

KA ONO ULU ESTATES

Summary of Architectural and Building Design Requirements

Architectural and building design requirements were developed to ensure the Ka Ono Ulu Estates will always be an attractive and pleasant community in which quality is important and property values are protected. The DECLARATION OF PROTECTIVE COVENANTS FOR KA ONO ULU ESTATES ("Covenants") provides for these design requirements and their enforcement.

1. Final construction plans for each home (and additions or improvements to existing homes) must receive written approval of the Design Committee prior to the start of any construction or submittal of an application for a Building Permit.

Applications and plans submitted for approval by the Design Committee may be given to the Ka Ono Ulu Estates Project Manager or left at the office of Horita Development - Maui.

2. In most cases, the Design Committee will complete review and render a written decision within 14 days. In the event of disapproval, the Design Committee will provide the reasons for disapproval and where possible, suggest modifications necessary to obtain approval.

As a means of saving time and avoiding unnecessary expenses, submittal of preliminary plans for review is encouraged. Preparation of final construction plans will then be based on an approved design concept.

3. All construction plans must be prepared by or under the supervision of a licensed architect or structural engineer and signed certification provided.

4. Minimum House Size : 1,000 square feet (living area)  
Garage - Covered Garage and Garage Door(s) Required  
    - Single- Story Home : 400 square feet (two-car garage)  
    - Two-Story Home : 600 square feet (three-car garage)  
Garage Storage : 60 square feet  
Minimum Valuation of the Dwelling : \$78,000

5. Minimum setbacks are as specified by the Maui County Code required for R-2 zoning shall apply, except that a minimum driveway length of 16 feet is required for two-story homes. Maximum building height is as specified in the Maui County Code.

6. Minimum roof pitch is 4/12; roofing material shall be either composition shingle, shake or wood shingle; other inexpensive, unusual or incompatible types of roofing materials are not permitted.

This summary is intended to be an easily read document covering the more significant requirements pertaining to the construction of a single-family home in the Ka Ono Ulu Estates Community. The full text of the Design Committee Rules and the Covenants be read and understood before preparing any plans for the construction of a new home.

March 10, 1993

KA ONO ULU ESTATES COMMUNITY ASSOCIATION  
DESIGN COMMITTEE RULES

ARCHITECTURAL AND BUILDING DESIGN REQUIREMENTS  
FOR THE CONSTRUCTION OF SINGLE-FAMILY HOMES

- I. COMPLIANCE WITH BUILDING DESIGN REQUIREMENTS MANDATORY: These Rules are issued pursuant to Section 4.01.(f). of the DECLARATION OF PROTECTIVE COVENANTS FOR KA ONO ULU ESTATES ("Covenants") and any Applicant or Owner ("Applicant/Owner") who constructs or re-constructs a single-family home herein shall comply with all of its requirements.

These Rules are intended to supplement and do not replace any of the requirements contained in the Covenants. Where there may be conflict in the interpretation of these Rules and the Covenants, the requirements of the Covenants shall prevail.

As specified elsewhere in the same Section of the Covenants, separate rules may govern improvements made to existing single-family homes and/or those which have previously been approved by the Design Committee under these Rules.

Final construction drawings and plans for the construction of single-family homes by Applicant/Owners, shall comply with these Rules AND shall be approved in writing by the Design Committee. These Rules are subject to change from time to time and it is the responsibility of the Applicant/Owner to ensure conformance with those in effect at the time of submittal. Further, these Rules should be carefully read and understood by each Applicant/Owner prior to preparing any construction plans.

Those plans and drawings which may be disapproved by the Design Committee will be returned to the Applicant/Owner, together with a written explanation of such disapproval and suggestions as to how the drawings and plans may be modified to obtain the necessary approval.

When drawings and plans are approved by the Design Committee, written approval shall be provided to the Applicant/Owner, together with the terms and/or conditions of said approval.

Decision of the Architectural Control Committee shall be binding and final.

- II. PROCEDURE FOR SUBMITTAL OF CONSTRUCTION PLANS, DRAWINGS AND SPECIFICATIONS: Construction drawings and plans shall be approved by the Design Committee prior to commencement of any work AND before submittal to the County of Maui for a Building Permit. As a means of avoiding lost time and unnecessary costs, Applicants/Owners are encouraged to submit and obtain approval of preliminary plans prior to authorizing preparation of final construction Plans.

Applicants/Owners are required to submit three (3) copies of the drawings, plans and specifications when applying for review/approval of the Design Committee.

It is the responsibility of the Applicant/Owner to ensure that the plans, drawings and specifications conform with these Rules and to expeditiously submit any additional or corrected drawings, plans, specifications and/or data necessary for the Design Committee to complete its review and render a decision.

A. The following are required for submission of preliminary plans:

1. Plot Plan with North arrow, street address, legal description (lot number, file plan number, tax map key number), required setbacks, building locations, all existing and proposed improvements, existing and proposed grades referenced to County datum, all driveway areas, fences, lot drainage, subsoil drain systems and the location of all existing easements and utilities, including but not limited to sewer, water, electrical, telephone and cable television services; electrical transformers, fire hydrants, street lights and catch basins that may be on the property or adjacent to it and affect the design and construction of improvements thereon.

A copy of the grading plan for the lot will be provided to the Applicant/Owner upon request, without charge. This lot grading plan will establish the elevation and grading originally planned for the lot is not intended as an accurate description of actual condition of the lot.

2. Floor Plans and Elevations indicating all materials to be used and including but not limited to building heights and dimensions, a dimension from the finished floor to the top of the roof. Elevations of the finished floor are to be referenced to County datum.
3. Cross Sections indicating all structures and cut/fill conditions in relation to natural grades. All retaining walls (both existing and proposed for construction) should be indicated together with all above-grade dimensions.
4. Color Schedule indicating the proposed color scheme. Submittal of color chips is required.
5. Plans and Drawings, especially Construction Plans that are submitted shall have been prepared by or under the supervision of a registered architect or licensed structural engineer, who shall also be required to sign said plans.
6. Exterior Elevation of all sides of the structure proposed for construction.

B. Final Construction Drawings shall conform to the preliminary submittal including all corrections or modifications that may have been required by the Design Committee and include the following:

1. Foundation plan with details of all footings and retaining walls.
2. Details of all critical connections in the structure including the materials to be used.
3. Door and window details.
4. Typical wall section indicating exterior and interior materials, eave conditions.
5. Landscape plans showing landscape material, size of plants to be used and method of soil stabilization. Applicants/Owners are encouraged but are not required to seek assistance from a landscape architect or contractor to ensure that appropriate plant material is selected and aesthetically arranged.
6. Air conditioning, electrical, water, sewer, cable television, television, telephone and drainage plans.
7. Detailed specifications.

III. MINIMUM BUILDING DESIGN REQUIREMENTS: In the event that the requirements set forth herein differ from requirements established by the County of Maui or other governmental agencies, the more restrictive requirement(s) shall prevail.

A. Building Setbacks

Building setback lines shall be shown on the plan. In any event, minimum setback, shall be as specified by Section 19.08.060 of the Maui County code, as amended.

B. Two-Story Dwellings are subject to the following requirements:

1. Each 2 story dwelling must have a minimum of 600 square feet of garage space and must accommodate 3 automobiles. The garage space must be designed such that the 3 automobiles shall normally be parked side by side to one another. However, exceptions may be approved by the Design Committee if such is precluded by traffic safety restrictions, locations of utilities, lot grading and elevation in relation to the street and other similar limitations. 60 square feet of enclosed storage space must also be provided.
2. A front yard set back sufficient to provide a concrete driveway not less than 16 feet in length as measured from the front property line; such driveway shall also be not less than 30 feet wide.

3. The maximum height of the dwelling and any other structure on the lot shall not exceed the lesser of 30 feet or the maximum allowable height under the Maui County Code.

C. Prohibited Home Designs

"A" frame, cedar log or plank, "Pole", geodesic, prefabricated and other home designs of an unusual character or design shall not be permitted.

D. View Planes

Sight lines and view planes for lots having view potential will, to the extent reasonably possible, be preserved. Plans may be disapproved or modifications required solely for this reason.

E. Grading

1. In no case will the slope of cuts be allowed in excess of 1-1/2:1.  
Where cuts exceed the above maximum slope and/or endanger the adjoining properties, a retaining wall, sufficient to bring the slope back to acceptable limits, will be required to be built immediately.
2. Any contour maps provided by the developer or the developer's consultants as a courtesy are for general information only and are not warranted as being correct or exact.

F. Foundations

1. In the case of pier and post construction, the pier and post area will be concealed to grade by an extension of the basic exterior building material.
2. All earth and fill material under concrete slab shall be chemically treated for subterranean termites by a licensed termite control company. Treatment shall be guaranteed in writing against subterranean termite infestation for a period of at least three (3) years.
3. The Applicant/Owner shall be responsible for determining the nature and conditions of the soil. Accordingly, any concrete slab or structural supports designed for said lot developed in consultation with a qualified geo-technical engineer, shall be the responsibility of the Owner/Applicant.
4. Water pipes. Water service connection shall not be less than a 1-inch diameter pipe tapped to a 3/4-inch meter. All water pipes and plumbing pipe, whether interior or exterior, shall be

concealed. Water pipes under concrete shall be copper. All other water pipes shall be copper or plastic.

5. Sanitary sewer piping should be concealed in an aesthetically pleasing manner that permits easy access in the event repairs are required. Material types should be as specified by the County of Maui.

G. Building Materials

1. All building materials shall be new (used building material is not permitted), installed in a neat and workmanlike manner and consistent with accepted architectural practices.
2. For purposes of architectural consistency, the following types of roofing materials have been specifically prohibited in this subdivision:

Monier tile, mineral roll roofing, elastomeric, pitch and gravel, and any other roofing material which has a finished surface that will produce glare or have reflective qualities, and sheet metal or corrugated metal roofing of any type.

H. Roof Designs

1. All roof pitches for this subdivision shall be no less than 4" in 12" nor greater than 7" in 12".
2. All eaves shall extend a minimum of 30-inches beyond building wall or post line. Variation may be considered on individual merit if consistent with overall architectural design.
3. Under certain conditions, partial flat roofs may be acceptable and will be considered on a case-to-case basis when planned as an integral part of the architectural design.
4. All fascia shall have minimum nominal dimensions of 6-inches (1x6).
5. Slopes of greater than 6" in 12" will be limited to the upper slopes of the roofs and shall not exceed 50% of the entire roof profile.

I. Garages

1. Each single-story dwelling unit shall have a double-car garage containing not less than 400 sq. ft. of parking under roof and an additional 60 square feet minimum of enclosed storage space.

Two story dwelling units shall have a three-car garage containing not less than 600 square feet of parking under the roof and an additional 60 feet of minimum of enclosed storage space.

2. All garages shall be enclosed and provided with garage door.
3. Garage roofs shall conform with the architectural roof form of the house.

J. Minimum Building Size

Three bed-room - 1,000 sq. ft. of living area (excluding garage area and lanais).

K. Minimum Estimated Cost

The minimum estimated cost of any dwelling unit (exclusive of the lot cost) shall not be less than \$78,000.

L. Exterior Colors

Exterior colors of all improvements shall be "earth tone colors" (colors approaching or similar to shades of rustic browns, beiges, grays, etc.) and shall be subject to approval by the Design Committee. Submittal of color chips is required.

M. Lot Drainage

The flow of surface or subsurface drainage onto, across or from each lot must not be obstructed. Such run-off shall be dispersed or channeled by surface swales or other facilities in such a manner as to prevent erosion and damage to the lot and adjacent properties. Applicant/Owner will be responsible for the actual design of these facilities and be liable for any claims for damages resulting therefrom.

N. Fills

1. All fills shall be retained by walls; however, fill may not be used to increase the original elevation of the lot specified in the subdivision plan.
2. When cut or fills are required due to the house design, the Applicant/Owner and his consultant will be responsible for all grades that are disturbed and for acquiring the services of a qualified geo-technical engineer as may be necessary or prudent.

O. Landscaping

Each lot shall be landscaped within 30 days after the completion of construction of the dwelling. Landscape plans shall be

submitted to the Design Committee for approval. Installation of landscaping on each lot shall commence immediately after construction of additions and improvements is completed.

P. Dust, Noise and Work Conditions

The Applicant/Owner shall be responsible for seeing that any work done on, over and in each lot by him or his contractors, sub-contractors, agents, and invitees, shall be performed in such manner so as not to interfere with the work of any other owner or builder in the area nor create a noise and/or dust nuisance (in this connection the lot shall be watered down, utilizing at least a 1-inch diameter hose immediately preceding and during all site preparation work). Further, the lot and the sidewalk, planting strip, and roadway fronting the lot will be kept in a reasonably neat, clean and safe condition at all times. Any laws, ordinances, statutes, rules or regulations imposing more restrictive requirements regarding the subject matter of this paragraph shall prevail.

Q. Construction in Accordance with Plans and Specifications

The Applicant/Owner, including his contractor, subcontractors and agents, shall construct all houses and improvements in strict compliance with the approved final construction drawings, plans and specifications.

R. Over-All Design

The design of each home and all improvements shall take into account aesthetic factors and be compatible with the residential character of the surrounding area.

S. Lot Boundaries

The Owner shall be responsible for the maintenance of the corner markers of his lot and for the proper location of all improvements and landscaping within the lot boundaries.

T. Structural Analysis

The Design Committee in reviewing building plans, will not undertake any structural analysis nor make any representations as to the sufficiency of the design or the proposed construction.

U. Expense of Enforcement

In case the Design Committee shall bring and sustain any action to enforce any of said restrictions, covenants, conditions and provisions contained in or established by these rules, the Design Committee shall be entitled to recover from the persons violating



said restrictions, covenants, conditions or provisions all costs and expenses including but not limited to, reasonable attorney fees, incurred in connection with such action.

March 24, 1993

KA ONO ULU ESTATES COMMUNITY ASSOCIATION  
DESIGN COMMITTEE RULES

ARCHITECTURAL AND BUILDING DESIGN REQUIREMENTS FOR THE  
REMODELING, IMPROVEMENT OR ADDITION  
TO EXISTING SINGLE-FAMILY HOMES

I. COMPLIANCE WITH BUILDING DESIGN REQUIREMENTS MANDATORY

These Rules are issued pursuant to Section 4.01(f) of the DECLARATION OF PROTECTIVE COVENANTS FOR KA ONO ULU ESTATES ("Covenants") and any Applicant or Owner remodeling, or constructing an addition to or otherwise improving an already existing home in the Ka Ono Ulu Estates Subdivision (the "Subdivision") shall comply with these requirements and those more specifically stated in the Covenants.

These Rules govern remodeling or constructing additions or improving existing single-family homes in the Subdivision in addition to the conditions, limitations and restrictions stated in the Covenants.

These Rules are intended as an easily read guide and may not include all of the requirements which may be applicable. Applicants/Owners should read and understand all of the requirements contained in the Covenants. The language of the Covenants shall prevail if there is any conflict between the language of these Rules and the Covenants.

The decision of the Design Committee shall be binding and final. All decisions of approval or disapproval shall be in writing. Approvals may be conditioned on further action by the Applicant/Owner. Disapprovals will include the reasons for such disapproval.

II. PROCEDURE FOR SUBMITTAL OF CONSTRUCTION PLANS, DRAWINGS AND SPECIFICATIONS

Construction drawings and plans shall be approved by the Design Committee before submittal to the County of Maui for the applicable permits and prior to commencement of any construction activity. The Design Committee reserves the right to request additional information/documentation not specifically identified herein.

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Applicants/owners must submit three (3) copies of all documentation required by these Rules. Applicants are encouraged to submit concise plans, drawings and specifications in order to ensure timely review.

Documentation must be submitted for approval by the Design Committee and shall contain, but is not limited to the following information:-

1. Plot plans - an aerial view (with a reference to true North) of the entire Lot and the existing house and other improvements must be provided. The proposed addition/improvement shall be overlaid over the existing house and improvements to reveal the over all affect of the proposed work on the existing house and improvements.
2. Floor Plans - Aerial views (with a reference to true North) of the existing and proposed floor plans indicating the overall affect of the proposed work.
3. Exterior View and Elevations of all sides of the addition or exterior improvements including a cross-section of the grading if the improvements include alteration of the lot grading.
4. Color Schedule - indicating the proposed exterior or interior color scheme. Submittal of color samples is required.
5. Material Schedule - identifying all materials to be used.
6. Lot Drainage/Grading - plans and drawings indicating the new lot drainage and grading is required. Applicants/owners or solely liable for any damage caused by their regrading and/or modification of the lot grading.

7. Landscaping plans (if applicable) showing landscape material, size and type of plants to be used. Applicants/Owners are encouraged but not required to utilize the services of a landscape architect or landscape contractor to ensure that appropriate plant materials are selected and arranged in an aesthetically pleasing manner.

### III. Other Design Requirements

The following specific conditions, limitations and restrictions shall be applicable to any improvement, alteration or repair undertaken upon any lot:

- A. No reflective finishes are allowed on exterior surfaces (other than glass and surfaces of hardware fixtures) and no glass surface shall be treated so as to render it mirror-like if such exterior surface is a nuisance to neighboring properties or hazardous to vehicular traffic.
- B. All roofs, other than flat roofs, shall be covered with asphalt shakes or of material of comparable quality and texture;
- C. Monier tile, mineral roll roofing, elastomeric, pitch and gravel, and any other roofing material which has a finished surface that will produce glare or have a reflective qualities, and sheet metal or corrugated metal roofing of any type are not permitted.
- D. No gas tanks will be permitted.
- E. All utilities servicing any lot shall be installed underground.
- F. No used or second-hand building material shall be used without prior approval of the Design Committee.
- G. Walls facing the street must be permanent. The design and material must be approved by the Design Committee.
- H. Rain gutters shall be of a matching type for the entire dwelling unit being served.

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- I. No accessory structures, such as playhouses, sheds, storage bins, dog kennels or other animal enclosures shall be permitted unless approved by the Design Committee.
- J. No aluminum, plastic or canvas awnings shall be erected except as approved by the Design Committee and only for a temporary period not to exceed seven (7) calendar days.
- K. No part of the exterior of any dwelling unit visible from neighboring property or streets shall be unpainted or refinished except in accordance with the original color or finish or except in colors or finishes approved by the Design Committee.

IV. Other Building Requirements

- A. Dust, Noise and Work Conditions - Applicant/Owner is responsible for insuring that all work performed is performed in such a manner so as not to create a nuisance (either private or public) or interfere with surrounding residents' use and enjoyment of their homes. At a minimum, the lot shall be watered down to prevent dust from blowing. Applicants/owners are solely liable for any damage caused by their construction activity.
- B. Construction in Accordance with approved Plans and specifications - the Applicant/owner shall construct all additions or improvements in strict compliance with the final construction drawings, plans and specifications approved by the Design Committee.
- C. No more than one residential unit shall be constructed on any Lot.
- D. The improvement, alteration or repair shall be compatible and in harmony with existing structures and other improvements in the area with respect to quality and type of materials, workmanship, external design and location of the improvement, alteration or repair on the Lot, taking into account topography and ground elevation.

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- E. The improvement alteration or repair shall conform to the general plan of the entire development of Ka Ono Ulu Estates and shall not, because of its design, unreasonably interfere with the light, air or view of adjoining Lots.
- F. There shall be no grading, excavation or fill undertaken upon any Lot so as to change the natural or existing drainage or flow patterns for surface or other water upon any Lot that would then impact on any adjacent lot.
- V. No warranties or representations. The approval of the Design Committee shall not be construed as expressed or implied warranties or representations of any kind.
- VI. Expense of Enforcement. In the event of non-compliance, an Applicant/Owner shall reimburse the Design committee for all costs and expenses, including, but not limited to, reasonable attorney's fees incurred in connection with enforcing these Rules or the Covenants against said Applicant/Owner.