

Terrazza/ Corte Bella/ Las Brisas/ Tiburon AOAO

91-1037 Kmailio St, Ewa Beach, HI 96706
Phone (808) 685-5500 Fax (808) 685-5545 email:tcltmanager@aol.com

Design Committee Rules & Regulations

Revised 1/1/2016

Tel: (808) 685-5500 • Fax: (808) 685-5545

CONTENTS

Introduction.....	3
I. The Design Committee.....	3
<i>Design Philosophy</i>	3
<i>Authority</i>	3
<i>Rule Development</i>	4
<i>Waiver of Approval</i>	4
<i>Other Codes, Laws, Rules and Ordinances</i>	4
II. Definitions.....	5
III. Design Committee Application Procedures	9
<i>Time Schedule</i>	11
<i>Terms of Design Committee Approvals</i>	11
<i>Construction that Differs from Original Plan</i>	12
<i>Building without Design Committee Approval</i>	12
<i>After the Fact Applications</i>	12
<i>General Approval Conditions</i>	13
<i>Right to Appeal</i>	13
IV. The Design Committee Rules and Guidelines.....	14
1. <i>Non-Exempt Items</i>	14
2. <i>Easement Alterations</i>	14
3. <i>Termite Treatment Required</i>	14
4. <i>Swale/Drainage Pattern/Grading</i>	14
5. <i>Excavation/Fill</i>	15
6. <i>Landscape</i>	15
7. <i>Trees & Bio-barrier</i>	15
8. <i>Walls, Fences and Gates</i>	15
9. <i>Additions, Enclosures, Concrete, Trellises, Remodeling, and Renovations</i>	16
10. <i>Painting – Exterior</i>	17
11. <i>Painting of Driveways & Walkways</i>	17
12. <i>Gable Vents, Solar Powered Roof Vents, Fireplaces, Weathervanes</i>	17
13. <i>Solar Units</i>	18
14. <i>Antennas and Satellite Dishes</i>	19
15. <i>House Decorations</i>	20
16. <i>Window Related Improvements, Outdoor Furniture and Accessories</i>	21
17. <i>Window Treatments</i>	21
18. <i>Window Tinting</i>	22
19. <i>Screen Doors and Security Screen Doors</i>	22
20. <i>Exterior Security Devices</i>	22

21. Canopies and Canvas Coverings	23
22. Tarps.....	23
23. Air Conditioning Units	23
24. Storage Sheds	24
25. Dog Kennels	24
26. Trellis and Accessory Structures	25
27. Clotheslines	25
28. Exterior Lighting	25
29. Gutters and Downspouts	26
30. Garage Doors.....	26
31. Flag Holders, Flagpoles and Flags	26
32. Signs	26
33. Basketball Equipment Standards (Portable).....	27
34. Recreational/Sports/Play/Exercise Equipment Structures on Private Residential Lots	28
35. House Numbers	28
36.	
V. Design Committee Application Fees	29
VI. Recommended Plant List.....	30
VII. Sample Forms and Illustrations.....	31
<i>Inert Material Rule & Illustration</i>	31

Introduction

TCLT, like all associations, have 'covenants' and rules for homeowners to follow. The moment you signed your deed, you agreed to uphold the Declaration of Covenants, Conditions and Restrictions referred to as 'the covenants', and these rules. You can also review these documents on our website or at the TCLT Site Office.

Association membership is automatic and mandatory when a homeowner signs his or her deed and the only way to avoid the covenants is to sell the home. The biggest difference in living within a planned community is that you need approval to make changes to the exterior of your home or your lot. When you own a home in a planned community, the staff will help you when applying for modifications to your home. The staff will also work with you to maintain compliance. Covenants enforcement is our greatest tool in maintaining property values and specific standards of a well-groomed community.

I. The Design Committee

The Design Committee's role is to protect the visual character of TCLT and, by inference, the most favorable economic interests of all property owners. They must be primarily concerned with the designs of the exterior of the residence including landscaping, and with any materials used, including window treatments, which are visible from the street and neighboring properties.

Authority

The Design Committee, like the Board of Directors, is a decision making body and has the authority to define the requirements of the covenants, add to and alter the rules, review applications for approval, and to approve or disapprove plans based on objective criteria. They must balance the needs of the community with the needs of the individual homeowners. The Committee always seeks fair, objective and equitable decisions. However, they will not be able to grant every request. Homeowners can best prepare their requests with several options should one or more of the options be denied by the Committee. This saves time for the Committee and the homeowner in that the Committee may guide the homeowner toward the best of the options submitted.

The Committee must avoid subjective decisions in that everyone's idea of 'pretty' or 'attractive' is relative to each person's tastes, background, origin, culture and preference. Thus, in order to enable the Committee to perform its duties objectively, the Committee has established requirements for walls, fences, window tinting and shades, lighting, concrete slabs, walkways,

and major improvements. Within this rulebook, you will find guidance on most topics that apply to restricted applications.

In performing its duties the Design Committee may, but shall not be required, to conduct a hearing or to consult personally with the persons or parties who submit proposals or plans for Design Committee approval.

Rule Development

The Design Committee, working with the Covenants Committee. The Design Committee rules are derived by TCLT AOA's DCCR's and Ewa By Gentry's design guidelines. The rules can not be amended without 75% approval of the homeowners to change the DCCR's.

A copy of each new rules and each amendment or repeal of an existing rule shall be filed in and shall be available for inspection at the office of the Association, and duplicate copies shall be delivered to each Owner upon his acquisition of a lot or unit in the Community Area. A copy of each new rule and each amendment or repeal of an existing rule shall likewise be given to each Owner. Design Committee Rules shall have the same force and effects as if they were set forth and were a part of the DCC&R's. The failure to deliver to any Owner a copy of a rule or an amendment or repeal shall not render such rule, amendment or repeal invalid.

For any improvements installed or constructed without approval, the prevailing version of the rules shall apply. Therefore, anything constructed when the rules allowed but later disallowed shall not be 'grand fathered', but shall be reviewed with the prevailing version of the rules, not those from the date of the original installation.

The covenants and rules are designed to protect, preserve and enhance property and its value at resale. Real estate prices are established by 'comparables' or, in other words, neighboring homes. The covenants and rules will not allow any one homeowner or tenant to have a negative effect upon any other homeowner's property value. Therefore, all homeowners, their families, visitors and tenants must abide by the standards set by the covenants and rules.

The Board of Directors is also bound by the covenants and must put the mechanisms in place to enforce the conditions and restrictions required by the covenants. The Board members strive to fulfill their duty in the most fair and amiable way possible. The Board approves the selection of the Design Committee members, but does not have the authority to override the Design Committee decisions. The Board, the Design Committee, and the Covenants Committee work together to establish or revise rules, restrictions, and covenants.

Waiver of Approval

The approval of the Design Committee of any plans and specifications for any work done or proposed or submitted in connection with any matter which requires the approval of the Design Committee, shall not constitute a waiver by the Design Committee of its right to withhold its approval of any similar plans and specifications or any other matter subsequently submitted for approval, whether or not by the same person or party.

Other Codes, Laws, Rules and Ordinances

Approval of plans does not modify or eliminate the owner's obligation to comply with all existing laws, ordinances, rules and regulations, and as may be amended, or hereafter made by any governmental authorities or with such terms and conditions required under the TCLT DCCR's, house rules, design review guidelines

, or any deed, easement, lease, or mortgage. In case of conflict, the more stringent requirement shall apply.

II. Definitions

Please refer to these definitions to clarify specific questions. Articles and Sections referenced can be found in the DCC&R's.

Architect – Shall mean a person registered to practice architecture in the State of Hawaii under the authority of Chapter 464 of the Hawaii Revised Statutes, as amended, or registered pursuant to the provisions of the state laws of the state of his domicile.

Association – Shall mean Terrazza/ Corte Bella/ Las Brisas/ Tiburon, a non-profit AOA.

Backyard - Shall mean any portion of the yard beyond the rear face of the house.

Board – Shall mean the Board of Directors of the Association.

Corner Lot - Shall mean any lot with two property lines adjacent to roadways.

Covenants Committee- shall mean the committee appointed by the Board of Directors to oversee and establish policies and procedures concerning the enforcement of the Master Association governing documents. The Covenants Committee may not override any decisions or appeals made by the Board or Design Committee.

Declaration of Covenants, Conditions & Restrictions (DCC&R's) - Shall mean the recorded document dated and any recorded subsequent amendments.

Design Committee – Shall mean the Committee created pursuant to “Improvement of Property.”

Design Committee Rules – Shall mean these rules adopted by the Design Committee pursuant to the DCCR's and Ewa by Gentry Design Guidelines including any revisions or alterations which are approved by majority of the home owners and the Board.

Drainage Pattern – The drainage pattern refers to the direction of the natural water/rain run-off.

Driveway – Paved area leading to garage. The driveway does not include the pedestrian sidewalk preceding the paved driveway.

Engineer – Shall mean a person registered to perform engineering services in the State of Hawaii under the authority of Chapter 464 of the Hawaii Revised Statutes, as amended, or registered pursuant to the provisions of the state laws of the state of his domicile.

Ewa by Gentry Community Living Rules – Shall mean the rules which may be adopted, amended or repealed from time to time pursuant to Section 5.06, “Ewa by Gentry Community Association Rules.” These rules can be referenced and used in conjunction with TCLT Design Committee rules as Gentry Homes developed TCLT as well as the governing rules in place for Ewa by Gentry Community as a whole.

Excavation – Shall mean any disturbance of the surface of the land (except temporarily for planting) which results in removal of earth or rock to a depth of more than eighteen (18) inches.

File – Shall mean, with respect to any document or map, to record such document or map in the Bureau of Conveyances of the State of Hawaii and/or to file the same in the Office of the assistant Registrar of the Land Court of State of Hawaii.

Fill – Shall mean any addition of rock or earth materials to the surface of the land (except temporarily for planting) which increases the previous elevation of such surface by more than eighteen (18) inches.

Front Face of House – Shall mean the side of the house facing the street.

Front Yard – Shall mean the area between the front face of the house and the front property line.

Grading – The work of ensuring a level base, or one with a specified slope, for construction work such as a slab, sidewalk, or driveway and garden improvements, or surface drainage.

Gravel – As defined for limited landscape purposes, shall be defined as all inert material including but not limited to: stones, pebbles, cinder, river rock, crushed rock, and coral.

Improvements – Shall include buildings & additions, outbuildings, driveways, parking areas, fences, covered lanais, trellises, stairs, decks, walkways and patio slabs, windbreaks, windows, doors, tinting, and any other structures of any type or kind.

Inert material – Shall mean any material that is non-living such as concrete, gravel, pavers, etc.

Landscape – Shall mean to adorn, improve, or arrange the grounds attractively by clearing and/or contouring the land and planting grass, ground cover, flowers, shrubs and/or trees.

Lot – Shall mean a parcel of land in the Community Area created by legal subdivision and designated on a duly filed subdivision map which contains an area of not more than 10,000 square feet and is intended to be improved by construction of a dwelling unit thereon.

Owner or Homeowner – Shall mean the person or persons, corporation or corporations, or other legal entities whose name(s) appear on the deed of any given lot as the legal owner(s) thereof.

Quorum – Percentage of committee members needed present to legally hold a meeting. If a meeting is held without a quorum, all decisions made during said meeting will be null and void.

Record – Shall mean, with respect to any document, to record such document in the Bureau of Conveyances of the State of Hawaii and/or to file such document in the office of the Assistant Registrar of the Land Court of the State of Hawaii or both.

Residential Area – Shall mean any real property classified as such pursuant to Article III, together with all improvements constructed thereon, which is developed to provide dwelling units for sale to Owner.

Retaining Wall - Shall mean any structure constructed for the purpose of containing or supporting

any embankment, fill, or other earthen form.

Road or Street – Shall mean any public road or street or any private paved vehicular way constructed within or upon any portion of the common areas, including any apron or other paved access from such public road or street or private vehicular way to sites within the Community Area.

Side Yard - Shall mean any portion of any yard, which lies between the front face and the rear face of the house.

Storage - Shall mean any item or items on any lot or unit lanai or yard not in immediate use, not designed for outdoor use, stacked for storage purposes, placed in cardboard boxes, plastic rubbish bags or other containers, and shall include gardening or cleaning equipment, building materials and equipment, automotive and boating tools, parts and accessories, coolers, barbeque grills, shoes, toys, rubbish or refuse of any kind which is visible to any street or adjacent property and prohibited by the DCC&R's.

Storage of Lumber - Shall mean the piling and/or stacking of any wood, timber or lumber which is cut, untreated and/or unsealed in any lot near any location wherein termites may reside. Any stored lumber with the above description must be stored solely within the garage of the house or off the property.

Stored "Out of Sight" – Shall mean that the items must not be visible from street or neighboring properties. *See definitions for "Visible from Street" and "Visible from neighboring property."*

Swale – Refers to the valley-like dip in your yard that allows water/rain to run off. Swales are typically identified on your plot plan by directional arrows.

Unit – Shall mean a complete and independent dwelling unit, whether standing alone or attached to another dwelling unit or part of a building containing multiple dwelling units, but only from and after such time as construction of the unit has been substantially completed and the unit is lawfully fit for occupancy; provided, however, that a dwelling unit created as part of a condominium shall be deemed a "Unit" for the purposes of this Declaration only from and after the time that the Declaration of Condominium Property Regime has been recorded and the dwelling unit has been completed and is lawfully fit for occupancy.

Visible from Neighboring Property – Shall mean, with respect to any given object or activity, that such object or activity is or would be in line of sight originating from any point six (6) feet above the lowest adjoining property, excluding contiguous property owned by the owner of the property involved, but including common areas and streets, highways, adjoining lots, any golf course or shopping center. Example: An alteration to the lanai of an owner's property is visible from neighboring property if it is visible to a person of average height standing at ground level on an adjoining Lot, the street, the golf course or shopping center.

Visible from Street – Shall mean, with respect to any given object or activity, that such object or activity is or would be visible from any point of a street or highway fronting the Lot or adjacent to the Lot.

Xeriscape – Shall refer to planned landscaping using water conservation techniques and designs, which provide beauty and function. It is a water conservation landscape design, which includes but is not limited to plants, turf grass, and hardscape (rocks or gravel).

III. **Design Committee Application Procedures**

Step 1 Review the Declaration of Covenants, Conditions & Restrictions and these guidelines to determine the specific restrictions for any changes you wish to make. Additional copies of the rules are available at the association's website. Your request must comply with the DCC&R's and the Design Committee Rules. Those that do not will be automatically denied.

Step 2 Prepare your application packet, including the following:

1. **One (1) completed Design Committee application** signed by the Owner or record or by an agent with a valid Power of Attorney.
2. **Two (2) plot plans** (copy which you obtained at closing) with your improvements clearly shown and highlighted (crisscross marks or color coding are very helpful). Plot plans usually say 1" = 10'. This is your scale for measuring. One inch on your ruler is ten feet on the plot plan. Call out all dimensions, they are critical, especially location of the improvement including the number of feet from any property line.
3. **Two (2) full copies of blueprints or architectural drawings** prepared by a professional, where applicable. If you use blueprints, be sure the architect or draftsman has clearly copied your plot plan onto the prints. If so, you do not have to submit a separate copy of your plot plan.
4. **Two (2) signed copies of the Neighbors Awareness Form.** if applicable.
5. **Two (2) samples** related to your proposal, if applicable; for example two samples of window tinting.
6. **Two (2) copies of any other appropriate material that clarifies your request.** For example: photographs, brochures, renderings, drawings for garage doors, screen doors, skylights, etc.
7. **A check or money order.** where applicable, for the application fee. Applications fee charges are listed on the application form.

Plans and drawing requirements

The plans must be either professionally prepared or drawn in such a manner as to be easily read and understood, detailing all pertinent information required for review and approval. Any plans that fall short of this requirement shall be disapproved and returned to the applicant for more details and clarification. The plans shall consist of the following, when appropriate:

- A. Plot Plan – It must be the CLOSING COPY and not the preliminary site/plot plan. It must show the accurate lot dimensions and easements. All proposals must state on the plan the distance in feet to any property line close to the proposed improvement.
- B. Floor Plan – When applicable, must accompany the proposal at a scale not less than 1/8" = 1'.
- C. Roof Plan – When applicable, must accompany the proposal at a scale not less than 1/8" =

1'.

- D. Elevations – All plans must show front, rear and side elevation views for any improvement requiring them, at a scale not less than $\frac{1}{4}" = 1'$.
- E. Cross Sections – Applications that show walls, fences, or other construction that require cross sections, must present them as required.
- F. Dimensions – Plans that lack actual and accurate dimensions will be returned for more details.
- G. Materials & Finishes – All plans must show what finish is being proposed (i.e. finish to match existing).
- H. All plans must be drawn to scale or include neat and accurate dimensions of the proposed project along with the distances between the proposed project and any/all existing structures, landmarks, property lines, fences, driveway, walkways, etc.

Note: Only **one copy or sample** will be returned to you. The second copy is filed with your request as a record of what was requested. If you need your samples to be returned, please work with the Covenants staff to arrange an acceptable alternative.

Step 3 Turn in the completed application, along with supporting documents, samples and fees to the TCLT office well in advance of the next Design Committee meeting.

A contractor or supplier may submit an application on behalf of a property owner, however, the property owner has the sole obligation to submit complete and accurate plans for work to be performed. Only with written permission from the property owner may a TCLT approval be released to a contractor or supplier.

Step 4 Upon receipt of your fully executed, signed, paid for application and all necessary drawings and documents, the Design Committee shall review your application within no more than 30 days for final plans and 45 days for preliminary plans. The Association staff will review your application and the supporting documents with you to confirm that the necessary documents and information has been provided. This is intended to assist you and should not be confused as a guarantee of Design Committee approval. The staff is not on the Committee and cannot approve on their behalf. Pre-review of your application by the staff takes place between 9 am and 5 pm from Monday through Friday. For other times, you must make an appointment in advance.

Step 7 The TCLT staff will process the documents and notify you **in writing** of the results of the meeting. No results may be given over the phone or picked up from the association office without written approval from the Design Committee.

Step 8 You receive your response and read it carefully. Your application will come with a response sheet that will tell you if your proposal was "Approved as submitted", "Approved with Modifications" or "Disapproved". An official approval will be included with the letter if your application is approved. Post the approval and the City and County permit (if applicable) together at the front of your home or in a place that can be easily seen. Your approval verifies that you have the TCLT approval to do construction. If y o u r

plan was “Approved with Modifications,” all comments, notes, or changes made on the plan by the committee automatically become part of your approval.

If the plans are not approved by the Design Committee, the applicant will be sent back one set of plans with appropriate comments specifying what is missing or in error so you can correct it before re-submitting. The plans must then be revised and re-submitted to the Design Committee for approval **before construction begins**. There is no additional charge to resubmit.

If a homeowner feels that the disapproved plans do meet the criteria set forth in this document, the homeowner may request an appeal and be scheduled to appear before the committee. Only owners of record may attend: any other attendees must be disclosed prior to the meeting and will be allowed at the discretion of the Design Committee. Homeowners must be on the agenda prior to the start of the meeting: The Design Committee cannot accommodate walk-ins.

CAUTION: The fact that an owner has scheduled or started work, arranged financing, entered into a contract for materials or labor, received approval from City and County agencies having jurisdiction over related permit approvals, or may suffer any alleged hardships, shall not be the basis for any modifications to the approval process required by the Design Committee under the provisions of the Master Declaration and these Rules and Regulations.

Time Schedule

Owners shall pursue work requested in a timely fashion to completion. Failure to complete construction, modifications, additions, improvements, or painting prior to the expiration date of approvals granted by the Design Committee will require the processing of a new TCLT Association Application for Design Committee approval and the submittal of all plans and specifications as appropriate for consideration by the Committee.

Once construction starts, all work must be completed within thirty (60) days unless a work schedule extension has been approved by the Design Committee or the Covenants Department.

Terms of Design Committee Approvals

The following are the terms of any approval released by the Design Committee:

1. All approvals will be mailed to the homeowner by order of the Design Committee. There will be no verbal results, either by phone or in person and no pick-ups allowed. All results will be given in writing and delivered by U.S. Postal Service.
2. Approvals will only be released to homeowners in good standing, with no open violations upon their lot(s), unless the approved change cures the violation. Members in arrears must bring their account(s) current and/or must bring their lot(s) into full compliance before the Association will release their approval. No exceptions shall be made unless approved by the Board or the Design Committee.
3. Construction may not begin unless the owner of the lot has physical custody of all required permits and approvals to include City & County of Honolulu Building Permit and the TCLT Design Committee Approval. Permits and approvals must be displayed on the lot

where they are easily viewed from the street. Any excavation or construction done without permits and approvals will be done at the owner's own risk and the owner will be responsible for any costs for removal or reconstruction.

4. Once an approval has been released for a specific modification plan, any deviation, changes or further modifications from the original plan will render the approval NULL and VOID and will be considered a violation. Any and all revisions and changes, to include materials availability, must be submitted for review and approval by the Design Committee prior to proceeding with the modification.

NOTES: The Design Committee shall not be bound by any previous decision when reconsidering plans and specifications which may come before the Committee as a result of an owner exceeding the time requirements for completion of any project.

Construction that Differs from Original Plan

Changes to the original approved plans must be approved by the Design Committee in writing.

Any homeowner who changes his/her plan without Design Committee approval renders their approval null and void, and all costs related to correction or removal of the unapproved changes will be solely at the owner's expense. The owner is subject to any resulting fines for the duration until the violation is altered or removed.

Building without Design Committee Approval

Homeowners are encouraged to develop their properties to their tastes within the limits set by the DCC&R's and these rules. Every homeowner is required to apply in advance for those improvements, which require prior approval. Any homeowner who proceeds with construction without approval may be ordered to cease construction and will be fully responsible for any and all costs to correct non-approved modifications.

After the Fact Applications

Any homeowner who elects to build upon or in any way alter the lot without prior approval is in violation and is fully responsible for all costs related to removal or alteration of the unapproved modification, or any other measures necessary to bring the lot into compliance.

If you have a Design Committee Rules violation on your lot and you voluntarily bring the violation to the Covenants Department, there will be no After-the-fact Penalty Fee.

If the violation is discovered by the Covenants Department, in addition to being subject to any and all applicable fees and fines, you will be required to pay the After-the-fact Penalty Fee before the Design Committee will review the plan. There is no guarantee of approval regardless of the fee charged and/or paid. Once you submit the application, the plan will be reviewed as if the improvement does not exist.

If the Design Committee denies an "after-the-fact" application, the homeowner will be fully responsible to remove and/or alter the improvement as required in writing by the Design Committee. A deadline will be issued and enforced. The homeowner may pursue an appeal (see the section "Right to Appeal" page 12) within the time allotted for appeals.

The method for “After-the-fact” application and submittal preparation is identical to ‘Design Committee Application Procedures’ outlined on page 8.

General Approval Conditions

The approval of your Design Request is subject to the following:

1. You must be a member in good standing with no delinquencies and no violations, unless the approval and construction will cure the violation on record.
2. You are responsible for complying with all applicable City & County codes, ordinances, and regulations. If one is required, a Building Permit must be obtained from the City & County prior to beginning any construction.
3. Unless otherwise noted by the Design Committee, all exterior materials, colors and details must match the existing structure. All materials used for structures shall be new, termite free, and fungus free. Materials shall not be overly ornate.
4. Construction materials shall not be stored so as to block or partially block common areas or public rights of way. Each owner shall be responsible for disposing of construction waste and debris and for keeping all areas surrounding the property free of waste and debris at all times during construction. No storage of construction materials and equipment shall be permitted in public areas when construction has been completed.
5. The improvement must not infringe upon the common elements or any public right of way.
6. You are fully responsible to retain your letter of approval and all enclosures as a personal record of the Design Committee’s review and approval in the event that proof of approval is required. If sample materials are returned to you bearing the Design Committee’s stamp(s), they are considered strictly part of the overall approval and in no way imply approval for any other person or purpose. Under no conditions are samples bearing the Design Committee stamp and approval to be given to any contractor for their use in sales presentations.
7. Your approval, once granted, certifies compliance with the Association’s Covenants, Conditions, Restrictions, and the Design Committee Rules, and does not refer to the structural integrity or safety aspects of the improvement.
8. Upon completion of work, the owner shall notify the Association office by phone or in writing to schedule a final inspection of the improvement. The Design Committee reserves the right of inspection upon completion.
9. No improvement shall alter or negatively impact the existing swale(s) and drainage pattern on the property unless approved by the Design Committee.
10. The owner must obtain their neighboring homeowners approval in writing for any work that affects the use of the maintenance easement or the shared fence between the homes.

Right to Appeal

If your request for modification is denied, you have the right to appeal to the Design Committee. **You must submit your request for an appeal *in writing* within thirty (30) days of the**

disapproval. It is required that you provide documentation to support your appeal. All Homeowners are expected to fully comply with the covenants, and to maintain compliance no matter what is decided in the appeal. Any deadlines issued will be upheld unless specifically stated in writing from the Association.

If the Design Committee denies your appeal, you have the right to appeal to the Board in writing within ten (10) days of the Design Committee denial.

IV. The Design Committee Rules and Guidelines

1. Non-Exempt Items

Any item not specifically identified as exempt from Design Committee approval must be applied for according to the application rules and submitted to the Design Committee as required.

2. Termite Treatment Required

Soil under all new concrete slabs on grade, building floors, footings, masonry foundations, walls, patio slabs, sidewalks and driveway extensions shall be treated against subterranean termites prior to pouring of cement. A copy of the termite treatment order must be provided with the design request, or treatment certificate (receipt will suffice) must be provided following approval and installation of the concrete. No homeowner may cause any other homeowner's termite warranty to be voided by adding or doing anything to the five (5) foot easement against the recommendations and/or requirements of the termite coverage provider. Every neighboring homeowner must check with the neighbor regarding their warranty before doing anything that may affect the termite warranty within the easement. Failure to do so may bring unwanted and costly liability exposure to the offending homeowner.

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

3. Swale/Drainage Pattern/Grading

- Surface drainage shall not be altered or obstructed.
- Any drainage swale altered during a modification or alteration on the lot shall be reconstructed so as to be functional.
- Surface runoff shall be dispersed or channeled in a manner so as to prevent erosion or encroachment onto adjacent property, and only in accordance with approved grading plans.
- No new construction will be allowed that does not clearly establish a proper drainage flow of water/rain run-off.
- No after-the-fact improvement shall be approved until all swale and drainage pattern conditions have been re-established.

An 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. After the lot is accepted, all grading, excavation, fill and site work required shall be done only in accordance with approved drawings submitted to and approved by the TCLT Design Committee prior to any site work and shall be completed 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.

4. Excavation/Fill

Whenever the Owner seeks to excavate or fill the lot, the Owner shall ensure it does not adversely affect any adjacent properties. It shall be the Owner's responsibility to restore such swales and drainage patterns or to otherwise provide for adequate drainage.

5. Landscape

Landscaping by definition refers to living material. The design intent for the TCLT Community is for homeowners to create and maintain a planted landscape theme, with wide use of xeriscape design and appropriate plants to minimize water consumption and maintenance labor.

The Owner shall landscape the front, back yard within the fenced area. The use of non-living or inert materials is acceptable if 50% of the yard is planted. Inert material may not exceed 50% of the entire plantable yard, including front, side, and rear yards and it may not be concentrated in one area; it must be evenly distributed throughout the entire lot (see Inert Material Rule & Illustration p. 41-42). Under limited circumstances, the Design Committee may approve the use of inert material that exceeds 50% of the plantable yard if the inert material is porous and does not affect or impact the water/rain runoff and drainage patterns on the property. Concrete, gravel, wood chips or pavers are considered 'accents' to a landscape and not a landscape in themselves.

- No buckets, pails, cans, or other containers may be used for planting pots. No more than ten (10) neat and attractive planting pots may be used where visible to the street or neighboring property. Pots must be all in one color.

6. Trees & Bio-barrier

Homeowners are to apply for any type of tree that is to be placed on the lot, that is not on the recommended list. Homeowners are discouraged from planting aggressive rooted trees or trees that attract pests such as bees and termites (see "*Recommended Plant List*").

The installation of root barrier or bio-barrier may be required to control the growth of the roots and prevent them from damaging fences, foundations and neighboring property.

The canopy of the trees must be regularly trimmed and maintained in a manner so as to ensure that no part encroaches onto any neighboring property at any time.

Please refer to the City and County of Honolulu website at www.honolulu.gov for rules regarding trees in planter strip and easements.

7. Walls, Fences and Gates

Approval is required for all fence, wall and gate construction or for changes to existing materials or finishes.

(9.) Materials:

- a. Chain link fencing is not an acceptable material and shall not be approved.
- b. All gates must inherently match the fencing in design, color and materials. Overly ornate fences and gates will not be allowed. All gates require Design Committee approval and are not automatically approved with a fence approval. If a gate is not included in the original request, it must be submitted for and approved prior to installation. A photo or accurate sketch of the proposed gate must accompany all gate applications.

(10.) **Design** – The Design Committee will grant approval to wall and fence designs that blend in with the overall community sense of simplicity. Simple fences with flat tops are preferred. Overly ornate walls, fences and gates are discouraged. The Design Committee will not approve baluster walls or overly ornate wrought iron fences and gates.

8. Additions, Enclosures, Concrete, Trellises, Remodeling, and Renovations

- A. All plans for additions, enclosures, patios, trellises, remodeling and renovations must be submitted to the Design Committee for approval
 - 1) All additions and enclosures must utilize similar or same materials as existing (i.e. Siding, trim, windows, doors, roofing, etc.) All details, trim and colors shall be in appropriate scale and tone to the existing dwelling. Exterior siding, window design and door details shall match the original or existing structure. The height of all openings for windows and doorframes shall match those of the existing structure.
 - 2) All improvements must be consistent with the architectural concept of the existing dwelling in style and roof slopes. No roof shall exceed thirty (30) inches of overhang on any neighboring property. No drastic differences will be approved.
 - 3) Extending structure walls along the use-easement side of a residence must ensure the existing privacy of the adjoining lot, especially pertaining to windows.
 - 4) All extensions, additions, and patios will be subject to all City and County Building Codes and setbacks. Homeowners are responsible for obtaining their own City and County Permit.
 - 5) Additions/ enclosures must not change the outward appearance of the structure. A 60 sf deck may be built on top of an addition/lanai enclosure.

When reviewing a plan for a concrete lanai slab, the Design Committee shall consider the potential future covering or enclosing of said lanai slab to determine if such addition can be made without compromising the exterior appearance of the dwelling.

- 6) New roofs must conform in design and materials to the existing structures.
 - a. Metal, plastic corrugated roofing material or standing seam roofing may not be used.

1. All concrete must be installed by industry standards with a minimum thickness of four (4) inches and adequate reinforcement.
2. Concrete additions are subject to the 50% inert material rule and will require an area tabulation (see appendix for an example) to prove compliance.
3. Standard setback from all property lines is two (2) feet for the purpose of maintaining the surrounding fence. It shall also serve to provide access for repairs and to ensure that some green space is established, and to provide for drainage.
4. If the concrete interrupts the drainage pattern, the plan must address the re-routing of the drainage and it must be approved by a licensed engineer.
5. Wall to wall concrete is not permitted. Any time concrete is designed to meet a proposed or existing wall, a two-foot planter strip must be provided for landscaping to soften the concrete.

10. Painting – Exterior

- A. Homeowners shall pick from the approved color schemes for their respective subdivision. Contact the TCLT office. Homes previously approved and painted with different or custom colors must repaint, when re-painting becomes necessary, with approved schemes as stated above.
- B. No splattering, sponging or any other decorative paint application will be considered for any garage door, front door, trim or any part of any house.
- C. All garage doors shall be painted based on the predetermined color scheme selection.
- D. Homeowners must complete a “**Pre-approved Paint Form**” available at the TCLT Office and must receive a signed confirmation from the Staff prior to repainting. Painting without filing the proper paperwork and using colors other than the pre-approved colors will result in a covenants violation and will be subject to fines and other penalties. Such penalties may include repainting with a pre-approved color.

11. Painting of Driveways & Walkways

Any homeowner wishing to resurface the driveway must apply to the Design Committee for approval. Any application of a new surface or paint must be of a color, which matches the natural color of concrete, and/or clear coat and must be maintained in perpetuity from fading and normal wear and tear.

12. Gable Vents. Solar Powered Roof Vents.

The Owner shall attempt to minimize the adverse appearance of vents by installing them below the ridgeline of the roof and in those portions of the roof or side of house not facing the adjoining street.

- A. Gable Vents: All replacement gable vents shall match the original design or as close to the original design as possible and shall be painted in accordance with the predetermined color scheme selection.
- B. Solar Powered Roof Vents: All turbo vents or similar roof vents shall be installed below the

ridgeline of the roof and in portions of the roof not facing the streets, and shall have no reflective materials.

C. Weathervanes: Weathervanes will not be approved under any conditions.

D. Roof Mounted Power Attic Ventilator Fans: The size and spacing required for roof mounted power attic ventilators shall be determined by the size of the roof and located in a linear manner along the roof with edges parallel to the edges of the roof on which they are located. The roof mounted power attic ventilators shall be as inconspicuous on a roof as possible.

13. Solar Units

All solar panels must be flush mount, no closer than two (2) inches to the roof and no higher than six (6) inches from the roof. Racking of any panels higher than six (6) inches is prohibited.

- A. All systems shall be positioned on the roof so that no portion of the solar unit extends above the ridgeline of the roof, including piping, conduit and wiring.
- B. The amount of visible piping, conduit, and wiring shall be minimized to reduce the possibility of the roof having a cluttered appearance. All visible piping, conduit and wiring must be painted to match the surface to which it is attached.
- C. Thermo syphon systems (systems having the water storage tank as an integral part of the unit) shall be positioned on the roof in an area of least visibility from the street. Homeowner must be sure that contractor/installer verifies with an engineer that the roof is structurally capable of supporting the water tank when full. The tank must be painted to match the color of the roof.
- D. All other tanks shall be placed within the residence interior walls.
- E. Hot water runoff caused by venting from the system's relief valve shall be prevented by the installation of a drain line, if necessary.
- F. All solar units installed by the developer must adhere to these rules.

14. Antennas and Satellite Dishes

The above provisions of the governing documents of TCLT restrict installation of antennas. These restrictions shall continue to apply to all installations of antennas except to the extent modified by the FCC OTARDR Rule, Telecommunications Act of 1996. Any broadcast antennas (e.g., ham radio antennas) shall continue to be subject to the existing restrictions in the governing documents and existing rules.

- A. A mast, antenna or satellite dish may only be installed on properties within the exclusive use or control of the user where the user has a direct or indirect ownership interest in the property. Installation in other areas is not permitted.
- B. Antenna or mast shall not encroach upon the airspace of common areas or another Owner's airspace. Dish must not be installed higher than the highest peak of the unit.

Antenna Installation Affected by the FCC Rule

These guidelines for the installation of antennas and satellite dishes are adopted by the Design Committee of TCLT in conformance with the rules 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, multipoint distribution system ("wireless cable") antennas and over-the-air broadcast antennas. Design acceptance is required for the following types of antenna and satellite dishes:

- A. Antennas designed to receive direct broadcast satellite service, including direct-to-home satellite services, one meter or less in diameter, or 39.37", or the maximum measurement allowed by the FCC.
- B. Antennas designed to receive video programming services via multi-point distribution services, including multi-channel 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
- C. Antennas designed to receive over-the-air television broadcast signals.

Restrictions on Antenna installation Affected by the FCC Rule:

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

- A. An Owner proposing to install an antenna shall submit the TCLT Design Review Application to the TCLT Design Committee prior to installation. The notice shall include:
 - (1.) The type of antenna to be installed.
 - (2.) The date of the intended installation.
 - (3.) The location of the intended installation.
 - (4.) If the antenna or satellite dish will be mounted on a mast (pole), then Design Committee approval is required.
 - (5.) A written documentation from the service provider detailing the reason if a homeowner is requesting for more than a total of two (2) dishes to be installed on their lot at any given time.
 - (6.) Any permits or licenses required by city, state, or federal law.
 - (7.) Provide two copies of the property plot plan showing the location of the mast and how it is anchored.
- B. Structures larger than thirty (30) inches may not be placed within the five (5) foot setback area from the property line.

Conditions of Location: 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:

- A. Antennas and masts shall be placed in the least visually obtrusive location, which would not preclude reception of an acceptable quality signal.
- B. Antennas placed on the ground and visible from the street, neighboring properties or public rights of way shall be camouflaged by existing landscaping or fencing, if such placement insures receipt of an acceptable quality signal

- C. 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
- D. The antennas and masts shall be painted to blend with the surrounding background surfaces to the extent that this shall not preclude reception of an acceptable quality signal. No bare metal or reflective materials shall be visible.

Maintenance and Repair of Antenna: An Owner shall not permit antennas or masts to fall into disrepair or to become safety hazards. The Owner shall be responsible for maintenance and repair of antennas and masts and shall be responsible for repair or replacement if the exterior surface of the antenna or mast deteriorates.

Safety and Compliance with Government Regulations

- A. 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.
- B. The FCC has recognized that masts higher than twelve (12) feet may present safety concerns. 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. Any application for these masts shall 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.
- C. If the installation shall 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 are required to withstand winds of eighty (80) miles per hour.
- D. 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 masts be placed where they may come into contact with such power lines and circuits.

Association Right to Adopt Restrictions: 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.

15. House Decorations

- A. Decorations for holidays or special occasions are exempt and need no approval, provided they are not constructed or applied sooner than fifteen (15) days before the Event and are removed within fifteen (15) days after the event,

- B. All other decorations that are visible from the street or neighboring property require Design Committee approval.

16. Window Related Improvements, Outdoor Furniture and Accessories

All window shutters, window guards, window replacements, benches, outdoor furniture, decorative trim work and other such accessories that are visible from the street or neighboring property must be submitted to the Design Committee for approval.

Reflective finishes may not be used on exterior surfaces (other than the surfaces of hardware fixtures) where such exterior surface is visible from the street or a neighboring property.

All improvements shall be maintained in a good and clean condition and repair, and in such manner as to not create a fire, safety, or health hazard to Ewa by Gentry or any part thereof, at the Owner's sole cost and expense.

Drop/Retractable Blinds and Stationary or Retractable Awnings

- A. Blinds and awnings shall be mounted under the roof eaves or attached to the exterior of the main dwelling.
- B. Colors shall match or complement the existing color scheme of dwelling(s).
- C. Blinds and awnings shall be rolled and/or adequately tied down during periods of high winds to avoid slapping, banging or causing annoyance to adjacent residents.
- D. Blinds, awnings and shutters shall be neat, clean, and in good repair at all times.
- E. Blinds and awnings for multi-family developments shall be of a single standard design, and approved by the development's Board of Directors prior to obtaining TCLT Design Committee Approval.

Rolling Shutters over Windows

Rolling shutters shall be used only for weather-related conditions, such as hurricanes, and are not intended for 'daily use', such as for security, privacy, or shading purposes.

- A. Rolling shutters shall be mounted over windows on the exterior of the dwelling. The dimensions of the shutters shall cover the exterior window area.
- B. Owners must submit samples of colors that will complement the existing color scheme of the dwelling.

17. Window Treatments

BUILDING MODIFICATIONS section IV of the house rules states the following:

1. Draperies, blinds or shutters visible from the exterior of any unit must have a neutral color or backing (white, off-white, tan, or beige).

All draperies, blinds, curtains and other shading devices visible from the street or neighboring property are subject to the above cited article.

It is each homeowner's responsibility to maintain any acceptable treatment in good condition. Any treatments that exhibit tears, rips, heavy discoloration or are otherwise deemed unkempt in appearance must be removed or replaced.

Windows may not be removed and left “glassless” in any house or garage door for any reason. All missing window material must be replaced immediately. Window screens must be free from tears or defects. Screens must be in all windows that are equipped to have screens.

18. Window Tinting

All window tinting or overlay, unless specifically listed as “Pre-approved” must be approved by the Design Committee before installation. Please check with the office for the TCLT preapproved tints.

For tints that are not on the pre-approved list, a sample, design of overlay and informational brochure on the specific tint must accompany the signed application. Only gray and non-reflective tints will be approved.

If window tinting is used, all windows on a face of the house must be identically tinted.

19. Screen Doors and Security Screen Doors

- A. Screen Doors may be installed with Design Committee approval provided they are simple in design and of a color that complements the existing, approved trim color. Any designs which incorporate scroll work, spires, sunburst, filigree or decorative elements require Design Committee approval. Homeowners must provide the committee a photo of their current door and a brochure of the proposed door.
- B. Security Screen Doors are typically installed in place of standard front screen doors and sliding screen doors. Simple designs may be installed with Design Committee approval. Any designs which incorporate scroll work, spires, sunburst, filigree or decorative elements also require Design Committee approval.
 - 1. The dimensions of the security screen door shall cover the threshold of the doorframe.
 - 2. The colors of exterior surfaces visible from the street or neighboring properties shall complement the existing, approved trim color
 - 3. Reflective finishes may not be used on exterior surfaces, other than the surfaces of hardware fixtures.
- C. Screen doors and security screen doors shall be maintained in a good and clean condition and repair, and in such manner as to not create a fire, safety, or health hazard to TCLT or any part thereof, all at the Owner’s sole cost and expense.

20. Exterior Security Devices

All exterior security devices require Design Committee approval.

- A. Mounting of Security Devices: Exterior security devices shall be mounted under the roof eaves. If the device is mounted on the gable end of the house (for gable roofs), it shall be mounted within twelve (12) inches of the roof peak. At all times, the security device shall not be directed into neighboring properties. Any fixture that generates a complaint from a neighboring property (and is verified by the Association) shall be redirected, relocated, or removed upon notification by TCLT.

- B. Audible Devices: Any audible security device or alarm system shall comply with TCLT Units of Gernerally (5) Noise, which states that “all residents shall avoid excessive or disturbing noise of any kind at any time ...”

21. Canopies and Canvas Coverings

Fabric canopies, canvas gazebos and associated framing materials erected as a permanent shade structure are not approved at TCLT. Retractable awnings are permitted with a Design Review Application. Retractable awnings must be retracted when not in use. Patio umbrellas must be closed when not in use as well.

- A. Colors shall match or complement the existing color scheme of dwelling(s).
- B. Canopies and canvas coverings shall be neat, clean, and in good repair at all times.

22. Tarps

All tarps, if visible from the street or adjacent property, are strictly prohibited in the community.

“Pop up tents” may be used for a specific purpose and must be taken down within 2 days after it is put up.

23. Air Conditioning Units

Installations of all air conditioning units require Design Committee approval and must adhere to the following guidelines:

- A. All visible air conditioner units must be properly maintained. If a unit appears rusty, damaged, bent, etc., it must be screened from view by applying an approved screen to conceal the unit from view of the street or adjacent property.
- B. All window unit air conditioners must be adequately framed and secured to prevent dislodging during high winds. All framing must be painted to match the color of the window frame. No bare metal or conspicuous filter elements or framing elements may be exposed.
- C. All air conditioning electrical conduit, wiring, mechanical piping and condensation drain lines must be concealed from view or encased with molding and painted to match the surface to which it is attached.
- D. The Owner is responsible for insuring quiet operation of all installed air conditioning units. If the Covenants Department determines that an air conditioning unit is being operated at an excessive noise level that may be a disturbance to adjacent neighbors, the Owner may be required to remove or modify the unit to reduce the noise level.
- E. Split system compressors must not be visible from the street or neighboring properties. If concrete is needed for an A/C pad, the concrete must be applied for in the Design Committee Application.
- F. Air conditioner units must be replaced with similar units. If a home has central air, it must be replaced with that type and not change the appearance of the unit by using a “window style” unit for replacement.

24. Storage Sheds

Design Committee approval is required for the construction or installation of all shed structures. Plans shall include a plot plan showing the location of the structure, dimensions, and distances from the rear and side property lines. Elevation drawings including details and dimensions are required. Freestanding storage sheds must adhere to proper building setbacks from property lines.

Sheds are allowed subject to the following conditions:

- A. Sheds may not be visible from the street without written approval from the Design Committee.
- B. Sheds must be secured to a concrete slab or anchored so as to prevent dislodging in high wind conditions.
- C. Manufacturer's brochure, literature or photographs shall accompany requests for prefabricated storage sheds.
- D. The color of the shed must match or complement the color of the dwelling, adhering to approved community colors.
- E. No shed may be placed next to or against a neighbor's home.
- F. Homeowners are required to obtain City and County permits as required by ordinance.

25. Dog Kennels

Homeowners may apply for approval of one (1) dog kennel and must adhere to the following conditions:

- A. No portion of the kennel may be visible from the street or neighboring property.
- B. Kennels must adhere to all setback requirements. Any drainage proposed for the kennel must be approved by the City & County prior to commencing construction. A copy of the City approval must be submitted to the Design Committee prior to construction. Drawings must include setback, drainage and height details.
- C. All kennel approvals include the requirement that the homeowner consistently maintain them so that they do not become a nuisance due to smell to any surrounding neighbor. Failure to do so may result in revocation of the approval and the requirement that the kennel be removed.
- D. Roofing materials or covers for dog kennels must be approved by the Design Committee. Colors shall match or complement the existing color scheme of the dwelling(s). Canopies and canvas coverings shall be neat, clean and in good repair at all times.

26. Trellis and Accessory Structures

Design Committee approval is required for the construction or installation of any of the following structures. Applications shall include a plot plan showing the location of the structure, dimensions, and distances from the rear and side property lines, as well as elevation drawings including details and dimensions.

- A. Trellises: Materials must match the overall design of the existing dwelling and surrounding neighborhood and must be painted to match or complement the existing dwelling.

27. Clotheslines

No clothesline shall be permitted except that which is located within a fenced yard and not visible from the street or neighboring properties. Clotheslines shall be installed at ground level below the fence line.

28. Exterior Lighting

Approval is required for the installation of exterior lighting. Standards for the installation of any exterior lighting shall include:

- A. Exterior light fixtures shall be mounted under the roof eaves unless otherwise approved by the Design Committee.
- B. The fixtures must be non-reflective, painted to match the exterior color of the dwelling and of a design to complement the house.
- C. Owner shall be required to conceal all wiring, the fixture and light source through the use of an approved cover. If a fixture is mounted on the gable end of the house (for gable roofs), it shall be mounted within twelve (12) inches parallel to the roof slope.
- D. Light illuminating from an outdoor light fixture shall not be directed into an adjoining property or street. Any fixture that generates a complaint from neighboring property (and verified by the Association) shall be redirected, relocated, removed or concealed upon demand by Ewa by Gentry Community Association.
- E. Fluorescent Lighting – these fixtures must have an apron around the outside of the light which matches the surface to which it is attached, must block the light/glare to neighboring properties, and must restrict the light source to the property of the applying homeowner. All related wiring must be furred or hidden from view and colors must match the house or trim.
- F. Garden Lights – Low voltage, low-to-the-ground lighting may be installed for landscaping/garden accents.
- G. Security Lights – Any security light, including motion-sensitive lighting, must be of residential grade (not industrial or commercial) and must match the color of the house or trim.

29. Gutters and Downspouts

Gutters and downspouts will be approved if they conform to the drainage patterns shown on the original

plot plan or with altered drainage plans approved by the Design Committee. All plans altering the original drainage submitted to the Committee for approval must be stamped by a licensed engineer. Gutters and downspouts must be non-reflective and must be painted to match the surface that it is attached to or the trim of the house provided that the color scheme of the home is approved by the Design Committee.

30. Garage Doors

All new doors, whether they match the existing door or not, require approval before installation. All doors must be white in color or must complement the existing color scheme of the dwelling and must be simple in design. When submitting an application, be sure to include a brochure of the door including the window and door designs.

Garage doors are not to be permanently removed and there must be a door.

31. Flag Holders, Flagpoles and Flags

All flags shall be displayed on appropriate poles or holders. Only flags made of woven material and of dimensions not to exceed 4' X 6' are allowed. Flags shall not be illuminated with exterior lighting.

A single, removable American Flag flown on a holder mounted to the residence or support pillar shall not require Design Committee approval. The top of the flag shall not extend above the ridge of the roof.

- A. The flagpole and all flags shall be erected and flown in accordance with all City, State and Federal regulations. For information on Federal guidelines refer to www.senate.gov/reference/resources/pdf/RL30243.pdf.

32. Signs

TCLT's policy is a no signs whatsoever, including without limitation, commercial, political or similar signs, visible from neighboring property shall be erected or maintained upon any lot except:

- A. *such signs as may be required by legal proceedings;*
- B. *residential identification signs of a combined total face area of two (2) square feet or less;*
- C. *during the time of construction of any residence or other improvement, job identification signs having a maximum face area of six (6) square feet per sign and of the type usually employed by contractors, subcontractors and tradesmen; and*
- D. *not more than one "For Sale" or "For Rent" sign having a maximum face area of three (3) square feet, such sign to refer only to the lot on which it is situated.*

A sign, which says "Beware of Dog", "No Trespassing", or signs warning of hazards on the premises or signs which are a part of a security system etc., would not be a violation of the DCC&R's so long as they meet the following:

- A. Signs must be no larger than twelve (12) by twelve (12) inches.

B. More than one (1) sign may be posted on each side of a property provided such signs are necessary to insure visibility to persons coming onto the property and provided such signs are not readily visible from the site of the other.

C. Signs must be posted no higher than eye level (5-6 feet from the ground).

All City ordinances shall be adhered to. As an example: garage sale, moving sale, lost animal signs are prohibited in the city streets and common areas of the community. At no time will political signs be posted in private property or on any common area within the community, including posting bumper stickers on any portion of a house, fence, wall, mailbox, window, trash bin or any other surface visible to the street or neighboring properties.

“No Solicitation” signage will be allowed without Design Committee approval as long as it meets the following criteria:

- A. Signage must be limited to one (1) sign no bigger than 8” x 2” commercially made plaque. Vinyl decals are not allowed.
- B. Sign may be attached to the dwelling closest to the garage door.
- C. Sign may not be attached to perimeter or shared fencing.
- D. Sign must be simple in design, neat and consist of no more than two (2) colors (e.g. red and white, black and silver).

Security/Alarm System Decals: Small window decal alarm warning signs, provided by the alarm company may be posted without prior approval provided they meet the following criteria:

- A. Rectangular window decals shall be no larger than two and a half inches by five and a half inches (2-½” by 5-½”).
- B. Window decals that are hexagon or round in configuration shall have no more than a total of thirteen and three quarter’s square inches (13-¾ sq. in.) of surface area.
- C. Decals shall be placed in the corner of the window.

33. Basketball Equipment Standards (Permanent and Portable)

The City & County prohibits basketball hoops on sidewalks, planter strips or public streets. Therefore, all basketball hoops and any other toy(s) must be wholly stored and maintained on the Owner’s lot.

Self-supporting equipment may be permitted in the front driveway area, provided the backboard is flush to the house and confined entirely within the Owner’s property. The front of the backboard shall face either the street or neighbor’s property because of possible damage to adjacent property and the nuisance that overthrown balls may cause to neighbors. Basketball equipment shall not be permitted in small backyards or anywhere in close proximity to adjacent homes. The Design Committee will consider the following guidelines when reviewing applications:

A. Portable

1. Basketball backboards and hoops must be properly installed on self-supporting structures.
2. All portable basketball units must be stored wholly on the homeowner's lot and may not protrude onto any sidewalk, common driveway, or street area when not in active use.

34. Recreational/Sports/Play/Exercise Equipment Structures on Private Residential Lots

Complaints: Should the use of any recreational equipment generate a complaint from neighboring lot Owners or occupants related to noise, increased activity or similar matters, which adversely affect the right of others to use and enjoy their lots, the Owner of the equipment shall immediately cease further use of the equipment on the lot.

Storage: When not in active use, self-supporting sports equipment, other than basketball hoops, shall be stored in an enclosed garage or other location not visible from the street after use so as not to be visible from the street or neighboring property.

35. House Numbers

All residences shall have easily readable house numbers affixed to the dwelling as originally installed by the developer. These fixtures and bulbs are maintained by the association.

Design Committee Application Fees

For those improvements that require approval, the following fee schedule applies unless otherwise noted. Any items that do not require a fee still require Design Committee review and approval. More than one item may be applied for if within a reasonable number. Multiple complicated requests on one application will not be allowed. Note: The fees only offset the cost of review by Architectural Consultants and other related costs for meetings, supplies, etc. Fees may change from time to time at the discretion of the Design Committee with Board approval.

No Fee: Painting of the exterior of the home
 (unless changing color schemes)
 Garage door changes

Gutters and down spouts
Screen doors and/or windows
Window tinting
Cable TV antennas and satellite
dishes
Accessories (i.e. shutters, security devices, landscape accents)
Air conditioning systems, window units or split system
Solar systems
Security Systems (Exterior Lights)
Any other exterior lighting including motion sensor

\$25.00 Fee:

Building modifications
All other requests that don't fall into the above categories

V. Recommended Plant List

Common Name

Botanical Name

SMALL CANOPY TREES (Non aggressive root structures)

Allspice	Pimenta Dioica
Coral Tree	Erythrina Crista-Galli
False Olive	Elaeodendron Orientale
Harpullia	Harpulia Pendula
Hawaiian Kou	Cordia Subcordata
Hong Kong Orchid	Bauhinia Blakeana
Jaboticaba	Eugenia Cauliflora
Kalamona	Cassia Glauca
Lignum Vitae	Guaiaacum Officinale
Pink Tecoma	Tabebuia Pentaphylla
Plumeria Varieties	Plumeria Sp.
Podocarpus	Podocarpus Sp.
Puakeniken	Fagraea Berteriana
Silver Trumpet	Tabebuia Argentea
Strawberry Guava	Psidium Cattleianum

FRUIT TREES

Avocado	Persea Americana
Citrus Sp. Papaya	Citrus
Pomegranate	Carica Papaya
	Punica Granatum

PALMS

Areca Palm	Chrysalidocarpus Lutescens
Bottle Palm	Mascarena Lagenicaulis
Coconut Palm	Cocos Nucifera
Fiji Fan Palm	Pritchardia Pacifica
Fishtail Palm	Caryota Mitis
Kentia Palm	Howeia Forsteriana
Licuala Palm	Licuala IGrandis
MacArthur Palm	Ptychosperma Macarthurii
Manila Palm	Veitchia Merrillii
Rhapis Palm	Rhapis Excelsa
Royal Palm	Roystonea Regia

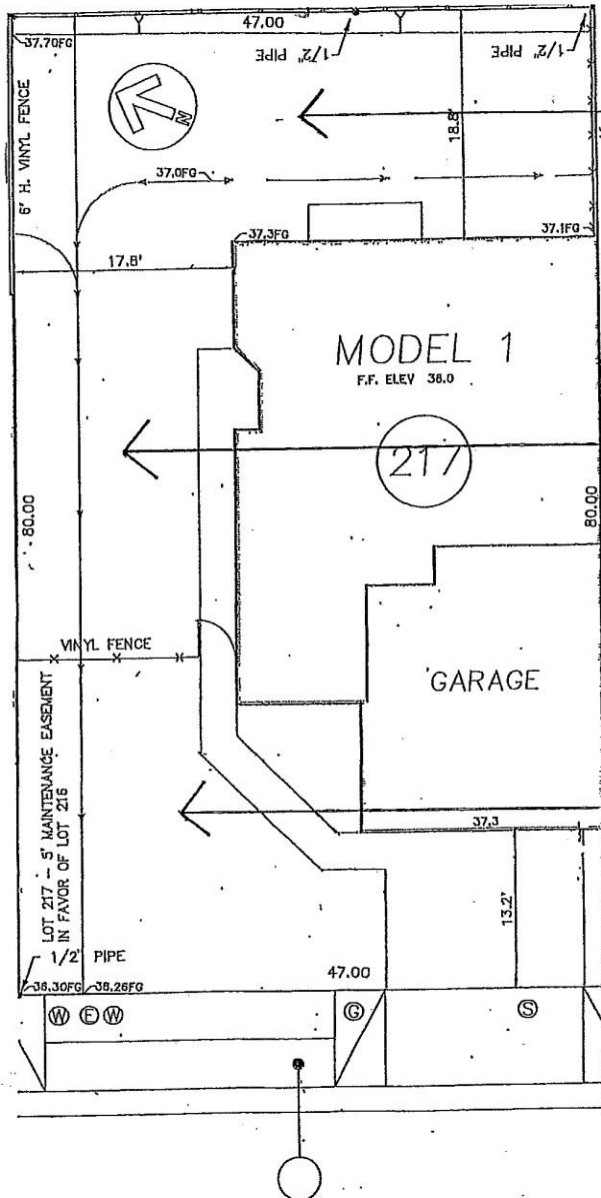
SHRUBS

African Iris	Moraea Iridioides
Bird of Paradise	Strelitzia Reginae
Dwarf Cycad	Cycas Revoluta
Dwarf Date Palm	Phoenix Roebeleni
Gardenia Varieties	Gardenia Sp.
Ginger Varieties	Alpinia Sp.
Heleconia Varieties	Heleconia Sp.
Impatiens	Impatiens Sultani
Ixora Varieties	Ixora Sp.
Kokutan	Raphiolepis Indica
Monstera	Monstera Deliciosa
Philodendron	Philodendron Selloum
Plumbago	Plumbago Capensis
Spathyphyllum Varieties	Spathyphyllum Sp. Spider
Lily	Crinum Asiaticum
Ti Leaf	Cordyline Terminalis

VI. Sample Forms and Illustrations

Inert Material Rule & Illustration

The Owner shall landscape the front, back yard. The use of non-living or inert materials is acceptable if 50% of the yard is planted. Inert material may not exceed 50% of the entire plantable yard, including front, side, and rear yards and it may not be concentrated in one area; it must be evenly distributed throughout the entire lot. If you plan to install any inert (non-living i.e. rock, gravel, concrete) material in your landscaping of your property, you must first acquire written approval from the Design Committee.



50% of the Backyard

Backyard exceptions include an extension or the construction of a pool with deck and other features such as waterfalls, etc. Then the remaining open space **MUST** be planted with living material. No additional inert material will be allowed or approved.

50% of the Side Yards

For some conditions including the shady side of a walk-around lot, the DC will approve the shady side-yard to be solid inert material, while the other side-yard must be planted with living material.

50% of the Front Yard

The 50% inert material in the front yard must be evenly spaced to present a neat, clean and well-designed front yard landscape. To reiterate the above, **"it must be evenly distributed throughout the entire lot"**. No exceptions will be considered.