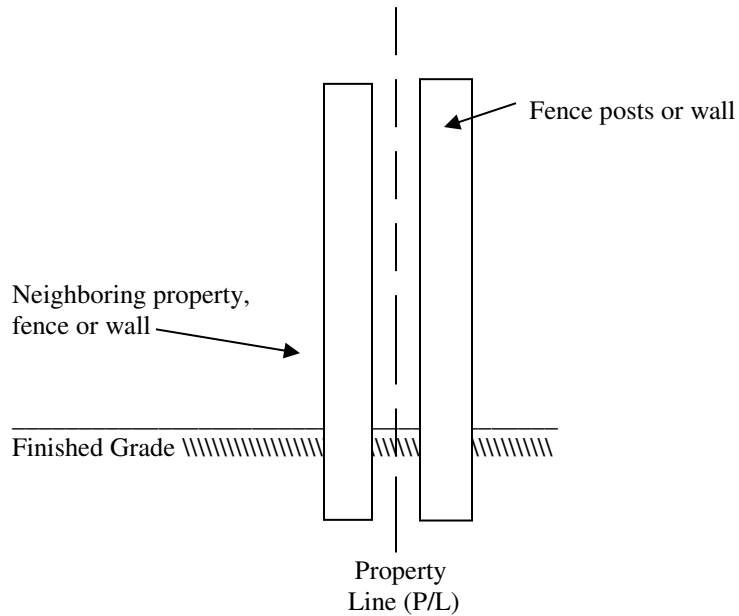
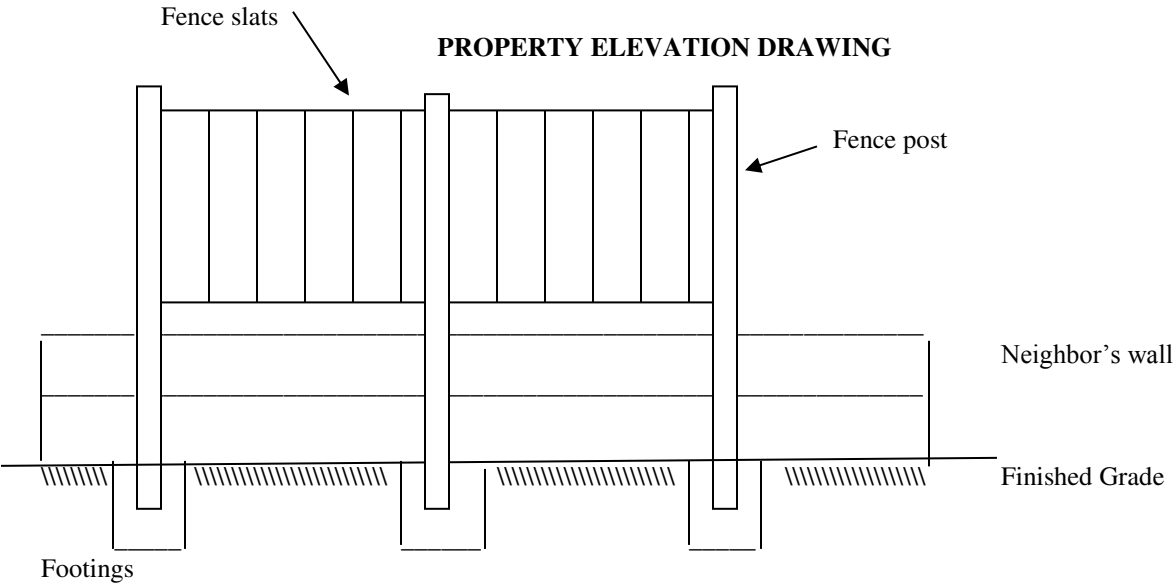


Figure 11

STILTED FENCE

(Refer to Rule 25.3.13 for guidance.)



CROSS SECTION DRAWING

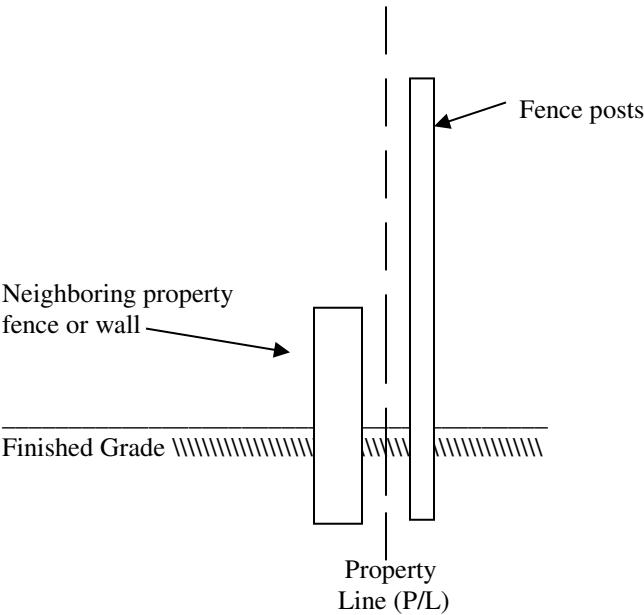


Figure 12

Joint Agreement of Ownership and Maintenance

Today's Date

Owner #1
Street Address
Mililani, HI 96789

Owner #2
Street Address
Mililani, HI 96789

Subject: Letter of Agreement for Common Wall Construction

Dear Design Specialist,

By way of an agreement between ****Owner #1**** at ****Street Address**** and ****Owner #2**** at ****Street Address****, we are constructing a common wall that will divide the properties.

Both undersigned homeowners agree to make this wall agreement letter part of the documents for any re-sale of either property to future homeowners.

Sincerely Submitted,

Owner #1

Owner #2

(For complex agreements, consult your legal counsel.)

Figure 13

Joint Agreement to Connect Wall(s) Between Properties

Today's Date

Homeowner #1
Street Address
Mililani, HI 96789

Homeowner #2
Street Address
Mililani, HI 96789

Subject: Letter of Agreement - Connection of Property Walls

Dear Design Specialist,

By way of an agreement between ****Homeowner #1**** at ****Street Address**** and ****Homeowner #2**** at ****Street Address****, we have the intention of connecting together ****wall material and construction details****, located on ****area of property (i.e., right/left, back/front, middle)**** at ****Street Address****. This connection will maintain a ****height**** above ****Street Address**** grade. This condition shall exist at this area on the ****Street Address****.

Both undersigned homeowners agree to make this wall agreement letter part of the documents for any re-sale of either property to future homeowners.

Sincerely Submitted,

Homeowner #1

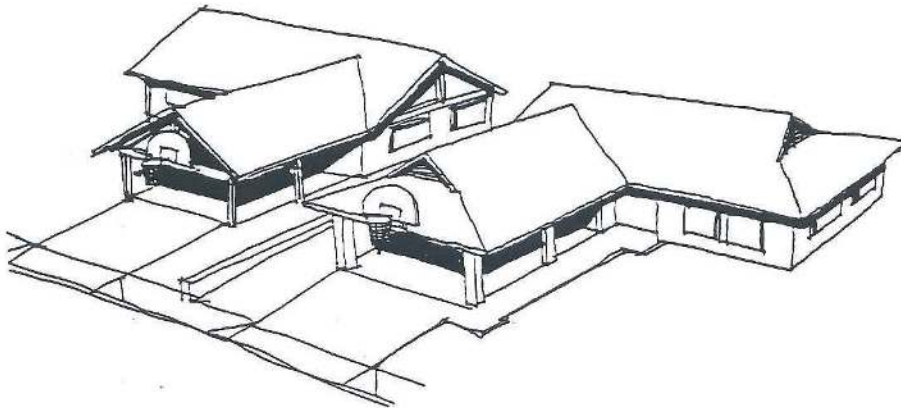
Homeowner #2

NOTE: Check with personal attorney for complex agreements.

Figure 14

Permanent Basketball Equipment

Basketball backboards may be installed against the front of the gable roof garage wall, or on the hip or flat roof eave of the garage roof.



The basketball backboard and net may face adjacent property in the case of side entry carports.

Typically the net must face the adjacent property or the street and be confined entirely within the Owner's property.

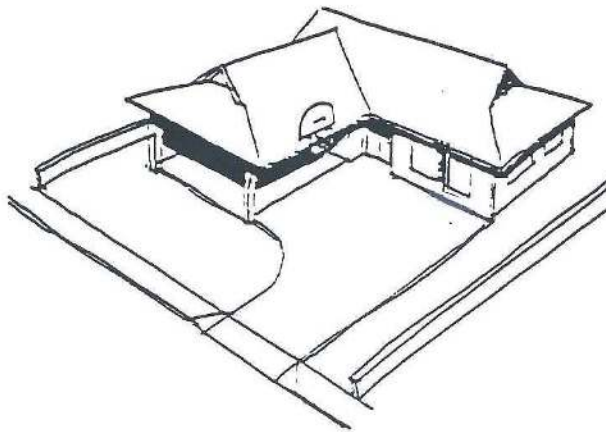


Figure 15

SIDING FILL-IN FORM

****Material samples or brochures indicating specifications must be submitted with this application.**

Legal Owner_____

Property Address_____

TYPE: _____

DIRECTION to match existing: _____ HORIZONTAL _____ VERTICAL

COLOR:

____ Match Existing Wall Color: _____ Trim Color: _____

____ New Color (sample required: Wall Color: _____ Trim Color: _____)

LOCATION:

____ Entire Dwelling

____ Partial Dwelling: ____ Front ____ Back ____ Left Side ____ Right Side ____ Upper ____ Lower
(Partial siding must match the existing dwelling)

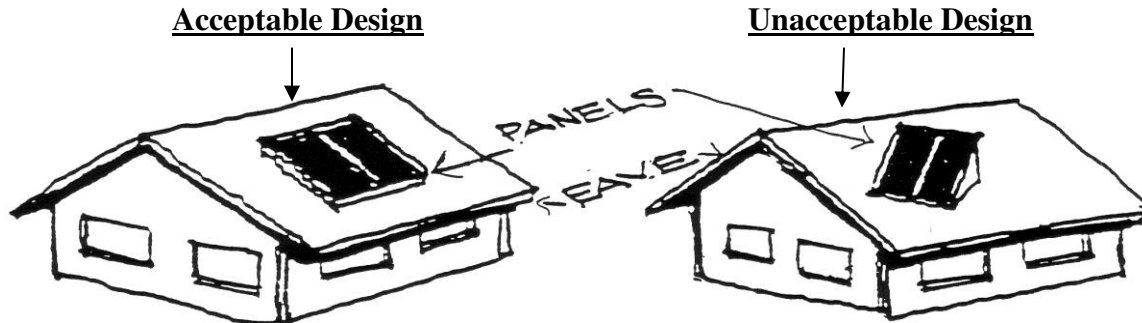
***Finished elevation drawings showing how the project will look must be submitted for:**

- 1) Partial application of siding does not match the existing dwelling**
- 2) Mix or directional siding not currently part of the dwelling**
- 3) Adding a different siding style**

Figure 16

Location of Solar Energy Devices

1. Solar Water Heater System & Photovoltaic Systems. Collector panels shall be mounted parallel to the eave of the house.



2. Pitched Roof Mounted Power Attic Ventilator Fans. Fans shall be mounted parallel to the eave or roofline of the house.

