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MILILANI TOWN ASSOCIATION

DESIGN COMMITTEE

RULES AND GUIDELINES

Introduction

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

I. The Mililani Town Design Philosophy

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 must 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 will approve designs and materials that, in its opinion, will 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 will attempt to be equitable, consistent in application of criteria, and timely in judgement with regard to new trends in design and materials. The Committee will 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.

II. Design Committee Duties

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 garden designs and materials visible from the street and neighboring properties.

The Design Committee shall act in accordance with the DCCR's and these guidelines.

III. Authority

The DCCR's of Mililani Town contain standards and restrictions affecting each owner in the use of his lot. 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 an owner proposes to make any improvement to or build on his lot or to reconstruct, alter, or refinish the exterior of any improvement already constructed, he must follow the procedures outlined in the DCCR's or amendments.

Any substantial structural addition or alteration visible from the street and/or neighboring properties must have prior approval of the Design Committee if its fair replacement cost exceeds \$500.00, measured in terms of the purchasing power of the dollar in 1968.

IV. Limits of Liability

Approval of plans by the Design Committee is solely for architectural design and for conformance with the requirements of the DCCR's and these rules and guidelines. No representations are made nor is any responsibility assumed by the Mililani Town Association, or the Design Committee, regarding the structural quality or soundness of the work proposed or approved. It shall be the responsibility of the owner to examine the premises and to undertake adequate design for all improvements or changes to be constructed on the owner's 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.

V. 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 DCCR's of Mililani Town, or any deed, lease, or mortgage.

VI. Definitions

Some of the following definitions are extracted from the DCCR's. Others were developed by the Design Committee to guide its deliberations.

Design Committee: The committee created pursuant to Article IV of the DCCR's.

Design Committee Rules: These rules adopted by the Design Committee pursuant to Section 4.04 of Article IV of the DCCR's.

Excavation: 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 18 inches.

Fill: Any addition of rock or earth materials to the surface of the land which increases the previous elevation of such surface by more than 18 inches.

Garage: The term "garage" includes "carport". A garage can be used for parking vehicles other than automobiles as well as boats and trailers.

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

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 DCCR's, 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.

Owner: Each person, corporation or other legal entity who is, or such persons, corporations or other legal entities who 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.

Paved Driveway Area: The durable surfacing of a road, sidewalk or other outdoor area (e.g. concrete, asphalt concrete). Prefabricated concrete, grass crete or bricks, may be used only in secondary parking areas.

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.

Retaining Wall: Any structure constructed for the purpose of containing or supporting any earth embankment and/or fill.

Visible from Neighboring Property: Any object or activity that is in line of sight originating from any point six (6) feet above any adjoining property including common areas and streets.

VII. Design Review Procedures

The following procedures must 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 Mililani Town's planning and design standard. Lot owners are responsible for obtaining the necessary City and County building permits and complying with all applicable City & County codes, ordinances and regulations.

Step 1: Obtain a copy of the "Design Review Committee Application Form" which is available from the Mililani Town Association Office or Recreation Center III.

Step 2: Prepare your drawings as follows:

a. **Plot plan** (scale 1 inch=20 feet)

The plot plan provided by Castle and Cooke Residential Properties, 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. Proposed improvements should be emphasized. (Either darkened or shaded)

b. **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 must be provided.

Building plans must include specifications for the type and finish of all exterior materials, which should match the existing materials and colors as closely as possible. If the structure or structures are to be finished in a different color, swatches of the proposed new colors must be provided.

Step 3: Submit one copy of the Design Committee Application Form along with two (2) copies of your drawings to the Mililani Town Design Committee. One of these sets of plans will be returned.

Step 4: Depending on the complexity and adequacy of the plans, the review process may take anywhere from one to four weeks after receipt of proper applications. If the proposed modifications are acceptable, an M.T.A. Design Permit will be issued and the applicant may proceed with processing through the City and County Building Department, as required.

If the plans are not approved by the Design Committee, the applicant will be notified and one set of plans will be returned with appropriate comments. The plans must then be revised for approval before construction will be permitted.

Custom lot construction is subject to additional requirements.

Oral requests for approval of proposed work that is subject to these rules and regulations will not be accepted.

The fact that an owner has scheduled work, arranged financing, entered into a contract for materials or labor, received approval from City and County agencies or claims he/she will suffer alleged hardship, shall not be a basis for Design Committee approval. Projects, once begun, must be completed in accordance with approved plans. Financial inability to conclude the project will not excuse an owner from his commitment to complete.

Contractors and suppliers may not submit their materials or products for "blanket approval."

The Owner has the sole responsibility for insuring that work contained in approved plans is performed in accordance with these rules and regulations and the Mililani Town DCCR's.

ILLUSTRATION: Seeking approval for your single family home addition.

1. Plan your addition and submit

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ly stages of design for a preliminary review by the M.T.A. Design Committee Supervisor.

2. Submit your final plans to the Design Committee for review and to obtain an M.T.A. Design Permit.

3. Submit your final plans to the City & County Building Dept. to obtain a Building Permit. The Building Dept. will NOT begin to process your plans without an M.T.A. Design Permit.
4. Post both of your permits in view of the street and commence your construction.

ILLUSTRATION: Seeking approval for additions which are part of a Townhouse or Condominium Association, or a planned Unit Development Association.

1. Plan your addition and submit your design plans in the early stages for a preliminary review by the M.T.A. Design Committee Supervisor.
2. Submit your final plans to your Condominium Board of Directors and obtain a letter of approval.
3. Submit your final design plans, with the Condominium Association letter of approval and Design Application to the Design Committee for review and to obtain an M.T.A. Design Permit.
4. Submit your plans, with the M.T.A. Design Permit, to the City & County Building Dept. To obtain a Building Permit.
5. Post both of your permits in view of the street and commence your construction.

VIII. Fees

An Architectural Review Fee will be charged to applicants according to the following fee schedule. The fees are to cover professional services for preliminary and final plan approval and final field inspection. Additional charges may be assessed if the approval process is prolonged by conditions beyond the control of the Design Committee.

Fee Schedule

Custom House.....\$150.00

Two Story Addition.....\$100.00

Single Story Multiple Room Addition.....\$75.00

Single Room Addition.....\$50.00
(Family Room, Lanai, Bath only, Hot House, Trellis, etc.)

Major Modifications:

Swimming Pool/ Spa/ Fences/ Walls/ Decks// Awnings/
Fireplace, Enclose Garage, etc.....\$25.00

Minor Modifications:

Solar Heater Installation / Gates / Planter Boxes
Security Windows / Trash Enclosures,.....\$10.00

No Fee Items:

Install Air Conditioning, Exterior Painting, Install
Siding, Install New Roofing Material, Install
Basketball Standard, Antenna Installation.....No Charge

All plans must be submitted by the Homeowner or his/her authorized agent at the M.T.A. Administrative Office during weekdays from 8:00 a.m. to 4:30 p.m. or during the evenings and weekends at Recreation Center III from 4:30 to 9:00 p.m. Monday thru Friday, 9:00 a.m to 5:00 p.m. Saturday & 9:00 a.m. to 2:00 p.m. Sunday.

IX. Time Requirements

1. Home owners who start and then fail to pursue timely completion of modifications, additions, improvements, or painting prior to the expiration date designated on the M.T.A. Design Permit and established by the Design Committee will be required to submit a new M.T.A. Application for Design Committee Approval along with all pertinent plans and specifications as appropriate, for reconsideration by the Committee and issuance of a new M.T.A. Design Permit. Any applicable Architectural Review Fees in effect at the time of re-submittal will be due and payable prior to the issuance of a new Design Permit.

2. **Required Start Date:** All permits and approvals issued by the Design Committee are null and void if construction does not commence within ninety (90) days of the committee's permit issue date.

3. **Expiration Dates for Design Permits:** Permits issued for painting or repainting have an expiration deadline of six (6) months from the date issued. If painting approval was granted in conjunction with a permit for new residence construction or on an approval for modifications, additions or improvements with work other than painting involved, the expiration date will be in accordance with sub-paragraph a or b below, as applicable.
 - a. **Expiration Dates for Modifications, Additions or Improvements**

Permits for modifications, additions, or improvements have an expiration date one year from the date of issuance.
 - b. **Expiration Dates for New Residence Construction**

Permits granted for the construction of a new residence have an expiration date of two years from the date of issuance.
 - c. **Cancellation of Permits or Approvals for Lack of Progress**

If at any time, more than six (6) months have passed without substantial/significant progress toward completion of any project for which the Design Committee has granted a permit, the committee may declare all permits and approvals null and void; and the owner must submit a new Application for Design Committee Approval, along with relevant plans and specifications, as amended. The owner will be responsible for any Architectural Review Fees in effect at the time of re-submittal. Determination of a lack of substantial and/or significant progress in a project will 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 re-submitted to the Committee as a result of an owner exceeding the time requirements for completion of any project.

X. Rules and Guidelines

1. Construction Value

There is no limitation regarding the 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.

2. Materials

All materials used for structures shall be termite and fungus free, and shall be new. Materials shall not be garish by their nature or as a result of their use with other materials. A mix of materials will 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.

3. Grading

The Owner shall accept the condition of the lot as is and shall be responsible for the maintenance of the lot, including wind and water erosion control. All grading, excavation, fill and site work required, following acceptance of the lot by the owner, shall be done only in accordance with approved drawings and at the expense of the owner.

Fill material brought to the site shall be free of adobe, termites and deleterious matter.

The owner shall obtain a grading permit for cuts and fills as required by ordinances of the City and County of Honolulu, and shall abide by all City & County Ordinance requirements.

All graded areas shall be landscaped. (See Item 36: Landscaping)

Surface drainage must not be altered or obstructed. Any drainage swale altered during a modification or alteration on an Owner's lot must 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.** Whenever an owner excavates within his lot, it shall be done so as not to 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. Excavation which, in the judgement of the Design Committee, creates a high and unsightly retaining wall may be disapproved.

- b. **Fill.** Whenever an owner seeks to fill his lot, it shall be done so as not to 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 judgement 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 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.

4. **Name Plates and House Numbers**

All residences must have easily readable house numbers affixed to the dwelling or mailbox.

5 . **Electric Service**

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

6. **Sanitary and Water Piping**

All sanitary and water piping shall be concealed.

7. **Ground Termite Treatment**

Soil under all concrete slabs on grade and all building floors, whether on grade or over air space, and all footings and masonry foundation walls shall be treated against subterranean termites.

Chemicals used outside of the buildings or in accessible spaces under buildings shall be used with the utmost regard for the safety of children, plant life and pets.

8. **Fences and Walls**

a. **Custom Lots.** Fences and walls of non-reflective materials may be constructed on custom lots, ten (10) feet 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.

b. **Private Areas.**

(1) **Footings:** Footings for walls and fences including post holes shall be wholly within an owner's lot and shall not encroach upon any adjacent property unless by specific written agreement between the two property owners.

(2) **Height:** The maximum height of walls and fences shall not exceed the legal limit allowed by City & County codes, not withstanding other height limitations outlined in these guidelines.

In addition, where practicable, the height of any proposed wall or fence should not exceed that of any existing walls and fences on adjacent properties, i.e., the height of fences and walls on adjacent properties should be identical.

(3) All applicants planning to construct fences or walls on their property must indicate on their plans the location, heights and type of material of any existing walls and/or fences on adjacent properties.

- c. **MTA Walls and Fences.** Walls and fences owned by the Mililani Town Association shall not be removed for work on any owner's lot without the prior written approval of the Mililani Town Association. A bond may be required to ensure that walls and fences owned by Mililani Town Association will be restored to their original condition, including replacement of trees and any other previously installed landscaping.
- d. **Change in Height.** No Mililani Town Association wall or fence shall be changed in height by an adjacent owner without the prior written approval of the Mililani Town Association and the Design Committee. Changes in height will be allowed only in instances where the change will not disrupt the appearance of the wall or fence or the maintenance thereof. Any change in wall height must be made with matching materials approved in advance and in writing by the Association Board of Directors and the Design Committee.
- e. **Maintenance of Median outside Fence or Wall.** Each owner is responsible for maintenance of the grass strip between the back of the curb and the sidewalk adjacent to his 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.
- f. **Chain Link:** Chain link fencing may be approved on an individual basis, with the following configuration.

ILLUSTRATION:

Chain link fence may
 Chain link
 not go beyond the
 front plane of
 the residence.

- (1) **Front Yard.** No chain link fencing

will be allowed forward of the front plane of a residence or in the front yard.

(2) **Side and Rear Yard.** On an individually approved basis, chain link fence may be used for side and rear yard fencing provided the owner of the lot shall agree to plant and maintain some form of landscaping adjacent to the chain link fence, said landscaping to be submitted to the Design Committee for approval concurrent with the submittal of the fence plan. In all cases, side yard chain link fencing shall not extend forward of the front face of the applicant's home.

(3) **Slats with Chain Link.** Chain link fences with inserted slats will not be approved under any circumstances.

g. **Materials.** Sketches of typical walls and fences indicating acceptable materials and combinations of materials are provided in the M.T.A. Design Committee Rules.

In general, walls and fences containing one or two materials appropriately mixed will be approved. However, walls and fences containing more than two materials and those using reflective materials, expanded metal, plastic, fiberglass or exotic designs will generally not be approved.

Fences or walls along street frontages shall be constructed only of the following materials: moss rock, finished concrete, concrete block, decorative tile, brick, redwood, cedar, decorative welded metal grillwork and vinyl fencing only in colors approved by the Design Committee.

Imitation rock, veneer, chain link (cyclone fence), or any other type of wire fencing will not be approved for use along the street frontage.

No more than two materials may be used in a fence or wall surrounding all or a portion of a lot. A combination of two materials will 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.

Fences with decorative additions, such as small roofs, moongates, etc., will 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.

- h. **Side Yard.** Side yard walls and fences shall be stepped down to the same height as the front wall/fence. This step should occur in line with the front plane of the carport or dwelling.
- i. **Mililani Mauka. Wall and fence requirements for lots within Mililani Mauka.** Mililani Mauka homes have special provisions for front and side yard walls and fences. In addition to other requirements set forth in these Rules, lots within Mililani Mauka are subject to the following wall and fence requirements:

- (1) **FRONT YARD:** For the purposes of these guidelines, 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(See Sketch A). For corner lots, see "CORNER LOTS" section for front yard definition. Fences and/or walls in the front yard shall be governed by the following:

- (i) Walls or fences shall not exceed 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. (See (ii)).

Exception A: If the difference in grade between the adjacent sidewalk and the finish floor of the house slab exceeds 42", then a retaining wall may be created. The top of this retaining wall shall not exceed an elevation that is 12" lower than the finish floor of the house slab.

Exception B: A fence may be added on top of this retaining wall, provide it is a picket fence. (See Sketch C.) This fence shall not exceed 42" in height from the top of the wall. Any wall or fence within the area inclusive of the sight line to the sidewalk must not exceed 2' 6" in height measured from the level of the area on the exterior of the wall facing the street or neighboring property. (See Sketch B.)

- (ii) Trash enclosures may be located up to a maximum distance of four (4) feet beyond the front plane of the garage as long as the wall enclosures:(1) Do not exceed a height of six (6) feet from the finish grade elevation and a pad dimension of 4' by 4'. (2) Abut the side wall return to the front of the garage and the side wall to the street and (3) Do not create a parallel wall forward of the front plane of the residence. (See Sketch A)

- (ii) Refer to Sketch A for fence and wall height locations on typical lots.

- (iv) If a swimming pool is installed in the front yard, the fencing around the pool area should comply with the following requirements, in addition to any other requirements contained herein:
 - (1) The height of the fence shall comply with the Uniform Building Code(presently a minimum height of 4' 6" is required),and
 - (2) The spacing of openings in the fence shall be the maximum allowed by the Uniform Building Code (a 4" maximum spacing is permitted. See Sketch D).

- (2) REAR & SIDE YARDS: For purposes of these guidelines, 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:
 - (i) The following restrictions apply to lots where the surrounding difference in grade is minimal such that it does not require a retaining wall. Fences and walls 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 (6) feet in height.(See Sketch A). The wall or fence may be made of one material or may be partly wall and partly fence, each to be made of one material only.

(ii) If the surrounding grade condition of a lot requires a retaining wall, the following restrictions shall apply. 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 as described in Section 3.40 of the Land Use Ordinance, as the same may be amended from time to time.

(iii) Refer to Sketch A for fence and wall height locations on typical lots.

- (3) CORNER LOTS: 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.

On corner lots, walls, fences or vegetation may not be constructed, placed or maintained at a height greater than two (2) feet, six (6) inches within the sight line designated by the City & County of Honolulu Department of Transportation Services, as shown on the plot plan for the subject lots.

- (4) FLAG LOTS: Fences and/or walls located along the property lines adjacent to the driveways of flag lots shall not exceed two (2) feet, six (6) inches in height measured from the finished grade of the driveway, within twenty (20) feet of any street or other public right of way. (See Sketch E).

- (5) FENCE MATERIAL: Except as otherwise provided herein, the following materials are permitted for fence construction:

| | |
|--------------------|----------------------|
| Wrought Iron | Aluminum |
| Steel Tubing | Vinyl Fencing |
| Redwood/Cedar Wood | (in approved colors) |

- (i) Solid or picket fencing is permitted for front yard fences not to exceed two (2) feet, six (6) inches in height as measured from the level of the area immediately on the exterior side of the proposed fence, facing the street or neighboring property.

(ii) All fences constructed atop front yard retaining walls or side yard retaining walls on corner lots and front yard pool enclosure fencing are subject to the following:

(a) Solid fencing of any kind is not permitted. Only picket type fences shall be permitted.

(b) The dimension of any picket shall not exceed two inches by two inches and the spacing between the pickets must be the maximum allowed by the building code (currently set at four (4) inches).

(c) Columns and/or support posts located at intervals between the pickets shall not exceed the dimension of eight (8) inches by eight (8) inches and shall not be spaced closer than six (6) feet.

(d) See Sketch D for details.

ILLUSTRATIONS: SKETCHES A THRU D

Sketch A S

- j RETAINING WALLS: For construction of retaining wall, refer to Article 3, General Development Standards, Section 3.40, Retaining walls of the Land Use Ordinance. A copy of this section from the 1995 Land Use Ordinance is available from the Design Committee upon request. The homeowner is advised to consult with the Dept. of Planning & Permitting for the most recent amendments to this and any other applicable sections.
- k COMMUNITY ASSOCIATION PROPERTY WALLS (CAP): These walls are located on Mililani Town Association common area property and as such are covered in Article III, Section 3.05 of the M.T.A. DCCR's. The following applies to all lots with CAP wall(s) abutting the property line(s): No modification of any kind on CAP walls is permitted without the express written consent of the M.T.A. Board of Directors.
- l PROPERTY PINS: It is the property owner's responsibility to verify the location of property pins before and after completion of any perimeter wall construction or improvement.
- m OTHER REQUIREMENTS: Special requirements may be implemented for individual lots, depending on the location, elevation, terrain, or size of a particular lot. See developer's wall and fence guidelines supplement, not included in these rules, which is specific to a particular subdivision and/or unit.
- n. **Good Side Out.** Whenever a fence 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. The unfinished side shall face inward to the property which may, at the option of the owner, be finished with an approved material.
- o. **Parallel Walls (two walls built along side one another on neighboring properties).**
It is the position of the Design Committee that construction of parallel walls not be encouraged because they contribute to visual clutter. However, due to the varying needs of adjacent neighbors, parallel walls may be approved on a case-by-case basis providing the following conditions are met:
- (1) The parallel walls shall not go beyond the front plane of the applicant's home. The front plane of the home shall include the garage/carport at one side of the residence.

- (2) All parallel walls along side yards shall have a perpendicular wall of the same material returning a minimum of 5 feet toward the house. This 5 feet return may include a gate.
- (3) Parallel walls shall be encouraged to be the same height. However, because of differences in grades between properties and different family requirements among property owners, parallel walls of different heights may be approved on a case-by-case basis. (See following illustrations).

- p. **Joint Ownership and Maintenance Agreement.** Whenever two adjacent owners desire to jointly construct a fence or a wall along and over the property line, it is recommended that a joint agreement for construction and maintenance be signed.

Footings must be entirely within applicant's property unless there is a joint agreement for construction and maintenance with adjoining property owners.

9. Parking Requirements

- a. **Single Family Dwelling.** All single family dwellings shall have appurtenant to it covered parking space for not less than two (2) automobiles. (Ref. DCC&R&R's Section 3.03 (b) (6).
- b. **Multi-Family Dwelling.** Each multi-family dwelling shall have appurtenant to it covered parking space for not less than two (2) automobiles unless otherwise provided in annexation documents. In all cases, parking requirements shall not be less than those required by the Land Use Ordinance (LUO).
- c. The use of "grasscrete" or similar products as a parking surface for parking beyond the initial two required stalls requires the approval of the Design Committee.

10. Carport Design

Carports shall be enclosed or at least partially enclosed on two sides.

11. Maintenance of Public Areas During Construction

Property owners shall keep all public areas clean during periods of construction. No storage of construction materials and equipment will be permitted in public areas when construction has been completed. Materials shall not be stored so as to block or partially block public areas.

12. Consolidation or Subdivision of Lots

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

13. **Additions and Enclosures**

- a. **Rooms.** Wherever a room is added, exterior siding, window and door details shall match the original or existing structure. The height of all openings for windows and door frames shall match those of the existing structure.
- b. **Lanai Slabs and Walkways.** When reviewing a plan for a lanai slab, the Design Committee shall consider the potential covering or enclosing of said lanai to determine if such addition can be made without compromising the exterior appearance of the dwelling.

Other concrete work such as walkways must leave adequate room for landscaping within the property and meet other applicable criteria.

Termite treatment will be required for all lanai slabs.

- c. **Lanai with Roof.** Aluminum, fiberglass and other prefabricated lanai roofs will be approved only if they meet the intent of these rules and regulations in the judgement of the Design Committee.

d. **Roofs.**

- (1) Built-up roofs shall be approximately flat with a slope of not more than 2 to 12 inches. Flat roofs may be finished with built-up or modified bitumen roofs in colors of tans and browns and grays. Roll roofing is prohibited. Construction shall be in accordance with the specifications of Underwriter's Class AAA roofing.

Shake or wood shingle roofs shall slope a minimum of 3-1/2" 12" for eaves and 4-1/2" in 12" for roofs over the main structure.

- (2) Alternative Roofing Materials Currently Approved*:

See APPENDIX "C" at the end of these rules for the

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*The list of approved roofing materials is periodically updated by the Design Committee. Homeowners wishing to install an unapproved roofing material on their residence

must first submit a sample along with their application to the Design Committee for review and approval prior to installation in Mililani Town.

Acceptable colors for each roofing material must be approved in writing on the M.T.A. Design Application submitted in accordance with Article VII of these Design Committee Rules. Examples of currently approved roofing materials and color choices are on display at the M.T.A. Office.

- (3) No type of corrugated roofing material is approved.
- (4) Metal awnings may not be used unless painted a solid flat color. Canvas awnings may be used in solid colors approved by the Design Committee.

- (5) Standing seam metal roof will not be approved.
- (6) Connections between existing roofs and new roof additions should conform to the following: (See illustrations on Page 27)
 - (a) The connection between an existing flat roof additions should conform to Illustration A.
 - (b) The connection between an existing flat roof and a new flat addition should conform to Illustration B. Existing roof corners shall be retained.
 - (c) The connection between an existing pitched roof and an abutting new mansard roof addition should conform to Illustration C.

- (d) **Enclosed Lanai.** Refer to 13a, "Rooms," above.
- (e) **Breezeways.** Breezeways of an appropriate design may be approved, provided that the applicant has taken into consideration grade elevation changes between the house, garage and street. Awkward designs caused by grade elevation changes will be disapproved.
- (f) **Attached House and Garage with Room Addition.** Refer to 13a, "Rooms".
- (g) **Adding a Second Story to an Existing One-Story House.**
Single story residences not designed for a second story addition generally encounter architectural and structural problems which are difficult to overcome.
Detailed review by the architectural member of the

Design Committee will be required.

- (h) **Enclosed Garage or Carport.** A lot owner may enclose the garage or carport built in conjunction with his single family dwelling, provided he complies with these rules and guidelines relative to siding, color and details.

If such enclosure is permanent and renders the garage or carport unusable for automobile parking, the replacement covered parking on the lot meeting the criteria of these rules and guidelines must be provided. The existence of adequate on-site parking or on-street parking shall be the basis for approval.

- (i) **Garage Doors.** Garage doors of an appropriate design and material compatible with these rules and guidelines may be approved by the Design Committee.

14. **Siding, Veneers and Facades**

Certain aluminum and vinyl sidings and veneers may be approved by the Design Committee. All owners desiring to apply exterior siding or veneer must apply to the Design Committee for approval.

Facades, i.e., partial application of siding or veneers such as to the front of the home only, which give a "stage set" appearance will not be approved. Trim colors in conjunction with siding and/or veneer must also be submitted for approval. All applications for new siding must be accompanied by sample color swatches.

15. **Painting**

- a. **Change of Color.** Owners must submit samples of colors to be used, which will 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 must be submitted when changes in color are desired.

No reflective finishes shall be used on exterior surfaces (other than glass and the surfaces of hardware fixtures) where such exterior surface is visible from neighboring property. 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.

- b. Design Committee approval is required in writing for ALL house painting. Color samples must be provided with the application for approval. Application must be submitted for approval even when painting with existing or original colors. Color samples must be provided. Repainting with an existing color is specifically NOT authorized in instances where a dwelling was previously painted with an unapproved color or where approval of a color not on the M.T.A. color list was due to a delay in permit processing or other administrative error. Note: Routine maintenance and touch-up painting (less than 10% of the residence) does not require prior approval. All colors must have been formally approved by the Design Committee in writing. Responsibility for closely matching color samples provided to the Design Committee ultimately rests with the owner.

- c. **New Addition: Paint to Match:** As a condition of approval, paint colors on a new addition/enclosure must match the colors on the existing structure. New paint will 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.

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. Using "complementary" paint colors does not satisfy the requirement; "paint to match". If the owner wishes to use any other paint color than a previously approved primary wall color for an addition or enclosure walls, formal application for approval by the Design Committee is required.

- d. The Design Permit for painting is valid for six (6) months from date of issue.

16. Visibility from Neighboring Property or Street.

The Design Committee shall at all times consider the impact of additions, improvements or changes to the property on neighboring properties or streets. The committee shall have the right to make design changes to two story additions which they feel are too "unfriendly" to the neighboring property or streets. If the design of the addition "crowds" the neighbors or adjacent street, the Design Committee will ask the applicant to set the second story back from the front, side or rear property lines. See illustration below on "friendly" and "unfriendly" designs.

17. **Screen Doors**

Screen doors with exposed reflective material shall not be approved.

Whenever screen doors are requested for a multi-family project, the Design Committee shall require that the Board of Directors of the project review and approve the installation and adopt a standard for the entire project.

18. **Swimming Pools**

- a. **Pools Above Grade.** Swimming pools constructed above grade (on the ground) may be permitted provided they are not visible from the street or neighboring property.
- b, **Pools Below Grade.** Swimming pools below grade visible from the street will generally be approved provided the owner complies with these rules and guidelines for grading, walkways, drainage, etc.
- c. **Fences.** All applications for approval to construct a swimming pool must be accompanied by an application for fencing around the pool not less than 4 feet 6 inches in height, in compliance with the "Fences and Walls for Swimming Pools" section of these rules and guidelines.
- d. **Filter Noise.** Applicants for swimming pools must submit details for abatement of filter and skimmer noise. The pump and motor of the filter and skimmer unit shall be soundproofed in order to prevent nuisance to adjacent properties. Should undue noise result from the operation of the unit, the owner will provide additional soundproofing methods and proceed expeditiously with the necessary adjustment. Notwithstanding the Design Committee's right to approve and require adjustment to the filtering unit, the owner shall assume full responsibility therefor and shall hold the Design Committee harmless against any and all claims resulting from the maintenance and operation of the filtering unit.
- e. **Disposal of Excavation Material.** See Paragraph 30, "Disposal of Construction Waste and Debris".

- f. **Access to Lot.** No MTA or private property shall 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.
- g. **Operation in Compliance with Department of Health Requirements and Other Regulations.** The applicant shall, at all times, comply with all Department of Health rules, code and regulations concerning the operation of a private swimming pool.
- h. **Lighting. Refer to Section 25, "Exterior Lighting."** In addition to the foregoing, the Design Committee will approve appropriate underwater lighting in those instances where the source of light is not visible from adjacent properties.

19. **Barbecue Pits (Built In)**

Barbecue pits which are visible from the street or adjacent property shall be submitted to the Design Committee for review and approval.

20. **Dog Houses, Hot Houses, Storage and Tool Sheds**

Dog houses, hot houses, storage and tool sheds and similar structures which are visible from a street or adjacent property shall be submitted to the Design Committee for review and approval.

21. **Roof Vents and Chimneys**

All owners shall attempt to minimize the adverse appearance of vents by installing them below the ridge line of the roof and in those portions of the roof not facing streets. Fireplace chimneys shall comply with all applicable government codes and regulations and shall be judged on their individual merits.

22. **Gingerbread and Trim**

Scallops, shutters, wrought iron and other such "gingerbread" effects will not be approved by the Design Committee when they do not blend in with the architecture of the dwelling or result in a "tacked on" appearance, or do not blend with the surrounding aesthetic quality of the community. (See following illustration)

23. **Gutters**

Gutters and down spouts are approved by the Design Committee provided they are non-reflective and painted to match the surfaces to which they are attached. Copper gutters and downspout need not be painted.

24. **Guidelines for Installing Antennas/Satellite Dishes:**

I Background

These guidelines for the installation of antennas and satellite dishes are adopted by the Design Committee of Mililani Town Association in conformance with the recently adopted rule of the Federal Communications Commission (47 C.F.R. Part 1, subpart S 1.4000 et seq.)["FCC Rule"] governing installation of direct broadcast satellite antennas, multi-point distribution system ("wireless cable") antennas and over-the-air broadcast antennas.

1. Existing Restrictive Covenants

The Association's Declaration of Covenants, Conditions and Restrictions provides:

No antenna of any sort shall be installed or maintained which is visible from neighboring property except that antenna placed on the ground and not exceeding ten (10) feet in height above normal grade are allowed if not visible from the adjacent street.

Other provisions of the governing documents of the project also restrict installation of antennas. These restrictions will continue to apply to all installations of antennas except to the extent modified by the Rule.

2. Antenna Installation Affected by the FCC Rule

The only antennas which are covered by the FCC Rule are:

(1) Antennas designed to receive direct broadcast satellite service, including direct-to-home satellite services, one meter or less in diameter; or

(2) Antennas designed to receive video programming services via multi-point distribution services, including multichannel multipoint distribution services, instructional television fixed services and local multipoint distribution services, otherwise known as "wireless cable" services, one meter or less in diameter or diagonal measurement; or

(3) Antennas designed to receive over-the-air television broadcast signals.

Thus, for example, any broadcast antennas (e.g., ham radio antennas) will continue to be subject to the existing restrictions in the governing documents and Chapter 514A, Hawaii Revised Statutes. Furthermore, the FCC Rule only covers antennas installed "...on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership interest in the property." Antennas installed on property that is not within the exclusive use of the antenna user or property in which the antenna user does not have a direct or indirect ownership interest are not covered by the FCC Rule.

II. Restrictions on Antenna Installation Affected by the FCC Rule

Antennas covered by the FCC Rule may be installed only in accordance with the following restrictions:

A. Any owner proposing to install an antenna shall provide the M.T.A. Design Committee with a written notice at least seven (7) days prior to installation. The notice shall include:

1. The type of antenna, including dimensions and other specifications.
 2. The name of the television service provider.
 3. Plans showing the location of the installation and the manner in which the antenna will be installed and cables will be run (located).
 4. Prior to installation, the owner shall also provide the Design Committee with a copy of any applicable governmental permit.
2. Antennas and masts shall not be installed, used or maintained on or in the common areas of the project. No antenna or mast may encroach upon any common area, another owner's lot or home site, or the airspace of common areas, or another owners lot or airspace.
 3. Except as otherwise provided herein and subject to the subject to the other provisions herein, antennas covered by the FCC Rule may be installed, used and maintained on or in lots (as defined in the Declaration), provided, however, that:
 1. No antenna shall be installed, used or maintained on any area that is not within the exclusive use or control of the antenna user;
 2. No antenna shall be installed, used or maintained without the prior written consent of the Design Committee on or in any area if the installation, use or maintenance will involve a penetration through, alteration of, addition to, or modification of any area that is not within the exclusive use or control of the antenna user, including, without limitation, any area the Association is required to repair and/or maintain.
 4. Subject to the provisions herein, antennas may be installed, used and maintained in the lots (as defined in the Declaration); provided however, that no antenna shall be installed, used, or maintained on any lot, without the prior written consent of the Board of Directors, if the installation, use, or maintenance will involve a penetration through, alteration of, addition to, or modification of any area that is not within the exclusive use

or control of the antenna user and/or that the Association is required or permitted to repair and/or maintain.

5. If acceptable quality signals can be received by placing antennas and masts inside an existing improvement without causing an unreasonable delay or an unreasonable increase in cost then outdoor installation is prohibited. In any event, antennas and masts shall be placed in locations which are not visible from neighboring properties or public rights of way unless such placement would impair the installation, maintenance, or use of the antennas, in which case the following requirements shall apply:

1. Antennas and masts shall be placed in the least visually obtrusive location which would not preclude reception of an acceptable quality signal.

2. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from the antenna's location.

3. Antennas placed on the ground and visible from the street, neighboring properties or public rights of way must be camouflaged by existing landscaping or fencing, if such placement insures receipt of an acceptable quality signal.

4. If no landscaping or screening exists, the Design Committee may require antennas to be screened by new landscaping or screening of reasonable cost in such a manner as to blend with surrounding background surfaces or to minimize visibility of the antennas.

5. The antennas and masts shall be painted to blend with the surrounding background surfaces to the extent that this will not preclude reception of an acceptable quality signal. No bare metal may be visible.

6. Exterior antennas shall be installed so as to be minimally visible.

1. Antennas and masts shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable quality signal.

As used in this Antenna Installation Guideline, "...preclude reception of an acceptable quality signal..." means that reception would be impossible or would be substantially degraded.

6. Any installer of an antenna other than the owner shall provide the Design Committee with proof of such insurance as may be required by the committee from time to time. Masts must be installed by licensed contractors providing proof of such insurance as may be required from time to time by the Design Committee.
7. Owners shall not permit their antennas or masts to fall into disrepair or to become safety hazards. Owners shall be responsible for maintenance and repair of antennas and masts. Owners shall be responsible for repair or replacement if the exterior surface of the antenna or mast deteriorates.
8. Installation shall be performed in such a manner that it does not damage the common areas, lots, or improvements of other owners, or avoid any warranties of the Association or other owners.
1. In the event that the Design Committee reasonably determines that it needs to perform maintenance which will require removal of any antenna, the owner shall remove the antenna. The Design Committee shall give the owner at least thirty (30) working days prior written notice, where practical to do so, in order that the owner may coordinate with his/her service provider. Any relocation or removal 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.
10. No more than one antenna of each type of service may be installed on a lot by an owner.
11. Antenna installations shall not present any safety concerns and shall comply with all applicable statutes, codes, ordinances rules and regulations promulgated by any governmental authority, including, without limitation, the obtaining of any permits required by such authorities unless those statutes,

codes, ordinances rules or regulations have been preempted by the FCC Rule. Installation of antennas and masts which present potential safety concerns will require compliance with the normal application process. The FCC has recognized that safety concerns may be presented by masts higher than twelve (12) feet. Safety concerns may also be presented by installation of any mast whose height exceeds the distance to neighboring property or public rights of way measured from the point of installation. Installation of such masts must be approved by the Design Committee. Any application for these masts must include a detailed description and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than twelve (12) feet. If the installation will pose a safety hazard to Association residents or personnel, then the Design Committee may prohibit such an installation. The notice of rejection shall specify the safety risks. The purpose of this rule is to address safety concerns relating to wind loads and the risk of falling structures. Antennas shall not be located in the vicinity of electrical power lines or other electrical or power circuits and in no event shall antennas or mast be placed where they may come into contact with such power lines and circuits. In order to prevent electrical or fire damage, antennas shall be permanently and effectively grounded. Antennas are required to withstand winds of eighty (80) miles per hour.

12. Any tenant wishing to install an antenna or mast must seek permission through the homeowner/landlord.
- M. Pursuant to the FCC Rule, the Association reserves the right to petition the Federal Communications Commission for a waiver allowing the adoption of restrictions on antennas which would otherwise be preempted. In the event that such a waiver is granted, antenna installations which are not in compliance with such restrictions may be required to be brought into compliance within a reasonable time as determined by the Association acting through the Design Committee.
14. Owners who are members of condominium associations must confer with the condominium association board of directors separately for other approvals which may be required. Condominium associations may have additional and/or more stringent requirements related to installation of antennas and masts.

25. **Exterior Lighting**

- A. Exterior lighting fixtures may be mounted under the roof eaves. If a fixture is mounted on the gable end of the house it shall be mounted within twelve (12) inches parallel to the roof slope. The light source of such a mounted fixture shall not be visible from neighboring property.
- 2. Fixtures mounted on walls shall be mounted at or above the roof fascia line to minimize visibility from the street and neighboring property. The light source of this type of fixture, when mounted, shall not be visible from neighboring property.
- C. Electric bulbs may not project more than forty-five degrees away from the parallel or perpendicular plane of the structure on which the fixture is mounted. (i.e., Not pointing outward or to the side.)
- 4. Quartz halogen flood lamp fixtures are permitted provided the light source is not visible from neighboring properties.
- E. The light illuminating from an outdoor lighting fixture shall, at no time, be directed into an adjoining property or street. Any outdoor lighting fixture that generates a complaint from another resident, shall be redirected, relocated, or removed upon demand by the Association.

26. **House Decorations**

In general, tacked-on house decorations shall not be approved. However, decorations for holidays or special occasions are exempt and need not be submitted for approval provided they are not constructed or applied sooner than 30 days before the event and are removed within 15 days after the event.

27. **Tents and Temporary Structures**

Tents and temporary structures such as lean to's, luau enclosures, etc., may be erected without Design Committee approval, provided the owner shall not continue to use the structure beyond the special event for which it is planned and shall expeditiously remove the tent or temporary structure after its use.

28. **Drop Blinds**

Drop blinds for lanais and balconies may be used provided they meet the following criteria:

- a. No garish or bright colors shall be used.
- b. Blinds shall be rolled and/or adequately tied down during periods of high winds to avoid annoyance to adjacent owners.
- c. Blinds for multi-family projects shall be of a single standard design.

29. **Disposal of Construction Waste and Debris**

Each owner shall be responsible for disposing of construction waste and debris, and for keeping the public, private and common areas surrounding his property free of waste and debris at all times during construction.

30. **Clothes Drying Areas**

No outside clothesline or other outside clothes drying or airing facilities shall be permitted except within a fenced service yard and not visible from the street or neighboring properties.

An owner may remove the huna muumuu (dry yard) constructed with his dwelling (if any) provided he makes alternate accommodations for drying in such a way that is not visible from the street or neighboring properties.

31. **Signs**

No signs shall be erected or maintained upon any lot except:

- a. Signs required by legal proceedings.
- b. Residential identification signs of a combined total face area of one (1) square foot or less for each residence.
- c. During construction of any improvement, job identification signs having a maximum face area of six (6) square feet per sign.

- d. Not more than one "For Sale" or "For Rent" sign having a maximum face area of three (3) square feet, such sign to be situated on the premises for sale or rent.

32. Accessory Structures

No accessory structures shall be constructed or maintained upon any lot prior to the construction of the main structure, provided that this paragraph shall not apply to temporary construction shelters maintained for a period no longer than one (1) year during and used exclusively in connection of the main structure.

33. Underground Installation and Easements

The owner shall be responsible for determining the location of easements, utility lines, and underground installations prior to start of construction.

34. Trees

- a. No trees planted by Castle and Cooke Homes, Hawaii within ten (10) feet of the property line on any lot shall be removed or cut down without the approval of the Design Committee.
- b. Trees planted in the planting strips adjacent to public streets are subject to the rules of the City and County.

35. Mililani Town Solar Installation Guidelines

- a. The Mililani Town Design Committee has adopted rules for the residents of Mililani Town to follow when installing a solar hot water heating system. The committee's primary concern is to achieve solar installations that will visually blend well with our residential community while retaining an efficient solar system.

b. Solar Installation Guidelines for Mililani

- (1) No part of the installation can extend more than 30 inches above any roof surface, flat or sloped. Upon review of existing installations we have established 30 inches as the highest point the solar installation should extend above the plane of the roof before it begins to dominate the roofline . This height of 30 inches allows for all

existing systems to be installed in Mililani. The smaller the angle between the roof and the collector's surface the better the solar collectors will blend with your roofline.

- (2) The collector frame, piping and other roof accessories in areas visible to the public must be painted a flat black or the color of the roof on which it is located. This on the roof will make the installation less visible. (Copper piping need not be painted.)
- (3) Minimize the amount of visible piping. This will reduce clutter on your roof.
- (4) Collectors which are mounted on racks to attain a proper angle are not required to have the racks enclosed. However those wishing to enclose the racks must obtain Mililani Design approval. In most cases enclosures around the supporting frames begin to draw attention to the installation by making the system more visible and bulky while an installation with no enclosures will appear less visible if the supporting racks are properly painted.
- (5) Mount the collectors so that its edges are parallel to the edges of the roof. This makes the lines of the collector blend better with the lines of the home.

36. Landscaping

- a. The owner shall, after one (1) year after taking occupancy of the new dwelling, commence landscaping the lot and thereafter satisfactorily maintain the completed landscaping in accordance with the requirements listed below.
- b. The owner shall landscape the front yard and planting strip(s) between the sidewalk and the street or curb line after one (1) year after occupancy. The remaining grounds of the lot shall be landscaped within two (2) years after occupancy.
- c. What constitutes "completed landscaping" shall be decided by the Design Committee, but as a minimum grading, weeding (removal of all noxious weeds and vegetation), soil preparation, finished seeding or planting of a suitable ground cover, and the planting or emplacement of customary plant and non-plant landscaping materials to a sufficient degree that the majority of the committee members agree that the area or lot in question is a "completed landscape" rather than primarily "red dirt and weeds" will determine whether the landscaping requirements of these rules and regulations have been met.
- d. All landscaped areas will be maintained in a good and clean condition.
- e. Lots fronting on two streets shall be landscaped along both frontages. Any portion of a lot visible to a street or neighboring property will be maintained in a good and clean condition. Owners of properties with electrical junction boxes are responsible for insuring that the junction box area is kept in a good and clean condition.
- f. What constitutes a "good and clean condition" as it pertains to the maintenance of completed landscaping on any lot shall be determined by the good judgement of the majority of the members of the Committee.
- g. Vegetable gardens are not acceptable as landscaping for yard areas of planting strips located along any adjoining street.

37. Air Conditioners

Air conditioners may be installed without Design Committee approval provided they are not visible from the street or adjacent property.

- a. In those cases where air conditioners will be visible from the street or adjacent property, the owner must paint the entire unit in a manner which will blend in with the residence. No bare metal or conspicuous filter elements may be exposed. If the design of the installed air conditioner is such that filter elements may not be painted, the owner is responsible for providing a design acceptable to the Design Committee to screen or otherwise enclose the air conditioner in such a manner that it may be painted to blend with the mounting surface.
- b. The owner is responsible for insuring quiet operation of all installed air conditioning units. If the Covenant Manager and/or the Member Relations Committee determine that an air conditioning unit is being operated at an excessively noisy level which is a disturbance to adjacent neighbors, the owner may be required to remove or modify the unit to reduce the noise level.

38. Applied Solar Tints and Films

Highly reflective solar tints and films for windows are discouraged. No submittal for design review is necessary for non-reflective type tints. However, reflective tints must be submitted to the Design Committee for review and approval before installation.

39. Basketball Equipment Standards (Permanent & Portable)

An application form must be submitted to the Design Committee for all permanent and portable basketball equipment located on a homeowner's lot, showing the location and the design of the equipment.

Basketball equipment will not be permitted in small backyards or anywhere in close proximity to adjacent homes.

Permanent basketball equipment may be installed against the front of a gable roof garage wall or on the hip/flat roof eave of a garage roof, provided the equipment location meets the requirements outlined below.

Permanent or self-supporting equipment is permitted only in the front driveway area, provided the backboard is flush to the house and confined entirely within the homeowner's property. The front of the backboard shall face either the street or neighbor's property.

Placement of permanent or portable basketball apparatus with the back of the backboard facing a neighbor's property IS DISCOURAGED because of the possible damage and nuisance over-thrown balls will cause to the adjacent property.

Self-supporting portable equipment is to be stored in an enclosed garage or other location not visible from the street after use.

40. Wireless Cable Receptor Installation Rules

Model No. 130219
Serial No. 5080000464
Description 5"x 5"x 4"
receptor with
a 5" diameter cap

Aa. The receptor device may be installed on the residential property and in a location that may be seen from the street and/or neighboring property subject to the following conditions:

- (1) That the receptor unit shall be mounted on the wall of the house, under the eave, and painted to match the exterior paint color to which it is attached.
- (2) That the receptor unit shall not be modified in any way without the approval of the Design Committee.
- (3) That the exposed wires shall be concealed with a molding running alongside the vertical and horizontal trims of the house and painted to match the exterior wall color.

APPENDIX

A. Construction without Permit

Any homeowner who has made an addition, modification or alteration on or within his Lot, or who performs any other work which, under the provisions of the Design Rules or the DCCR's, requires prior approval of the Design Committee, without first obtaining a Mililani Town Association Design Permit, shall, upon notification by the Mililani Town Association via certified mail: (1) immediately cease and desist from any and all further work, and (2) within thirty (30) days of said notice, return the Lot to its condition prior to commencement of the work or, in the alternative, obtain written approval from the Design Committee for the addition, modification or alteration to said Lot.

B. Construction Different from Plans

The homeowner whose construction or material changes have deviated from approved plans is subject, upon notification by certified mail, to make immediate corrections per the approved plans, within thirty (30) days, or to submit revised plans within seven (7) days for the committee to review and, if acceptable, approve.

3. Painting without an M.T.A. Design Permit

In all instances where painting or repainting is performed on any property without the required M.T.A. Design Committee approval on file, complete with color samples, the owner will be required to repaint the residence with paint colors from the M.T.A. Approved Paint Color Charts located in the Design Committee Supervisor's office, 95-303 Kaloapau Street, Mililani Town, HI 96789.

D. Current list of M.T.A. Design Committee Approved Roofing Materials:

GENSTAR Architect 80:

Approved Colors: Cypresswood, Ebonywood, Weatherwood, Oakwood, Driftwood, Birchwood, Fernwood, Stonewood and Cedarwood.

CELOTEX Shingles:

Approved Colors: Dark Brown, Slate Gray, Weathered Wood, Wood Tone, Arctic White, Shadow Gray, Baja Brown, Terra Cotta, Drift Wood, Charcoal Black, and Birchwood.

TIMBERLINE G.A.F. Shingles:

Approved Colors: Weathered Wood, Charcoal Blend, Slate Blend, Burnt Sienna Blend and Cedar Blend,

MET-TILE:

Approved Colors: Morocco Red, Ranchwood Brown, Slate Gray and Mission Clay.

MALARKEY Shingles:

Approved Colors: Dove White, Silverwood, Oxford Grey, Charcoal, Driftwood, Rainforest, Golden Brown, Sienna Blend, Redwood, Antique Brown, Sequoia and Sable Brown.

GENSTAR FIRESCREEN Shingles:

Approved Colors: White, Desert Brown, Shakestone Brown, Moire Black, Highland Brown, Antique Silver, Sequoia, Saddle Tan, Driftwood Gray and Stone Wood.

PABCO Shingles:

Approved Colors: Prairie Wood, Pewter Gray, Antique Black, Buck-Skin Tan, Driftwood, Harvest Brown, Weathered White, Sherwood Green and Weathered Wood.

FIREFREE Shakes:

Approved Color: Dark Brown, Natural Tan and Coastal Gray.

ALCOA ALUMINUM Shakes:

Approved Colors: Charcoal Grey, Slate Brown & Musket Brown.

HARDIE Shakes:

Approved Colors: Dark Brown, Earth Brown, Deep Brown, Dark Cedar, Pewter Gray and New Cedar.

MONIER DURALITE Tile:

Approved Colors: Waimea Red, Kona Flame, Pali Green, Lava Rock, Koa Brown, Monkey Pod, Sequoia, Shadow Gray, Bronze Flash and Terra Cotta.

MAXI-TILE/SHAKE:

Approved Colors: Marble Gray, Oxford Gray, Autumn Brown and Terra Cotta Red.

MONIER CEDARLITE Tile:

Approved Color: Heart Wood, Iron Wood, Muir Wood and Silver Wood.

All types of Wood Cedar Shakes and Shingles.

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