

**DRAFT**

# Villages of La'i'opua

Kealakehe  
North Kona, Hawaii

## *Modifications Rules and Guidelines*

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A Master Planned Community  
by the State of Hawaii  
Housing Finance and Development Corporation

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**I. Introduction**

- A. These Modifications Committee Rules and Guidelines are authorized by Article 6 of the Declaration of Covenants, Conditions and Restrictions of Villages of La'i'opua (Declaration) and will sometimes be referred to in this document as the Rules and Guidelines.

**II. Definitions**

- A. Air Conditioners: Includes both window or wall mounted units and split system units. The condenser and all associated piping for a split system shall be considered as part of the air conditioner.
- B. Association: Villages of La'i'opua, a Hawaii nonprofit corporation to be organized pursuant to the Declaration, its successors and assigns.
- C. Covenant Enforcement Committee: The committee, if any, appointed by the Association Board of Directors to oversee and establish policies and procedures with respect to the enforcement of the provisions of the Declaration. If no such committee is specifically appointed, the Board shall act as the Covenant Enforcement Committee.
- D. Covenant Manager: The person, if any, appointed by the Association Board of Directors to enforce the provisions of the Declaration. Until and unless someone is appointed, the Managing Agent may act as the Covenant Manager.
- E. Declarant: Housing Finance and Development Corporation, a body corporate and politic of the State of Hawaii, and its successors and assigns.
- F. Declaration: The Declaration of Covenants, Conditions and Restrictions of Villages of La'i'opua.
- G. Excavation: Any disturbance of the surface of land (except temporarily for planting) which results in removal of earth or rock for a depth of more than eighteen (18) inches.
- H. Fill: Any addition of rock or earth materials to the surface of the land which increases the previous elevation of such surface by more than eighteen (18) inches.
- I. Garage: A garage for a motor vehicle, including a carport or similar outbuilding appurtenant to a Residence, whether or not connected to the Residence.
- J. Improvements: All buildings, outbuildings, grading, roads, drainage facilities, driveways, parking areas, loading areas, screening walls and barriers, fences, retaining walls, poles, signs, water lines, sewer facilities and pump stations, electrical and gas transmission and distribution facilities, irrigation facilities, hedges, windbreaks, plantings, planted trees and shrubs, ponds, exterior illumination, and all other structures, installations and landscaping of any type or kind, whether on, above or below the surface of the land.
- K. Landscape: To adorn, improve, or arrange the grounds attractively by clearing, grading, contouring the land and planting grass, ground cover, flowers, shrubs, and/or trees.
- L. Light Source Visibility: shall mean visibility of the filament of the light source from neighboring property.
- M. Lot: Any residential Lot within the Private Area designated for residential use on a subdivision map or any Apartment in a Condominium within the Private

- Area.
- N. Modifications Committee (MC): The Committee created pursuant to the Declaration.
- O. Modifications Rules and Guidelines (Rules and Guidelines): These Modifications Rules and Guidelines adopted by the MC pursuant to the Declaration.
- P. New Construction Committee (NCC): The Committee created pursuant to the Declaration.
- Q. New Construction Design Handbook (Handbook): The design guidelines and procedures adopted by the New Construction Committee pursuant to the Declaration.
- R. Owner: A person, corporation, partnership or other legal entity who is the beneficial owner of the fee simple or leasehold interest in any Lot, including the purchaser of a Lot under an agreement of sale; provided however, that:
1. For the purposes of limitations and restrictions set forth in Article 5 of the Declaration, Owner shall not include Declarant or Developer with respect to any Lot owned by the Declarant or Developer;
  2. Owner shall include for the purposes of Article 5 of the Declaration, unless the context requires otherwise, the Family and lessees of any Owner.
- S. Residence: An Apartment or a single-family dwelling building on a Lot within the Private Area used for residential purposes, together with a Garage.
- T. Retaining Wall: Any structure constructed for the purpose of containing or supporting any embankment, Fill or other earthen form.
- U. Single-Family: shall mean one or more persons, all related by blood, marriage or legal adoption, living and cooking on the premises together as a single, non-profit housekeeping unit; or unrelated persons living and cooking on the premises as a single, non-profit unit; provided, however, that the number of persons living on the premises shall not exceed standards and requirements set forth by law.
- V. Structure: Anything above existing grade constructed or erected with a fixed location on the ground, or requiring a fixed location on the ground, or attached to something having or requiring a fixed location on the ground. The term structure includes "building."
- W. Village: Each separate phase of the development of Villages of La'i'opua as designated by Declarant.
- X. 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 adjoining property, excluding contiguous property owned by the owner of the property involved, but including common areas and streets, assuming that such adjoining property has an elevation equal to its actual elevation or the highest elevation of the ground surface of that portion of the property upon which such object or activity is located, whichever elevation is lower.
- Y. Visible from a Public Street: With respect to any given object or activity, that such object or activity is or would be visible from any point of a street fronting

the Lot or adjacent to the Lot.

### III. Villages of La'i'opua Design Philosophy and Administration

#### A. Design Philosophy

1. In a master-planned community, Owners have contractually agreed to surrender some of their freedom of expression in improving their properties, and have accepted an obligation to conform to architectural and landscaping standards established in accordance with the Declaration, New Construction Design Handbook (Handbook) and these Rules and Guidelines, in order to preserve and maintain the character of the community in which they have chosen to reside. These standards are protected by the Declaration for the ultimate benefit of all Owners and residents.

#### B. Design Committees

##### 1. New Construction Committee

- a. There are two committees which are responsible for establishing and enforcing the design standards for Villages of La'i'opua. The New Construction Committee (NCC) has jurisdiction over all original construction in Villages of La'i'opua and has the primary task of assuring that all developers who create projects within Villages of La'i'opua conform to the Handbook. Individual Owners will have little or no contact with the NCC. The NCC consists of three to five members appointed by the Declarant under the Declaration so long as the Declarant owns any property within Villages of La'i'opua unless the Declarant specifically surrenders that right.

##### 2. Modifications Committee

- a. The committee which has the greatest effect on the individual homeowners is the Modifications Committee (MC). The MC consists of three to five persons appointed by the Association. Members of the MC may include architects or similar professionals who are not Association members. The MC may delegate its authority as to a particular Village to the appropriate sub-association or committee. Such delegation may be revoked and jurisdiction reassumed by the MC at any time by written notice.
- b. The MC has the overall responsibility for preserving and maintaining architectural and landscaping standards with respect to alterations and additions to existing dwellings. The primary objective of the MC in meeting this responsibility is to ensure harmonious aesthetic relationships between individual buildings and their sites and to ensure compatibility of each unit and its Improvements with the architectural and landscaping standards which prevail within each Village and within Villages of La'i'opua as a whole. The MC cannot approve modifications which are not consistent with the Declaration, Handbook or Rules and Guidelines. The Rules and Guidelines may be amended by the

- MC from time to time but are subject to the approval of the NCC.
- c. The MC will attempt to accommodate the desires of individual Owners; but given its primary responsibility of maintaining and preserving the architectural and landscaping standards developed under the protection of the Declaration, Handbook and Rules and Guidelines, the MC can not approve designs and materials that, in its opinion, will have an adverse effect upon the architectural and landscaping standards of Villages of La'i'opua.
  - d. The decisions of the MC involve areas where individual impressions, personal preferences and subjective opinions may lead to individual Owners to disagree with some of the standards incorporated in this document. Nevertheless, the MC is charged with the responsibility of using its collective knowledge and experience to establish and maintain architectural standards which will balance the needs of the community and those of individual Owners and residents. The MC is also aware that plans and specifications do not always convey the true appearance of a particular design. The MC will seek to be equitable, objective and consistent in the procedures it uses for evaluating construction and landscaping proposals to see Declaration, standards in the Rules and Guidelines, and any relevant design requirements. The MC will also seek to ensure that the design and landscaping standards outlined in the Rules and Guidelines are interpreted and enforced in a uniform and consistent manner by the Covenant Manager and the Covenant Enforcement Committee for the ultimate benefit of all Owners and residents of La'i'opua as a whole.
  - e. From time to time, the MC may deem it appropriate to consider new and different designs and materials for use within its area of responsibility. The MC will strive to be reasonable and flexible in reviewing new design concepts and materials which can be harmoniously integrated with existing structures. The MC will not, however, approve designs or materials which are inconsistent with its existing architectural standards simply because such designs or materials are currently popular or considered fashionable. Experimental or avant garde designs or materials are unlikely to be approved.

**C. Limits of Liability**

1. Approval of plans by the MC is solely for the architectural design or scheme thereof and for conformance with the requirements of the Declaration, the Handbook, and these Rules and Guidelines. It shall be the Owner's responsibility to ensure that all modifications or additions comply with all applicable laws, statutes, ordinances, codes, rules and regulations.
2. No representations are made nor is any responsibility assumed by the Declarant, the Association, the NCC, or the MC regarding the structural

soundness of the work proposed or approved. It shall be the sole responsibility of the Owner and the Owner's architect or builder to examine the premises and to undertake adequate design for all Improvements or changes to be constructed and made on the Owner's property.

3. Neither the MC nor any of its consultants shall be responsible for the effects on the value of any property which result from modification to property due to MC approval.

**D. Other Codes, Laws, Rules and Ordinances**

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

**E. Architectural Review Procedures**

**1. General Process**

- a. The following procedures must be completed and approval granted by the MC prior to beginning construction for all additions or alterations to any unit subject to the Declaration which alter the exterior appearance of any residence or structure, including landscaping, walls and fences, and including the painting thereof. Modifications to the interior of screened porches, patios, and similar portions of a Unit visible from the outside the Unit shall also be subject to approval. Owners are responsible for obtaining any necessary County building permits and for complying with all applicable codes, ordinances and regulations. Owners are also responsible for complying with all applicable governing documents and the rules, regulations, and procedures promulgated in accordance therewith by any Village association or committee having jurisdiction over the Lot and, in the case of condominium apartments, with the project's declaration of condominium property regime and the by-laws and house rules of the association of apartment owners. No application will be considered by the MC unless: 1) All required Village or condominium association approvals have been obtained prior to the submission of the application to the MC; and 2) Owner is a member in good standing having no outstanding violations of the Declaration, Handbook and these Rules and Guidelines.
- b. Plans and specifications showing the nature, kind, shape, color, size, materials, and location of all proposed structures and Improvements shall be submitted to the MC for review and approval (or disapproval). In addition, information concerning irrigation systems, drainage, lighting, landscaping and other features of proposed construction shall be submitted as applicable. In reviewing each submission, the MC may consider



the quality of workmanship and design, harmony of external design with existing structures, topography, and finish grade elevation, among other things. Decisions of the MC may be based on purely aesthetic considerations. Each Owner acknowledges that opinions on aesthetic matters are subjective and may vary as committee members change over time. No approval shall be required to rebuild in accordance with originally approved plans and specifications.

- c. The fact that an owner has scheduled work, arranged financing, entered into a contract for materials or labor, received approval from a Village or condominium association or the County of Hawaii, or will suffer any alleged hardships shall not be a basis for modifications to the approval process required by the MC under the provisions of the Declaration and these Rules and guidelines.

**2. Step One**

- a. Submit one completed copy of "Villages of La'i'opua Application for MC Approval for Modifications, Additions, or Improvements" to the Association. Copies may be obtained from the managing agent.

**3. Step Two**

- a. Submit three copies each of the plot plan, and if applicable the building plan, for any Improvements which incorporate structures, concrete or masonry surfaces, or manmade materials such as walls, fences, walkways, slabs, gutters, downspouts.
  - (1) Plot Plan (Scale: 1 inch = 20 feet)
    - (a) The outline of the proposed modification should be clearly identified on the plot plan in order that the proposed modifications can be evaluated in relation to the existing Improvements.
  - (2) Building Plan (Scale: ¼ inch = 1 foot)
    - (a) Detail drawings which clearly show the Owner's proposed modifications must be provided. For instance, for walls or fences, adequately scaled sections and details of walls and proper identification of the location of these details on the plot plan are essential.
    - (b) Show plan (top view), all elevations (front, rear, and side views), and cross-sections. If the proposed structure is to be connected to an existing structure, drawings must show the relationship to the existing structure and a detailed cross-section of the point of connection must be provided.
    - (c) Building plans must include the type and finish of the exterior materials, which should usually match any existing structure's materials and colors. If the structure or structures are to be finished in a different

color, sample of both existing and proposed colors must be on file or provided with the application.

**4. Step Three**

- a. All application packages for MC approval must be accompanied by the appropriate processing fee. There is no fee required for regular maintenance projects such as repainting, re-roofing or projects which do not alter the exterior appearance of previously approved structures. A change of roofing materials must be approved by the MC on the permit form mentioned in Step 1, above, even in those cases where no permit processing fee is required.
- b. The following permit processing fees are subject to change without prior notice:
  - (1) Major Improvement Application Processing Fee: Fifty Dollars (\$50.00) for modifications or Improvements which significantly alter the primary dwelling or incorporate new structures or additions, for example, building additions or extensions, new wall or fence, adding a swimming pool, new driveway or patio slab, solar installation, storage. In general, this category includes but is not limited to those applications which require architectural consultation, a building permit and/or for multiple modifications or Improvements.
  - (2) Painting and Minor Improvement Application Processing Fee: Twenty Five Dollars (\$25.00), for example, window tinting, unenclosed air conditioning installation, sidewalks around a house, screen doors, landscape plans.
- c. The MC shall, in its sole discretion, determine the appropriate fee for each application. The above permit processing fees may be revised by the MC as deemed necessary at any time without notice. The current fee schedule is at any point in time is available from the managing agent.

**5. Step Four**

- a. The Covenant Manager shall review the Owner's modification application before sending the application to the MC.
- b. This pre-review will help to establish the scope of the proposed work intended by the Owner and assist the homeowner in preparing the proper documents needed to complete a modification request application
- c. At this pre-review, misunderstandings or misinterpretations of the modifications guidelines can be clarified in order for the homeowner to make necessary drawing or document changes before the application is forwarded to the MC or the architect and other consultants for review. Also, the pre-review will determine if a variance is required for the Owner's proposed modification and the proper additional information can be prepared by the

homeowner as required. The pre-review will serve to expedite the review process and also assists in understanding the homeowner's construction schedule and potential impact on adjacent units.

- d. Depending upon the complexity and the adequacy of the plans, the approval, approval with changes or disapproval of the MC shall be given in writing within thirty (30) days after submission of the application package and after the Owner's compliance with these Rules and Guidelines. If the plans are disapproved, the plans must then be revised to conform with MC design requirements and resubmitted for reconsideration and approval within 120 days in order to avoid additional application permit processing fees. Oral requests for approval or preliminary approval of proposed work that is subject to these rules and regulations will not be accepted, either in person or over the telephone.

**6. Step 5**

- a. If the proposed plans/modifications are approved or approved with changes, the Association's permit will be issued, and the applicant may then obtain any necessary permits or approvals as required by the County of Hawaii. The Association permits are good for 120 days after issue. If start of construction is delayed beyond this date, a new permit must be obtained and the Owner will be required to pay any applicable permit processing fees.

**IV. Modification Guidelines for Single-Family Residential Improvements**

**A. Accessory Structures**

**1. Built-In Barbecues**

Permanent barbecue and barbecue pits which are visible from a street or neighboring property will be considered on individual merit. Barbecue structures over 30 inches in height are not permitted in required yard setbacks.

**2. Dog Houses, Dog Runs, Shade Houses, Storage and Tool Sheds**

Dog houses, dog runs, shade houses, storage and tool sheds and other such structures over 30 inches in height shall not be permitted within a required setback.

**3. Mailboxes and Newspaper Tubes**

Mailboxes must be in compliance with post office regulations. Mailboxes and newspaper tubes are, preferably, constructed of material and painted a color compatible to the residential structure. Mailboxes and newspaper tubes do not require the approval of the MC.

**4. Party Tents and Temporary Structures**

Party tents and temporary structures such as lean-to's, luau enclosures, etc. may be erected without MC approval provided that the Owner shall not continue to use the structure beyond the special event for which it is

planned and expeditiously remove the tent or temporary structure after its use. Placement of any such structure on any Lot for any purpose longer than thirty days is not authorized.

**5. Tanks Above Grade**

- a. Tanks for the storage of cooking and heating gas or other tanks may be installed, as permitted by government laws and ordinances, provided they are adequately screened by fencing or landscaping such that they are not visible from a public street.
- b. This rule is in no way intended to mean that the Association or the MC assumes any responsibility for any hazards connected with tanks.

**B. Air Conditioners**

1. Air conditioning units shall be maintained at all times in a clean and attractive conditions and shall not be permitted to become unsightly.
2. No air conditioning equipment more than 30 inches in height is permitted in required yard setbacks.
3. Air Conditioners may be installed without MC approval provided they are not visible from a public street or a neighboring property and conform to the aforementioned rules.
4. In those cases where Air Conditioners will be visible from a neighboring property or from a public street, the Owner must screen the Air Conditioner from public view. No bare metal or conspicuous filter elements may be exposed. If the design of the installed Air Conditioner is such that filter elements may not be painted, the Owner is responsible for producing a design acceptable to the MC to screen or otherwise enclose the Air Conditioner in such a manner that it may be painted to blend with the mounting surface.

**C. Concrete Slabs and Walkways**

1. When reviewing a plan for a concrete slab, the MC shall consider the potential covering or enclosing of such slab to determine if such addition can be made without compromising the exterior of the dwelling.
2. In general, other concrete work such as walkways will be approved providing that slabs and walkways leave adequate room for landscaping within the property.
3. Ground termite treatment will be required under all concrete slabs.

**D. Extensions and Enclosures**

**1. Building Height, Stories and Massing**

- a. The maximum building height is 30 feet. Building height shall be measured from the lowest point of the finished ground surface adjacent to the building to the uppermost point of the building.
- b. Maximum number of stories is two plus a mezzanine loft. A mezzanine loft shall not exceed one third of the floor area of the story directly below.
- c. Any second story portion must be setback a minimum of 5 feet from the required front yard setback line. See Figure 6 - Single Family Dwelling Second Story Setback.

- d. It is recommended that views from upstairs, windows, decks or lanais into an adjacent or near neighbor's window or private yard should be buffered by landscaping, fences or walls.
- e. Building massing that steps down with the natural terrain is encouraged.

**2. Garage Doors**

- a. Garage doors shall be non-corrosive or treated ferrous metal panels with simulated wood grained sandwiched onto foam panels. Appearance must be compatible in appearance to other garage doors in the neighborhood.
- b. Garage doors shall be painted with approved colors which match the primary dwelling.
- c. An automatic garage door opener must be installed for garages set back less than 15 feet from the front property line.

**3. Match Existing Structure**

- a. In general, additions and enclosures shall have matching materials, details, colors and be in appropriate scale to the existing dwelling. Further, the architectural theme and general quality of the existing dwelling shall be maintained. Variances will be considered only to the extent of their conformance to these Rules and Guidelines.

**4. Parking Requirements**

- a. A two car carport or enclosed garage shall be required for all single-family dwellings.
- b. Garage doors, if provided for garages set back less than 15 feet from the front property line, shall have an automatic garage door opener.
- c. Whenever it is desired to enclose an existing garage or carport and convert its use to another purpose, provision must be made to construct covered parking elsewhere on the Lot connected to the main dwelling.

**5. Roofs**

- a. New roofs must conform in design (e.g. slope, appearance and profile) and materials to the existing structures. Only colors within the range of colors for roofs originally specified for the project will be accepted. Connections between existing roofs and new roof additions must preserve the overall form and architectural style of the dwelling. Mansard roof and flat roof forms (less than 4:12 pitch), composition roll roofing, and built-up roofing shall not be permitted for additions.

**6. Rooms (Including Lanais)**

- a. Wherever a room is added, exterior siding, window and door details shall match the original or existing structure.

**7. Second Story Additions to an Existing One-Story House**

- a. Single story residences not designed for a second-story addition generally encounter architectural and structural problems which

are difficult to overcome. Detailed review by the MC will be required to determine issues of open space, view planes, roof line and architectural compatibility with existing homes in the same neighborhood, architectural compatibility with the existing dwelling, and other considerations.

- b. A second story must be setback a minimum of 5 feet from the required front yard setback line. See Figure \_\_\_\_.

**8. Setbacks**

- a. Setbacks for all structures, extensions and enclosures at front and rear yards shall be 15 feet with a minimum side yard setback of 8 feet.
- b. There shall be no parking within the required front yard setback except on paved driveways leading to a carport or garage.
- c. A minimum of 50% open, unpaved area shall be maintained in all front yard setbacks.
- d. Corner units shall follow front setbacks for the side on which the garage occurs. The remaining corner frontage shall conform to side yard setbacks. Owners must adhere to all Hawaii County codes particularly those regarding sight distance requirements for corner lots.
- e. Maximum lot coverage (including garage or carport) shall not exceed 50% of the total area.

**E. Grading**

1. The Owner shall be responsible for the maintenance of the Lot including wind and water erosion control and proper drainage control.
2. All grading, Excavation, Fill and site work required shall be done only in accordance with approved drawings and at the expense of the Owner. Excavation, footings or drainage areas extending beyond the subject property line will require the written permission of the affected neighboring property Owner(s).
3. Fill material brought to the site shall be free of adobe, termites and deleterious matter.
4. All graded areas on improved Lots shall be landscaped within the time requirements listed below. Surface runoff shall be dispersed or channeled in such a manner as to prevent erosion damage and/or excessive water and soil flow through adjacent Units.
5. The Owner shall obtain, if necessary, a grading permit for cut and Fill as required by the ordinances of the County of Hawaii and shall abide by all ordinance requirements.
6. Excavation
  - a. Whenever an Owner excavates within his Lot, it shall be done in such a manner as not to adversely affect the drainage of adjacent properties.
  - b. Whenever Excavation creates an unstable or potentially unstable bank condition, the Owner shall take appropriate action to control and retain said embankment. Excavation which creates a high

and unsightly retaining wall may be disapproved.

- c. There are no dump sites available for the disposal of excavated dirt within the Villages of La'i'opua.

7. Fill

- a. Whenever an Owner seeks to Fill his Lot, it shall be done so as not to adversely affect adjoining properties. Whenever Fill creates an unstable or potentially unstable bank condition, the Owner shall take appropriate action to control and retain said embankment. Fill which creates an extremely high and unsightly retaining wall may be disapproved.

8. Should Fill or Excavation cause destruction of existing drainage swales or natural drainage patterns, it shall be the Owner's responsibility to restore said swales and drainage patterns or to otherwise provide for adequate drainage which does not adversely affect adjoining Lots.

**F. Ground Termite Treatment**

1. Soil under all concrete slabs on grade and under all building floors, whether on grade or over air space, and all footings and masonry foundation walls shall be treated against subterranean termites. All termite treatment work shall be performed by a properly licensed and qualified pest control operator.
2. Chemicals used outside the buildings or in accessible spaces under buildings shall be used only in strict accordance with all governmental laws and regulations and with the highest regard for the safety of children, plants and pet life.

**G. Gutters and Down Spouts**

1. Gutters and down spouts must be installed in a manner such that existing drainage plans as shown in original construction drawings is maintained. Gutters and down spouts must be non-reflective and match the surfaces which they are attached, provided that copper gutters and downspouts need not be painted. Downspouts must be located so as to discharge the runoff entirely within the applicant's Lot. The proposed location of the down spouts should be clearly indicated on the plot plan submitted with the application.

**H. Landscaping**

1. All landscaped areas will be maintained in a neat and attractive condition. What constitutes "completed landscaping" shall be determined by the Covenant Enforcement Committee, but as a minimum, grading weeding (removal of all noxious weeds, and vegetation), soil preparation, finished seeding or planting of a suitable ground cover, and the planting or emplacement of plant and non-plant landscaping materials to a sufficient degree that the majority of the committee members agree that the area or Lot in question is a "completed landscape" - rather than primarily "dirt and weeds" will determine whether the landscaping requirements of these rules and guidelines are met.
2. The Owner shall landscape the front yard and planting strip(s) between the sidewalk and the street or curb line within three (3) months after

occupancy. The remaining grounds of the Lot shall be landscaped within twelve (12) months after occupancy. The MC may authorize extensions of these landscaping requirements when formal application has been made for landscaping Improvements which require extensive grading or Excavation work, or the installation of retaining walls, and/or fences, or the incorporation of driveways, walkways, or patios which are visible from a public street and which require MC approval. In the event that the MC has approved landscaping plans which incorporate the Improvements listed above, it may grant an extension for the landscaping requirement beyond the expiration dated of the applicable permit of not more than six months. The Covenant Manager or the Covenant Enforcement Committee may also extend these requirements if the Owner makes a substantial and significant effort to complete the landscaping in a timely manner. "Substantial and significant effort" will be determined by the good judgement of the Covenant Manager and/or a majority of the members of the Covenant Enforcement Committee.

3. Any portion of a Lot visible from a public street or neighboring property will be maintained in a good and clean condition. Owners of properties with electrical transformer or switch gear boxes are responsible for ensuring that the area is kept in good and clean condition. What constitutes a "good and clean condition" as it pertains to the maintenance of completed landscaping on any Lot shall be determined by the reasonable judgment of the Covenant Manager and/or a majority of the members of the Covenant Enforcement Committee.
4. Vegetable gardens are not acceptable as landscaping for front yard areas or planting strips located along any adjoining street.
5. A reasonable number of large plants in pots will be allowed for landscaping purposes. More than twenty-five (25) such plants will require formal approval of a landscaping site plan showing plant placement submitted under the provisions of these Rules and Guidelines.
6. There shall be no right to remove trees, shrubs or similar vegetation from the Association's common area by an Owner.

**I. Lighting**

1. Garden lights and floodlights may be installed provided that no light source is visible from neighboring property and that no glare is created which would unreasonably disturb adjoining property Owners or occupants.

**J. Lot Coverage**

1. A minimum of 50% open, unpaved area shall be maintained in all front yard setbacks.
2. Maximum lot coverage (including garage or carport) shall not exceed 50% of the total area.

**K. Materials**

**1. Quality**

- a. All materials used for structures shall be termite and fungus free and shall not be used or secondhand. Materials shall not be



garish by nature or as a result of their use with other materials. A mix of materials will be approved only if the materials in the proposed use will complement one another. The non-availability of materials originally proposed for use by an Owner is not sufficient justification for substitution of materials which are not acceptable to the MC.

- b. The use of any materials which vary aesthetically from those on approved plans is not authorized without specific approval by the MC.

## **2. Siding, Veneer and Facades**

- a. Certain vinyl sidings may be approved by the MC on a case by case basis. Owners desiring to apply exterior siding must apply to the MC for approval. Applications must include color samples which match the existing dwelling.
- b. Veneers such as sandstone, brick, manufactured stone are not generally appropriate but they may be approved on an individual basis if their use is compatible with the architectural and landscaping design of the Unit and do not detract from architectural standards of adjacent properties.
- c. The partial application of sidings or veneers to one area of a dwelling usually result in a "stage set" appearance that is generally unacceptable; such proposals will be considered on a case-by-case basis under the same criteria as for veneers.

## **L. Other Miscellaneous Improvements**

### **1. Antennas and Satellite Dishes**

Installation of antennas and satellite discs will be permitted only when not visible from a public street. Roof-mounted antennas and roof-mounted satellite discs of all types are prohibited.

### **2. Basketball Backboard and Hoops**

Basketball backboards and hoops must be maintained in good and neat condition. Only new materials may be used for construction and must be adequately maintained. Support structures must be painted to blend with adjacent materials..

### **3. Drop Blinds**

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

- a. No garish or "loud" colors shall be used.
- b. Blinds shall be maintained at all times.
- c. Blinds shall be rolled and/or adequately tied down during periods of high winds to avoid slapping and banging noise.

### **4. "Gingerbread" and Trim**

- a. Scallops, shutters, decorative trim and other such "ginger bread" decorations may be approved only when compatible to the existing architecture of the dwelling.

### **5. House Decorations**

- a. Temporary holiday or special event decorations are exempted and

need not be submitted for approval provided that they are not installed sooner than 60 days before the holiday or event and are removed not later than 30 days after the holiday or event.

**6. Laundry and Clothes Drying Area**

- a. Clotheslines are permitted provided that they are not visible from a public street. Clotheslines may not be installed in carports so as to be visible from a public street. Nothing may be hung on or from any lanai if visible from a public street.

**7. Name Plates and House Numbers**

All residences must have easily readable house number affixed to the dwelling or, in the case of single-family units, on the mailbox.

**8. Refrigerators/Freezers/Washers/Dryers**

- a. Refrigerators, freezers, washers, and dryers shall not be located in carports or lanais so as to be visible from a public street or neighboring properties.

**M. Painting**

**1. Existing Color**

- a. No approval shall be required to repaint (including maintenance and touch up painting) the exterior of a structure in accordance with the originally approved color scheme
- b. Repainting with an existing color, where previous Owners painted with an unapproved color, is specifically not authorized.

**2. Changes of Color**

- a. Owners must obtain written approval whenever repainting involves changes in color. Only colors within the range of colors originally specified for the project will be accepted. Color samples must be provided with the application for paint approval. Small paint samples frequently do not match the color produced by the manufacturer and large areas of solid color often convey an impact which is not readily determined from small swatches. Responsibility for precisely matching the color samples provided to the MC ultimately rests with the Owner.
- b. Colors should be non-reflective, flat or semi-gloss natural tones. Strong and/or bright colors, whites and very light or highly reflective colors will not be approved as primary house colors unless specifically approved as part of the original color palette for the project where the dwelling is located. The use of transparent or semitransparent house stains will be considered on individual merit. A sample of the stain on the actual material to be used must be provided.

**3. New Additions - Paint to Match**

- a. Whenever a new addition or enclosure is approved, the Owner will be required to carry the new paint to a natural breaking point in the building such as a corner or change of materials, etc., in order to blend with the existing structure.
- b. The term "paint to match existing" when applied to additions or

enclosures means that the walls and trim of the new addition are painted the same color as the walls and trim of the existing primary dwelling. Matching an accent or tint color or using "complementary" colors for the additions new walls does not satisfy the requirement "paint to match."

- c. Where painting or repainting is performed on any structure without the required MC approval on file, complete with color samples, the Owner will be assessed a fine in accordance with the By-Laws, shall apply for approval as set forth in these Rules and Guidelines, and may be required to repaint if such approval is not granted.

**N. Roof Vents**

1. The adverse appearance of roof vents shall be minimized to the extent possible by installation below ridge lines and in those portions of the roof not facing a street. Roof vents utilizing reflective materials shall not be permitted.

**O. Sanitary and water piping.**

1. All piping shall be concealed.

**P. Screen Doors**

1. The MC may approve screen doors provided they are finished in such a way as to match the color of existing window frames or the color of the dwelling's siding or trim. Aluminum and steel screen doors with exposed reflective material or ornate designs shall not be approved.
2. Screen doors must be kept in good repair.

**Q. Solar Units**

1. Roof mounted tanks are prohibited.
2. To the maximum extent possible, solar units must be integrated into the architecture and design of the building. No part of the solar panels, piping or any exposed part of the installation may be higher than the nearest roof peak. Where an open beam ceiling design home prevents a direct run of piping from solar panels to the storage tank, the piping may run over the peak of the roof for the shortest routing unless other routing is equal or shorter.
3. The highest point of any exposed part of the system may not be higher than 21 inches above the surface (sloped or flat) of the roof on which it is mounted.
4. The lowest point of any exposed part of the system may not be more than 6 inches above the surface (flat or sloped) of the roof on which it is mounted.
5. Reflective surfaces are not permitted for any exposed parts. Other exposed surfaces must be painted to match the surface on which it is mounted. Owners will ensure that all painted surfaces are properly maintained to prevent peeling and cracking of paint.
6. Solar panels should be installed as far as possible to the rear of the house. The front slope of the roof of the house or carport may not be used.

**R. Swimming Pools and Hot Tubs**

1. General
  - a. Swimming pools, whirlpool baths and hot tubs may only be constructed in back yards. Swimming pools constructed above grade (on the ground) shall not be permitted. Whirlpool baths and hot tubs will be considered on their own merits.
2. Filter Noise
  - a. The pump, filter and skimmer units for swimming pools, whirlpool baths or hot tubs shall be adequately soundproofed used in such a manner as to prevent a nuisance to neighboring property occupants. Should undue noise result from operation, Owner will, at the Covenant Manager's request, take immediate steps to curtail the noise by changing operating methods, providing added soundproofing, etc. Notwithstanding the MC's right to approve and require adjustment to the filtering unit, the Owner shall have full responsibility therefor and shall hold the Association harmless against any and all claims arising from the maintenance and operations of the swimming pool, whirlpool bat, hot tub and equipment.
  - b. Equipment and enclosures more than 30 inches in height are not permitted within a required yard setback.

**S. Utilities Service**

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

**T. Walls and Fences**

**1. Access to Adjacent Properties**

- a. Where access is required to an neighboring property for the construction of walls/fences (or any other reason) written permission must be obtained from the Owner of the neighboring property prior to accessing the neighboring property.

**2. Combination Fences and Walls**

- a. Where fences are used in combination with walls, a 6 ft. maximum height shall apply to the wall and fence combination. When an Owner elects to construct a retaining wall and a separate fence, the fence shall be constructed at least 4 ft. away from the retaining wall. The area between the fence and wall shall be maintained with landscape material.

**3. Fences and Walls at Front Yards**

- a. No fences or walls shall be permitted within the 10 ft. front yard setback. Fences or walls, not more than 3 ft. high, may be located from the front face of the building up to the 10 ft. front yard setback line. Decorative gates may exceed the 3 ft. limit. Shrub plantings approximately one-half the height of the fence or wall should be utilized on the street side of the fence or wall.

**4. Fences and Walls at Rear Yards**

- a. Rear yard property line fences and walls are permitted to a height of 6 ft.

**5. Fences and Walls at Side Yards**

- a. Side yard fences and walls shall be limited to 6 ft. in height from the rear property line to the front face of the building and to a maximum of 3 ft. in height from the front face of the building to within 10 ft. of the property line.

**6. Party Walls and Fences - Joint Ownership and Maintenance**

- a. Whenever two adjacent Owners desire to jointly construct a fence or a wall along and over the property line, it is required that a joint ownership and maintenance agreement incorporating the provisions of the Declaration be signed.

**7. Retaining Walls at Adjacent Properties**

- a. Owners with sloping grades within their Lots may make these areas usable by installing retaining walls, provided that the walls do not exceed the allowable height for the location of the wall.
- b. Where grade differential exceeds the allowable height of wall, terracing or retaining walls may be required to stay within the maximum allowable wall height. The terraced area must be at least 4 ft. wide and maintained with approved landscape material. An Owner on an upper adjoining parcel also may construct a fence at his property line.
- c. It is the Owner's responsibility to ensure that all walls are designed and constructed using sound engineering principles.
- d. The Owner must also obtain all required approvals and building permits prior to commencing any work, including the neighboring property Owner's approvals if construction activities will cross the property line. Copies of the approvals and permits must be on file with the Association.

**8. Side by Side Walls/Fences**

- a. Walls or fences are discouraged if they are to be constructed parallel with adjacent walls or fences. Design will be evaluated on a case-by-case basis
- b. Owners who decide to build separate property line walls/fences instead of developing a common property line wall/fence will agree to jointly maintain the area between any two walls/fences.

**9. Wall Materials and Design**

- a. All fences and walls must be of the same design and materials as utilized in the initial construction of the project and compatible with the perimeter walls and fences for the project. Chain link is not permitted in the front yard or when visible from a public street.
- b. Whenever a fence by nature of its construction and materials has a "good side," said good side shall face outward from the property towards the neighboring property or an adjacent public or private street. The unfinished side, if any, which exposes framing, support materials, bracing, etc. shall face inward to the property which may, at the option of the Owner, be finished with an approved material.

**U. Window Tinting and Reflective Finishes**

1. No reflective finishes shall be used on exterior surfaces (other than glass and the surfaces of hardware fixtures) where such exterior surface is visible from neighboring property. Highly reflective window tinting which creates a glare on adjacent properties or streets is not to be construed as a "glass" exception to the reflective finish restriction. Such window tinting treatments are specifically prohibited.
2. All window tinting installations are subject to review. Applications for window tinting should be accompanied by a manufacturer's specification sheet and a minimum 3" x 5" sample. Metallic finishes are discouraged.

**V. Other Requirements or Conditions of Approval****A. Disposal of Construction Waste and Debris**

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

**B. Maintenance of Public Areas During Construction**

1. Owners shall keep all public areas clean during periods of construction. Materials shall not be stored so as to block or partially block public access areas. Once the residence has been completed, no construction materials or equipment may be stored in any area visible from adjoining streets.

**C. Time Requirements**

1. Owners shall pursue work requested in a timely fashion to completion. Failure to complete construction, modification, additions, Improvements, or painting prior to the expiration dates of approvals granted by the MC will require the processing of a new Application for MC approval and the re-submittal of all plans and specifications as appropriate for reconsideration by the MC for issuance of a renewal permit.
2. Required Start Date
  - a. All permits and approvals granted by the MC are null and void if construction does not commence within 120 days of the date of issuance of any permit granted by the MC.
3. Expiration Dates for Paint Approvals
  - a. Approvals issued for painting or repainting have an expiration date of six months (6) from the date of issue except if painting approval was granted in conjunction with modifications, additions or other Improvements.
4. Expiration Dates for Modifications, Additions or Improvements
  - a. Permits for Modifications, additions, or Improvements have an expiration date one year from the date of issuance.
  - b. Cancellation of Approvals for Lack of Progress
    - (1) If at any time, more than 120 days have passed without substantial and significant progress toward completing any project for which the MC has granted a permit, the MC may declare all approvals null and void; and the Owner must

resubmit a new Application for MC approval, along with required plans, specifications, as amended. The Owner will be responsible for any processing fees in effect at the time of re-submittal. Determination of a lack of substantial and significant progress will be determined by a majority vote of the members of the MC.

- (2) The MC shall not be bound by any previous decision when reconsidering plans and specification which may come before the MC as a result of an Owner exceeding the time requirements for completion of any project.

**D. Underground Installations and Easements**

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

**DRAFT**

# Villages of La'i'opua

Kealakehe  
North Kona, Hawaii

*Handbook for  
New Residential Construction*  
December 1997

A Master Planned Community  
by the State of Hawaii  
Housing Finance and Development Corporation



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## I. INTRODUCTION

### A. Master Planned Community Goals and Objectives

1. The major goals for Villages of La'i'opua are: 1) Development as a quality residential community with housing opportunities for residents of all income and social groups; 2) Establish neighborhoods in which social interaction is encouraged, and family and individual well-being are supported; 3) Create a community with a strong sense of place; 4) Visually, socially and physically link the new community with surrounding urban and rural land forms; 5) Mix housing types to encourage social interaction; 6) Provide community amenities and services to meet the needs of residents for the entire region; 7) Sensitively develop the site with regard to visual, environmental (the effects of wind, rain, and sun), and social impacts; 8) Promote energy efficiency; and 9) Provide a wide range of residential, commercial and service land uses that are aesthetically, physically and economically supportive of one another.

### B. Purpose of the Handbook

1. The concepts presented in the Handbook for New Residential Construction (Handbook) serve as a developer's guideline for the development within Villages of La'i'opua. The Handbook is subject to periodic revision.
2. The purpose of the Handbook is to establish a unified design sense for the planned community that meets the needs of the residents while being sensitive to site, climate and building design elements. These design parameters are meant to provide developers some flexibility in concept, design and application.
3. The Handbook is intended to provide a set of development rules to: 1) Enable development objectives to be met; 2) Define a high level of environmental quality throughout the development; and 3) Assist in the development of a high-quality planned community by requiring certain minimum standards, recommending possible design solutions, and prohibiting development incompatible with the project concept.
4. All construction must comply with this Handbook as well as all applicable codes, statutes, ordinances and other laws except as otherwise provided by statutory exemption.
5. In the event of a conflict between the Handbook and any code, statute, ordinance, law or statutory exemption, the stricter shall govern.

### C. Design Review Authority

#### 1. New Construction Committee (NCC)

- a. There are two committees which are responsible for establishing and enforcing the design standards for Villages of La'i'opua. The New Construction Committee (NCC) has jurisdiction over all original construction in Villages of La'i'opua and has the task of

assuring that all developers who create projects within Villages of La'i'opua conform to the Handbook. Individual homeowners will have little or no contact with the NCC. The NCC consists of three to five members appointed by the Declarant under the Master Declaration so long as the Declarant owns any property within Villages of La'i'opua unless the Declarant specifically surrenders that right.

## 2. Modifications Committee (MC)

- a. The committee which has the greatest effect on the individual homeowners is the Modifications Committee (MC). It has the overall responsibility for preserving and maintaining architectural and landscaping standards with respect to alterations and additions to existing dwellings. The primary objective of the MC in meeting this responsibility is to ensure harmonious aesthetic relationships between individual buildings and their sites and to ensure compatibility of each unit and its improvements with the architectural and landscaping standards which prevail within each village and within Villages of La'i'opua as a whole. However, in order to maintain overall control of the appearance of Villages of La'i'opua, the NCC has the power to overrule decisions of the MC.

## D. NCC Design Review

### 1. Approval Process

- a. The first required submission by the developer is at the conclusion of the preliminary design phase.
- b. The second required submission by the developer for review and comment by the NCC is at the conclusion of the design development phase or when the construction drawings are approximately 40 percent complete.
- c. The third required submission for review and comment by the NCC is at the conclusion of the construction drawing phase. At that time, composite plans for SFDR projects must be submitted. See Figure 1 - Sample Composite Plan.
- d. Submissions for review and approval by the NCC must be complete. Each submission must include all site plans, building plans, walls, fences, signs, lighting, entry treatments, landscaping and irrigation plans and all other proposed improvements for original construction.
- e. The NCC will review and comment within 30 days of a complete submission by the developer.
- f. The developer and its consultants are encouraged to dialogue with the NCC during the design and construction drawing process.
- g. During construction, substantive design revisions must be

- submitted by the developer for review and approval of the NCC.
- h. After construction of the project is complete, the developer shall provide record drawings of construction which includes composite plans for SFDR projects. Two completed sets of copies and one AutoCad file will be provided for reference purposes. Separate drawings of common area improvements to be dedicated or maintained by any association (village or master) are also required.

## 2. Color Selection Approval

- a. All exterior colors must be submitted for approval. The actual material colors should be presented in a coordinated, organized manner, with material identification, manufacturer color name and color number clearly and neatly indicated on each different proposed color selection. Color boards no more than 24" x 36" showing a complete color palette for each housing product type are acceptable, however, 8"½ x 11" (letter size) or 8"½ x 14" (legal size) are preferred.

## II. VILLAGE PLANNING AND DEVELOPMENT

### A. Village Concept and Land Use

1. Villages of La'i'opua's master plan proposes phased development of large land parcels or "villages." The master plan is a fluid planning tool and will be revised periodically by the Declarant. See Figure 2 - Villages of La'i'opua Master Plan. It is intended that this planned community include residential, commercial, public facility and other uses. Individual villages may have mixed uses.

### B. Themes

1. Themes of individual villages or projects should visually relate to building elements found in historical or contemporary West Hawaii. Themes should incorporate indigenous Hawaiian elements such as hip or gable roofs, lanais and porches, or post and pier foundations.
2. Overall, variations and interpretations of contextual architectural elements are encouraged, although a reference to a common vocabulary should be maintained.

### C. Graphic Identity

1. The theme and identity of individual villages, projects or facilities should be expressed and reinforced through signs, logos, typography and names.

### D. Village Entries

1. All entry areas to the individual villages or projects shall be landscaped.

The entry design shall be consistent with the theme of the individual village or project.

2. The entry areas shall use signage incorporating the village's graphic identity, logo, and typography.
3. Entry area design should avoid excessive use of water and electricity. Drip irrigation and/or automatic sprinkler system should be used whenever possible to conserve water.

#### **E. Village Landscaping**

1. As landscaping is such a strong and vital element in the appearance of any residential community, particular care should be taken to ensure that appropriate landscaping that is easy to maintain is selected for the project.
2. Interesting shade-oriented streetscapes using native plant species should be created.
3. Shrubs and hedges should be used as visual and noise buffers.
4. Xeriscape landscaping plants and materials shall be used whenever possible to conserve water and reduce landscape maintenance. No water features will be permitted.
5. Common areas to be owned or maintained by an association (village or master) should be minimized.

#### **F. Street Standards**

1. Streets within Villages of La'i'opua should be generally curvilinear so as to minimize the monotonous effect created by linear streets, respect existing topography and minimize large banks of earth adjacent to roads. Short cul-de-sacs, loop streets, and modified grid patterns should be combined to create efficient, aesthetically pleasing street patterns. See Figures 3 and 4.
2. Concrete sidewalks shall be placed in accordance with public works standard details and applicable standards of accessibility for the disabled.
3. "Elbow turns" may be allowed on minor streets and cul-de-sacs.
4. Along internal village roads, one 5-gallon canopy tree shall be planted for every 50 linear feet of sidewalk.
5. Reduced street widths are encouraged to minimize site grading and cut/fill amounts.
6. Narrow driveways with off-street parking stalls are encouraged in both SFDR and MFR areas.
7. Street hierarchy and layout should be planned so that there is clear directional vehicular access through each village so that unnecessary

traffic volumes are minimized.

#### **G. Perimeter Walls**

1. A fence or wall is required around the perimeter of every village and are generally solid or non-transparent for screening and privacy purposes.
2. Every perimeter wall along an arterial roadway (any road outside a village's perimeter) shall include fieldstone as a material in its construction. The field stone is intended as a unifying material for perimeter walls throughout Villages of La'i'opua. The fieldstone may be used in a variety of ways such as contiguous solid walls, base walls or pilasters in conjunction with wood or metal in-fill material.
3. Perimeter walls and fences shall be non-transparent along SFDR rear and side yards or parking areas of MFR projects closer than 20 feet to the property line.

### **III. SINGLE FAMILY DETACHED RESIDENTIAL (SFDR)**

#### **A. SFDR Planning and Layout**

1. Single family layout should encourage pedestrian/bicycle access to parks through cul-de-sacs and dead-end streets tangent to open spaces, or through dedicated pedestrian/bicycle pathways.
2. Direct driveway access to lots at village entries should be avoided. Instead, side yards should abut the village entry to avoid traffic conflicts.
3. A variety of street scenes should be provided within each village by minimizing the number of houses lined up in a row utilizing the same design. No more than three adjacent houses with identical designs may be placed next to each other and in such cases, at least one floor plan shall be "reversed." A maximum of 12 homes on one side of a cul-de sac street is recommended.
4. Variety in massing and orientation of homes that back up to arterial and internal collector streets should be provided. Variation of setbacks and one and two-story massing is encouraged.
5. It is recommended that SFDR developments consider building foundation design and siting which is sensitive to the existing slope and terrain. Large foundation retaining walls are discouraged. Post and pier foundations in accordance with building codes are encouraged, with buildings "stepping" down the hillsides.
6. Clustering of single family homes is encouraged to minimize grading with homes clustered between natural land formations such as valleys and ledges.

#### **B. SFDR Lot Area and Dimensions**

1. In order to achieve an economically feasible project, higher densities are encouraged but require innovative planning and design in order to provide adequate lot areas and a sense of open space. Configurations

such as cluster lots, Z-lots, angle lots, zipper lots, as well as, conventional rectangular lots should be considered. See Figure 5 - Innovative Lot Configurations.

2. Zero-lot-line parcels may also be used if it proves to be efficient.
3. Suggested minimum lot area shall be 3,500 square feet with minimum desired lot width or depth of 40 feet.

**C. SFDR Building Height, Stories and Massing**

1. The maximum building height is 30 feet. Building height shall be measured from the lowest point of the finished ground surface adjacent to the building to the uppermost point of the building.
2. Maximum number of stories is two plus a mezzanine loft. A mezzanine loft shall not exceed one third of the floor area of the story directly below.
3. Any second story portion must be setback a minimum of 5 feet from the required front yard setback line. See Figure 6 - Single Family Dwelling Second Story Setback.
4. It is recommended that views from upstairs, windows, decks or lanais into an adjacent or near neighbor's window or private yard should be buffered by landscaping, fences or walls.
5. Building massing that steps down with the natural terrain is encouraged.

**D. SFDR Setbacks and Lot Coverage**

1. Minimum front and rear yard setbacks shall be 15 feet with minimum side yard setbacks of 8 feet.
2. Adjacent houses must have a minimum two foot staggered front yard setback. See Figure 7 - Single family Dwelling Front Yard Setback.
3. There shall be no parking within the required front yard setback except on paved driveways leading to a carport or garage.
4. A minimum of 50% open, unpaved area shall be maintained in all front yard setbacks.
5. Maximum lot coverage (including garage or carport) shall not exceed 50% of the total area.

**E. SFDR Garage and Parking Requirements**

1. A 2-car carport or enclosed garage shall be required for all single-family dwellings. Garage doors, if included, shall be non-corrosive or treated ferrous metal panels with simulated wood grained sandwiched onto foam panels.
2. Garage doors, if provided for garages set back less than 15 feet from the front property line, shall have an automatic garage door opener.
3. Clustering of parking and shared delivery should be encouraged to minimize grading on sloped sites.
4. Where shared driveways occur, one additional guest parking stall for each SFDR is required. Parking may be in tandem with the required garage or carport parking.



**F. SFDR Architectural Considerations**

1. Laundry equipment is not permitted in an exterior location or carport except if screened from view from adjacent lots or streets. Laundry equipment is not permitted within a required yard.

**G. SFDR Fences and Walls**

1. It is encouraged that side and rear yards be enclosed with a minimum 4 foot high fence.
2. A fence with a gate separating the front yard and side yards is required.
3. Fences and walls fronting streets should be constructed of solid materials. Side yard and interior backyard fences may be chain link if they are not along a roadway.
4. A coordinated design for fences visible from the street shall be provided for each village.

**H. SFDR Landscaping**

1. All unpaved areas in front yard (portions which are visible to the street) shall be grassed. Automatic irrigation is recommended.
2. Any planting strip lying between the sidewalk and the street bordering the individual home shall be grassed. Automatic irrigation is recommended. If irrigation is not provided, sleeves under the sidewalk are required to accommodate future installation of irrigation by the individual homeowners.

**IV. MULTI-FAMILY RESIDENTIAL (MFR)****A. MFR Planning and Layout**

1. To provide lower-priced housing, affordable multi-family sales and affordable rental units have been incorporated into many of the villages. It is envisioned that similar colors, materials and design elements used on the SFDR homes will be used on the MFR buildings to integrate them into the village.
2. It is intended that the buildings be designed to look like large "estate" homes.
3. Locating several MFR projects together in the same area should be avoided, so as to distribute densities and massing more evenly throughout the village.
4. MFR projects should be easily accessible from internal village roads. Layouts shall encourage pedestrian/bicycle access to parks through common areas.
5. MFR projects should have sufficient unit quantity to support an on-site manager and appropriate management budget. Project design should include a management office and storage space for yard maintenance equipment and supplies.
6. The creative use of townhouses or cluster units is required to establish

efficient MFR densities while providing individual living units with the personal style of detached houses.

7. Layout of buildings within the MFR should provide a variety of external street scenes within a project by orienting buildings in different directions yet maintaining sensitivity to trade wind and sun track.
8. It is recommended that MFR building foundation design and siting be sensitive to the existing slope and terrain. Large foundation retaining walls are discouraged. Post and pier foundations in accordance with building codes are encouraged so that buildings "step" down the hillside.
9. Children's play equipment, barbecues, and car wash areas should be included in the planning of MFR projects.

#### **B. MFR Lot Area, Dimensions and Density**

1. Minimum lot area shall be 7,500 square feet.
2. Minimum lot width and depth is 70 feet.
3. The preferred maximum density is about 1 unit per 2,500 square feet of land area.

#### **C. MFR Building Height, Stories and Massing**

1. Maximum desired height shall be 35 feet. Building height shall be measured from the lowest point of the finished ground surface adjacent to the building to the uppermost point of the building.
2. Maximum number of stories is two plus a mezzanine loft. A mezzanine loft shall not exceed one third of the floor area of the story directly below.
3. Where an MFR project adjoins a SFDR development, single-story units are recommended as a transition to the upper stories. See Figures 8 and 9 - Transition Between Single Family and Multi-Family Areas.
4. On any side facing a road, elevations and setbacks for MFR buildings should vary. Projections and recesses should be utilized to create an interesting streetscape.
5. Elevations of structures fronting arterial and internal roadways should be similar in character to the surrounding SFDR homes.
6. Horizontal structural and design elements should be used to visually reduce height. See Figure 10 - Multi-Family Dwelling.
7. Building massing that steps down with the natural terrain is encouraged for steeper areas.

#### **D. MFR Setbacks and Lot Coverage**

1. Fences or walls must be setback a minimum of 10 feet from any property line fronting an internal road.
2. No structure, parking area, or fence enclosing a "private yard" shall be permitted within 15 feet of any property line fronting an internal road.
3. Within 15 to 20 feet of any property line fronting internal road, no more than 60% of the area shall be enclosed by any building or enclosed by fences or walls. See Figure 11 - Multi-Family Setback.
4. Parking areas shall be setback a minimum of five feet from any side or

- property line when it abuts an SFDR or MFR project.
5. MFR structures shall be setback a minimum of 20 feet from any property line fronting an arterial roadway or abutting an SFDR or MFR project.
  6. No parking will be allowed within 20 feet of a property line along an arterial road with a transparent perimeter wall.
  7. Maximum lot coverage shall be 50%.

#### **E. MFR Parking Requirements**

1. Covered carports are desirable but open parking or a combination of both will be permitted. The minimum parking ratio shall be 2.1 stalls per unit. At least 10 percent of the total stalls will be reserved for guests. Special-purpose stalls (as for trucks or boat trailers) are encouraged.
2. Where gang-parking lots are used, avoid long straight bays of parking. Break up parking stalls by curving roadways and providing landscape pockets and trellises.
3. All parking areas shall be screened from adjacent streets, parks and villages. This may be achieved with berms, landscaping, fences or walls.

#### **F. MFR Architectural Considerations**

1. The overall massing and architectural features of the multi-family structures should present an "estate home" appearance.
2. The exterior design should employ design elements which soften the appearance of the MFR units.
3. Architectural elements should be introduced to provide variety and minimize the massiveness of multi-family development.
4. Lowered and pitched roof lines should be utilized to emphasize a human scale. The mixture of single-story and two-story height building units within a single building should be considered. Vary and take-up grade changes along common walls to emphasize individuality.
5. Private entry courts and/or stairs should be provided whenever possible.
6. Building layout should take advantage of natural light and ventilation. Corner units, single-loaded layouts, and staggered units which can take advantage of cross-ventilation are encouraged.
7. Floor plans that seem open and extend outward views and daylight into every room while also extending indoor living areas into private outdoor spaces are also required. Individual units should have an outdoor living area such as a lanai, enclosed patio or assigned yard.
8. An exterior storage closet is required for every MFR unit.

#### **G. MFR Fences and Walls**

1. All front, side and rear yards located along internal village roadways shall be enclosed with a minimum 4 foot high fence or wall. The fence may be transparent but should be uniform in design throughout the project. The use of secured gates where appropriate for pedestrian access is recommended.
2. MFR projects shall construct minimum 6 foot high non-transparent walls

or fences along any property line which abuts SFDR homes. The wall or fence shall incorporate fieldstone into its construction. The fieldstone may be used in a variety of ways such as contiguous solid walls, base walls or pilasters in conjunction with wood in-fill material.

#### **H. MFR Landscaping**

1. All unpaved areas shall be landscaped and utilize an automatic irrigation system.
2. Any planting strip lying between the sidewalk and the street bordering the MFR project shall be grassed and utilize automatic irrigation.
3. All parking lots shall be landscaped with a minimum ratio of one canopy tree per five parking stalls. Trees may be grouped in clusters within or surrounding the parking area.
4. Landscaping materials shall be selected and sited to minimize heat gain and to provide shading for the units.
5. Tress, shrubs and hedges shall be selected and installed to create a visual and acoustic buffer for adjacent SFDR homes. See Figure 12 - Recommended Privacy Buffer.
6. Drip irrigation and xeriscape landscaping plants and materials should be used to conserve water and reduce landscape maintenance.

### **V. ARCHITECTURAL DESIGN FOR SFDR AND MFR DEVELOPMENTS**

#### **A. Floor Plans**

1. Floor plans should be designed to maximize use of space and feeling of openness.
2. Interesting interior and exterior space should be created through architectural and building configurations.
3. Floor plans should reflect an outward orientation to usable exterior spaces and views.
4. Screened or unscreened lanais and/or verandas with railings should be provided to encourage outdoor living.

#### **B. Form, Mass and Scale**

1. Simple forms and building masses that relate to human scale are recommended.
2. Shadow lines and visual interest in the exterior elevations should be created by recessing entry courts, windows, doors and garage doors.
3. One and two-story unit combinations should be used to create a modulation of heights and recesses along the street.
4. Large masses should be broken with windows, doors and ornaments.

**C. Features and Detail**

1. Architectural features should include alternating roof slopes and gable conditions, gracious entry areas with covered porches, vaulted ceilings, and wrap around lanais.
2. Double-hung, casement, awning, or sliding windows with muntins are recommended with detailed attention paid to window proportions.
3. Decorative doors that compliment or match windows with wide trim (especially at window sills) are also important elements which add character and individuality to structures.
4. Details such as louvered vents, horizontal or vertical wood siding, wooden balconies, overhanging roof awnings, and picket type fences are all recommended to accent historical regional styles.

**D. Exterior Materials**

1. Weatherable materials in exposed locations should be utilized.
2. Rough sawn lumber, stucco, lava rock, field stone are permitted building materials. Corrugated or standing seam metal roof materials are permitted.
3. Use of "natural" materials and beam on post construction which provide continuity with earlier architectural styles representative of existing structures in West Hawaii are encouraged.
4. Exposed concrete block, plastic, fiberglass, imitation stone or brick veneer, and reflective materials or coatings are prohibited.
5. Windows and other glass surfaces shall not be mirrored or reflective except for window tinting approved by the MC.

**E. Roof Pitch and Material**

1. Gable, hip or shed roof forms with large roof overhangs should be utilized.
2. At least 80% of the roof area shall have slopes between 4:12 and 6:12.
3. Eaves shall extend at least 30 inches over all wall openings (excluding vents).
4. Although corrugated metal is an allowable roof material, it is preferred that a standing seam metal roof be employed.
5. Roof materials shall be consistent throughout a village.

**F. Resource Conservation and Environmental Considerations**

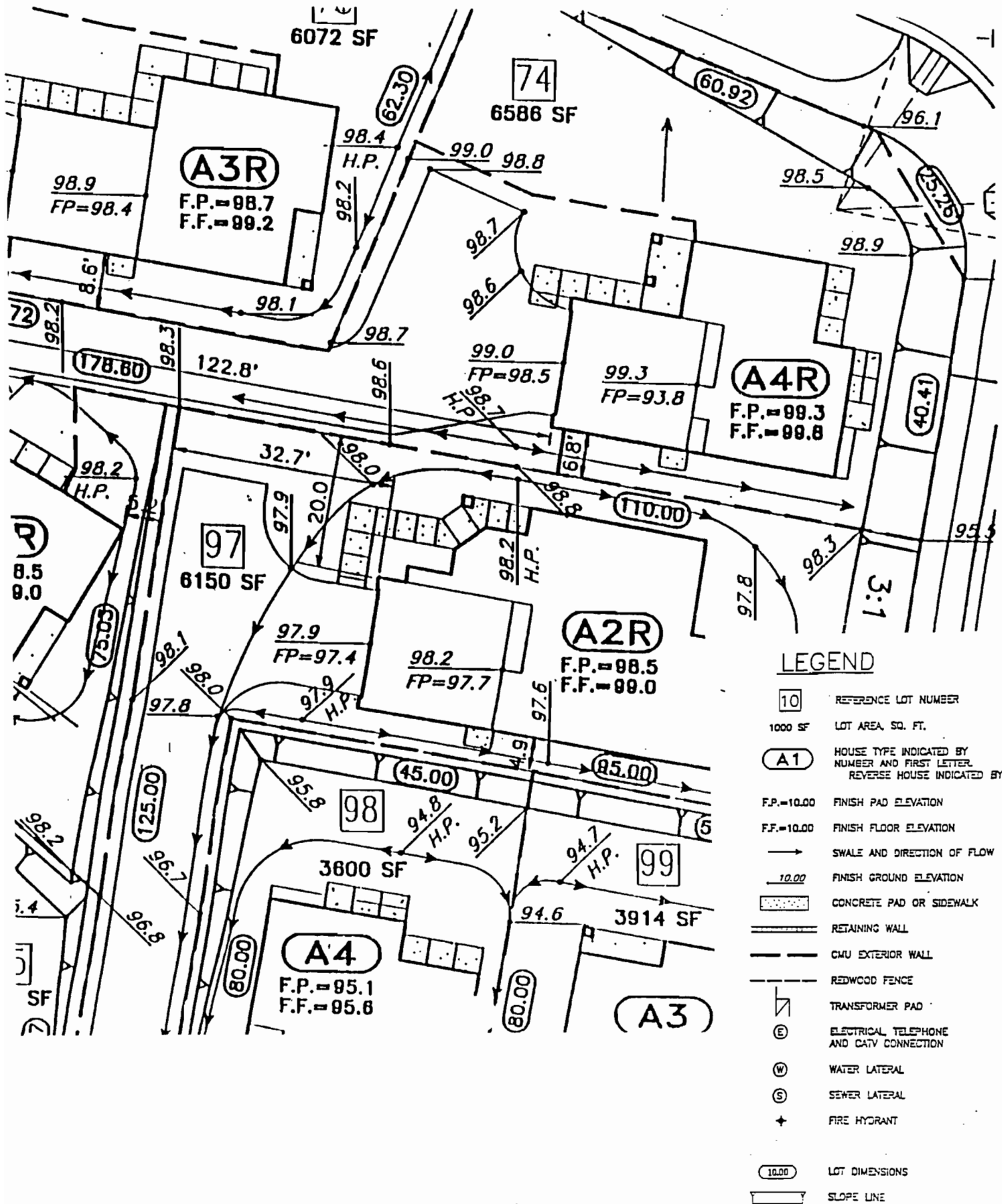
1. Architectural elements such as corner windows, atriums, dormers and/or clerestories that will provide natural light and ventilation are encouraged.
2. Operable windows should be installed to take advantage of cross ventilation and with openings towards prevailing winds.
3. Alternatives for the reduction of heat gain transfer shall be considered and utilized whenever possible.
4. Attic spaces should be insulated and ventilated to reduce heat buildup.
5. Conservation measures such as solar panels, heat pumps, and water-conserving plumbing fixtures such as low-flush toilets should be used.

- Roof storage tanks for solar water heating systems are not permitted.
6. Installation of a uniform screen door at the entry to each MFR unit is required.
  7. Installation of ceiling fans is recommended.

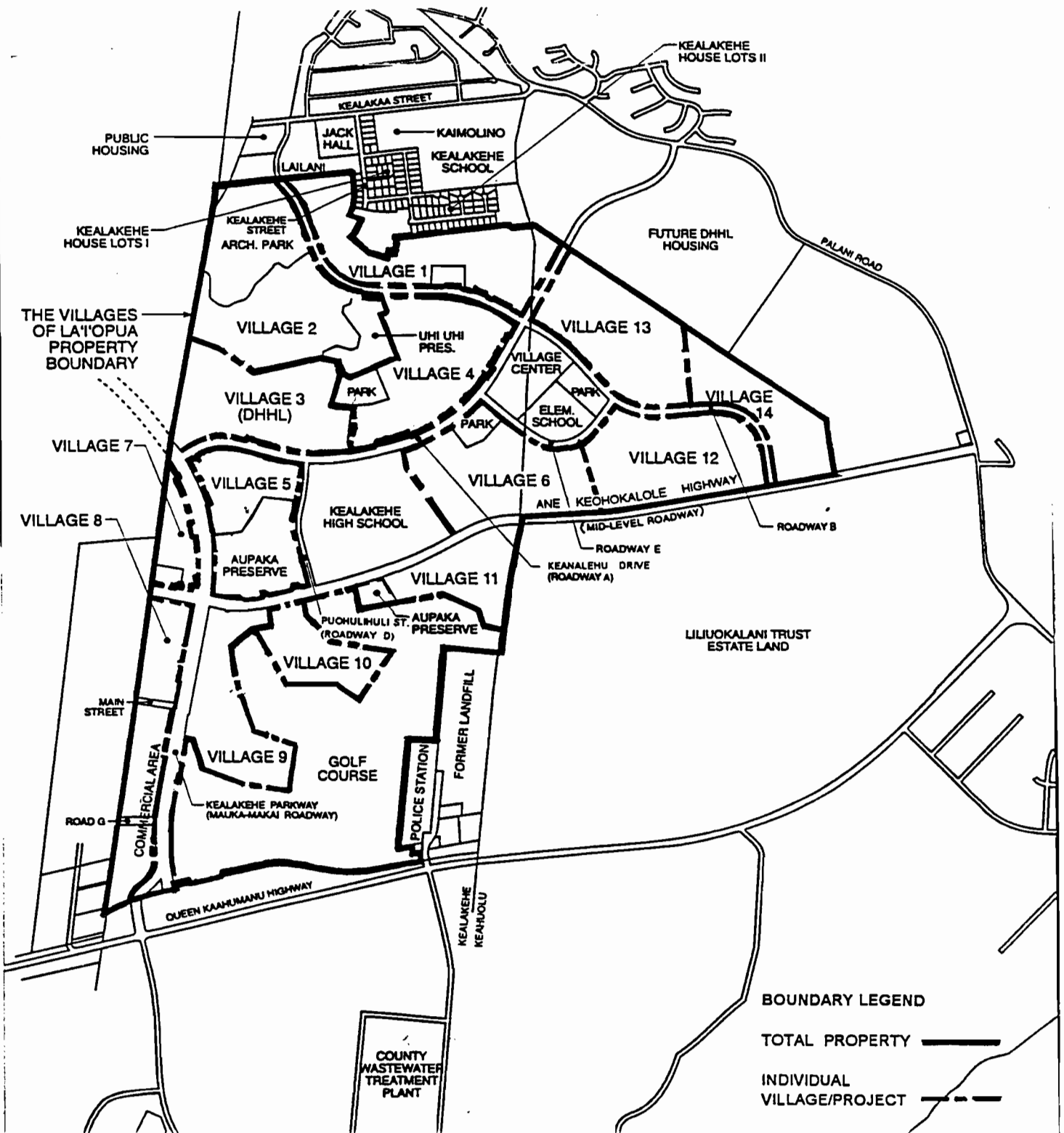
**G. Exterior Colors**

1. Colors must complement the existing rural character of the site, and be suitable for residential purposes. One main body color for buildings with is required Contrasting colors may be used for trims.
2. Colors should be selected on the basis of the desired appearance and attractiveness of the building, compatibility with building colors in the area, and the prevailing color scheme of the architectural and natural landscape character of the community. Compatibility with the building's site and surrounding topography is especially important.
3. Pastel colors are required (white as an accent is acceptable.)
4. Colors which clash with colors of adjacent buildings and use of dark colors for the building's base should be avoided.
5. Roof colors should be light or earth-tone.
6. Use of more than four colors (base, wall, trim, roof) is prohibited.

Sample Composite Plan



Villages of La'i'opua Master Plan



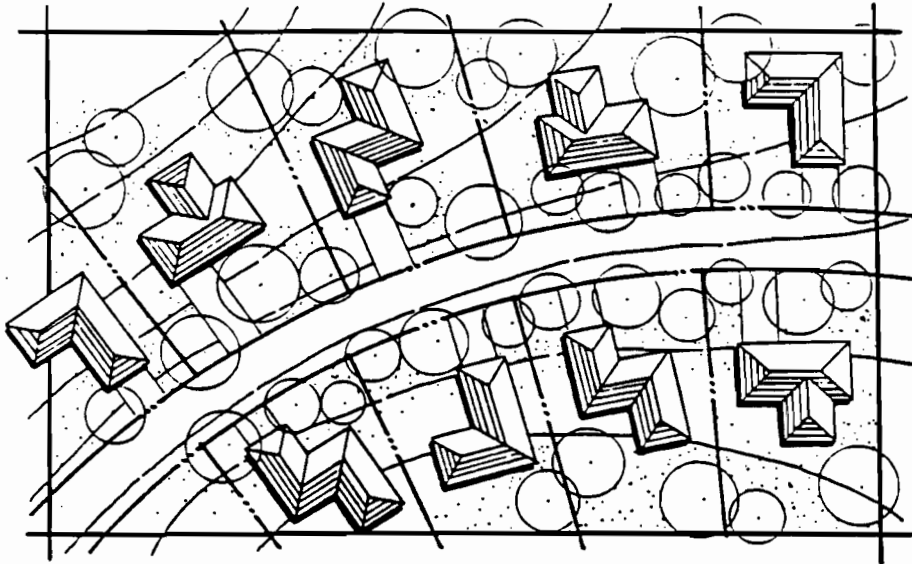
PROJECT STATUS

Villages of La'i'opua  
JAN 1998



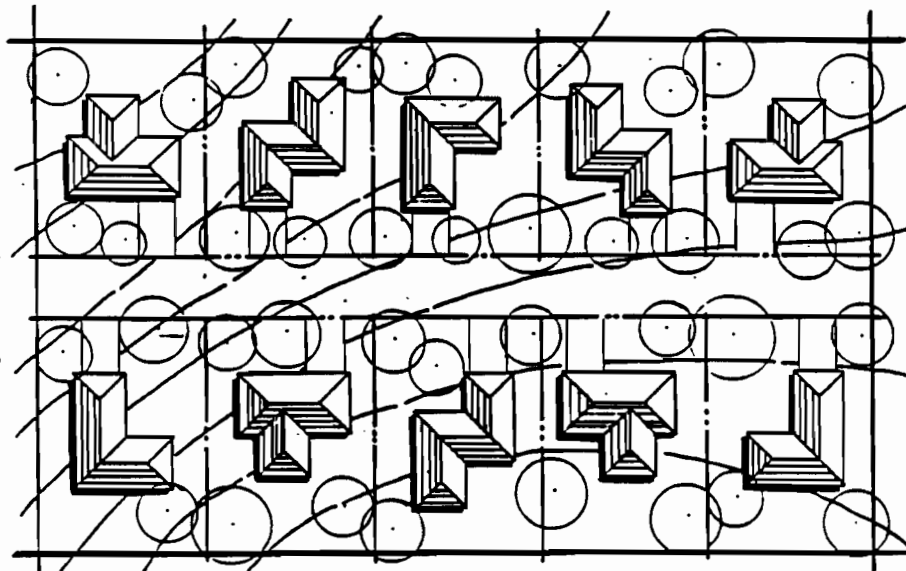
Desirable and Undesirable Land Division

DESIRABLE LAND DIVISION



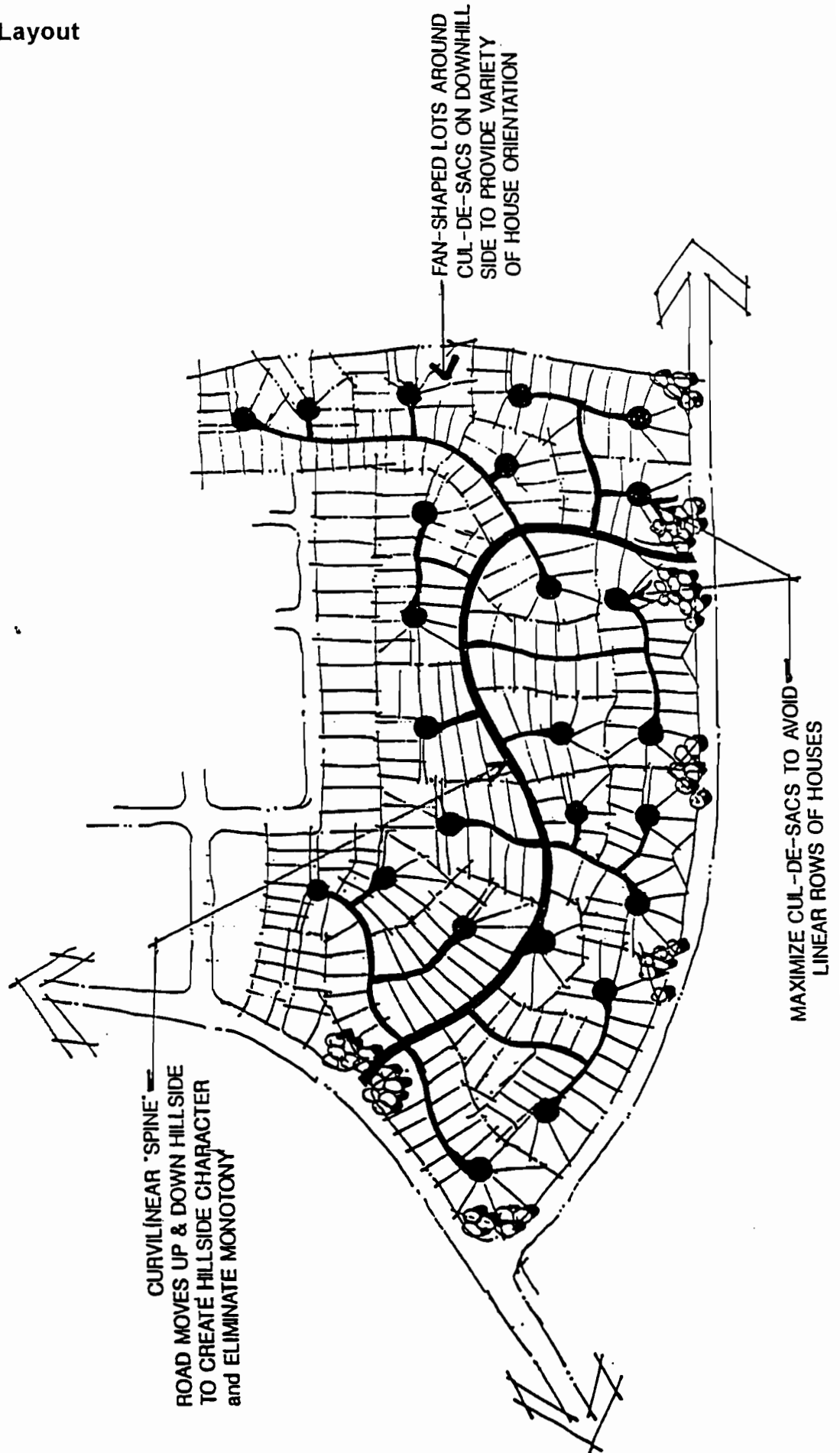
- ROAD AND LOTS FOLLOW CONTOURS OF TOPOGRAPHY
- CURVILINEAR ROADS CREATE INTEREST
- BLENDS INTO THE TOPOGRAPHY
- REDUCES AMOUNT OF GRADING

UNDESIRABLE LAND DIVISION

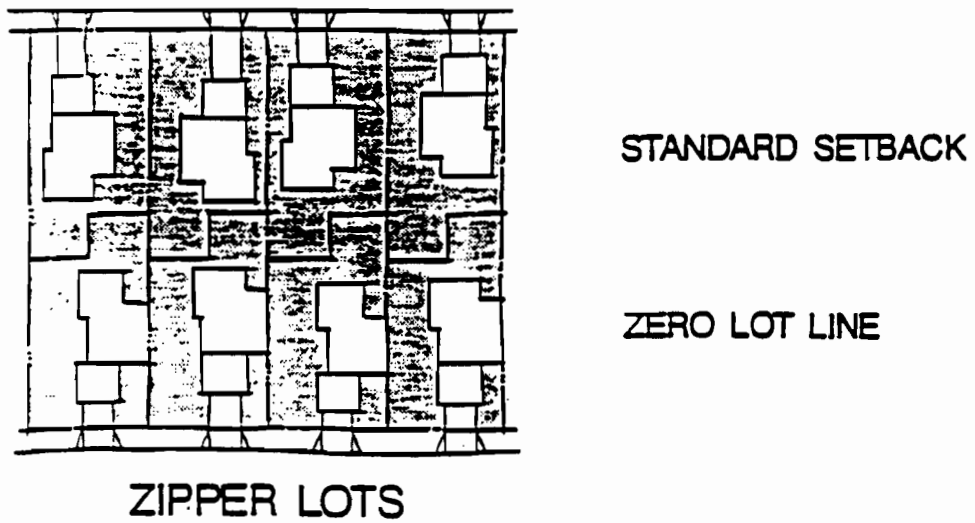
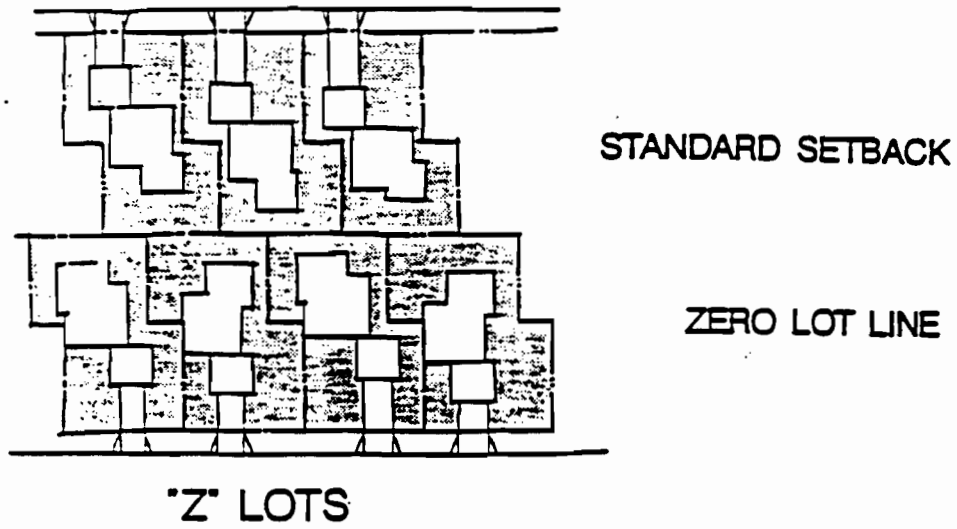
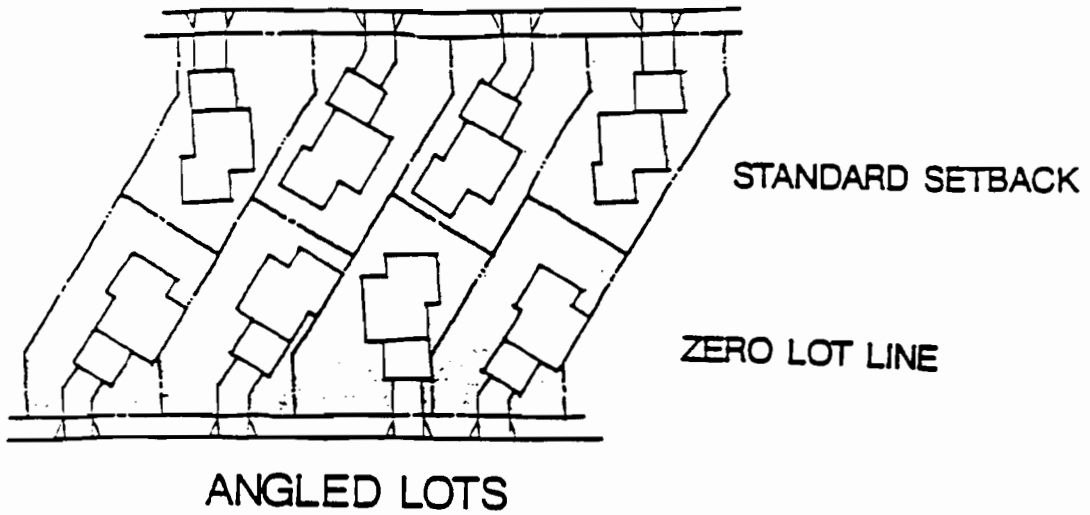


- MONOTONOUS LOTS, NO VISUAL INTEREST
- IGNORES NATURAL TOPOGRAPHIC ELEMENTS
- INCREASED AMOUNT OF GRADING

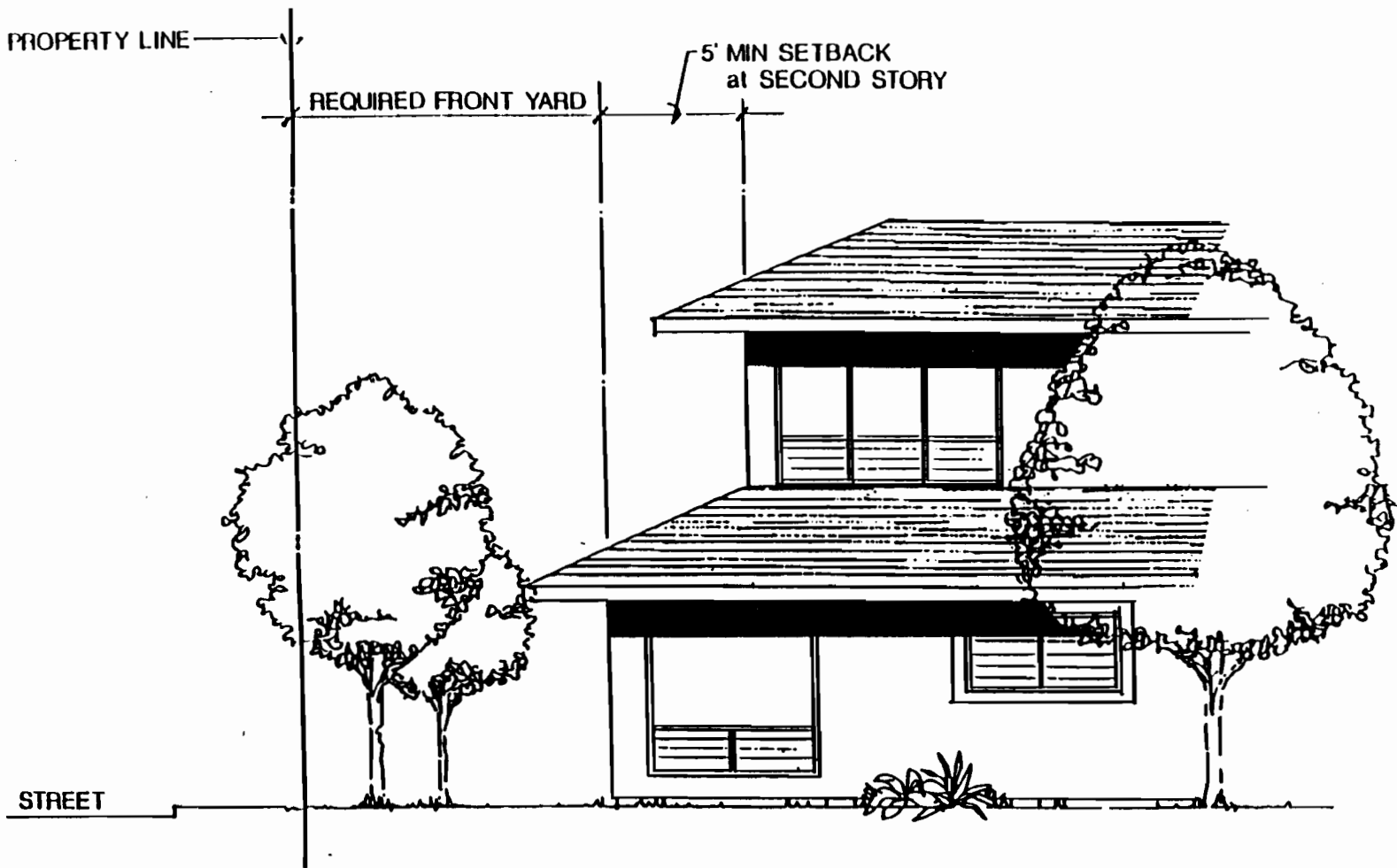
Desired Roadway Layout



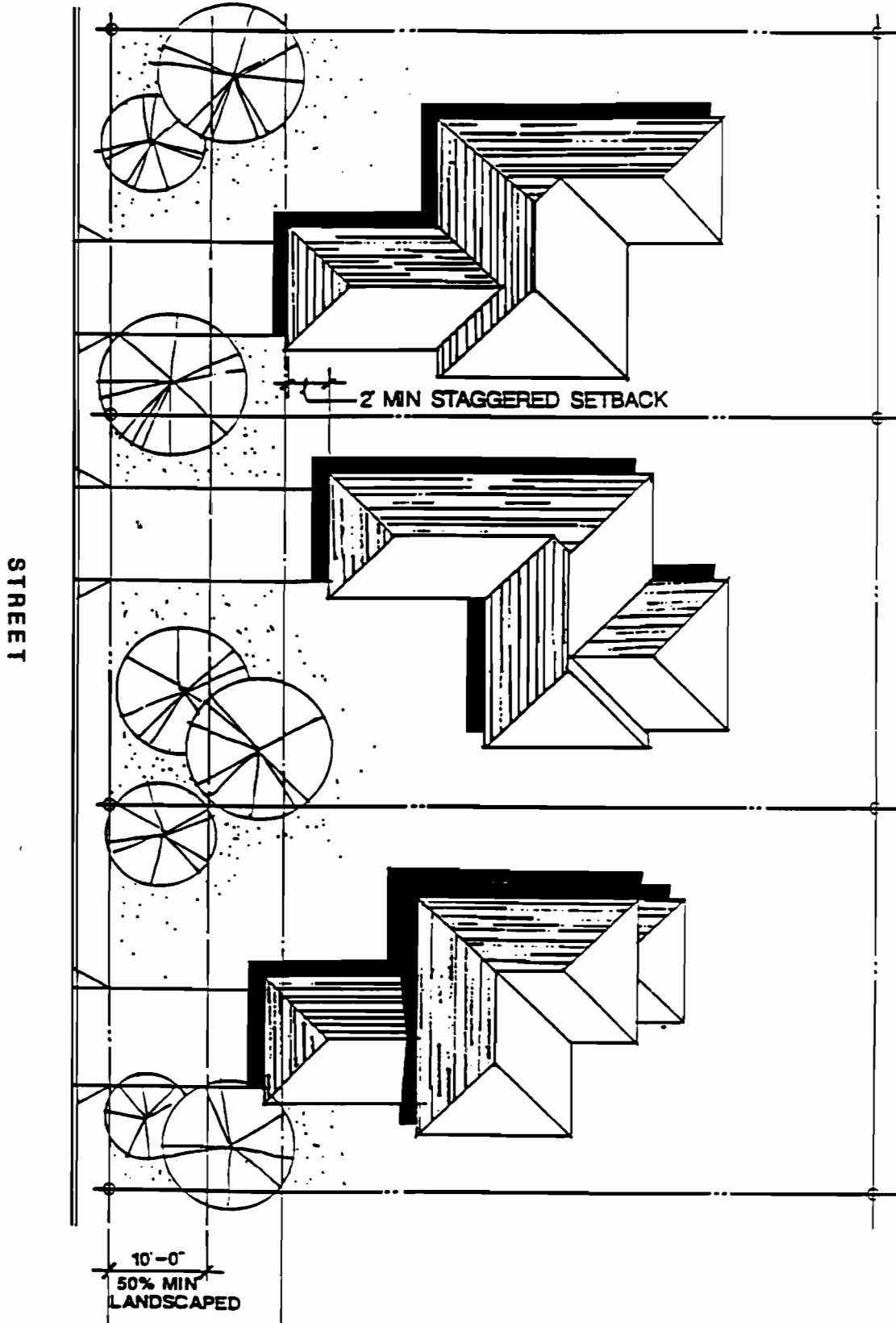
Innovative Lot Configurations



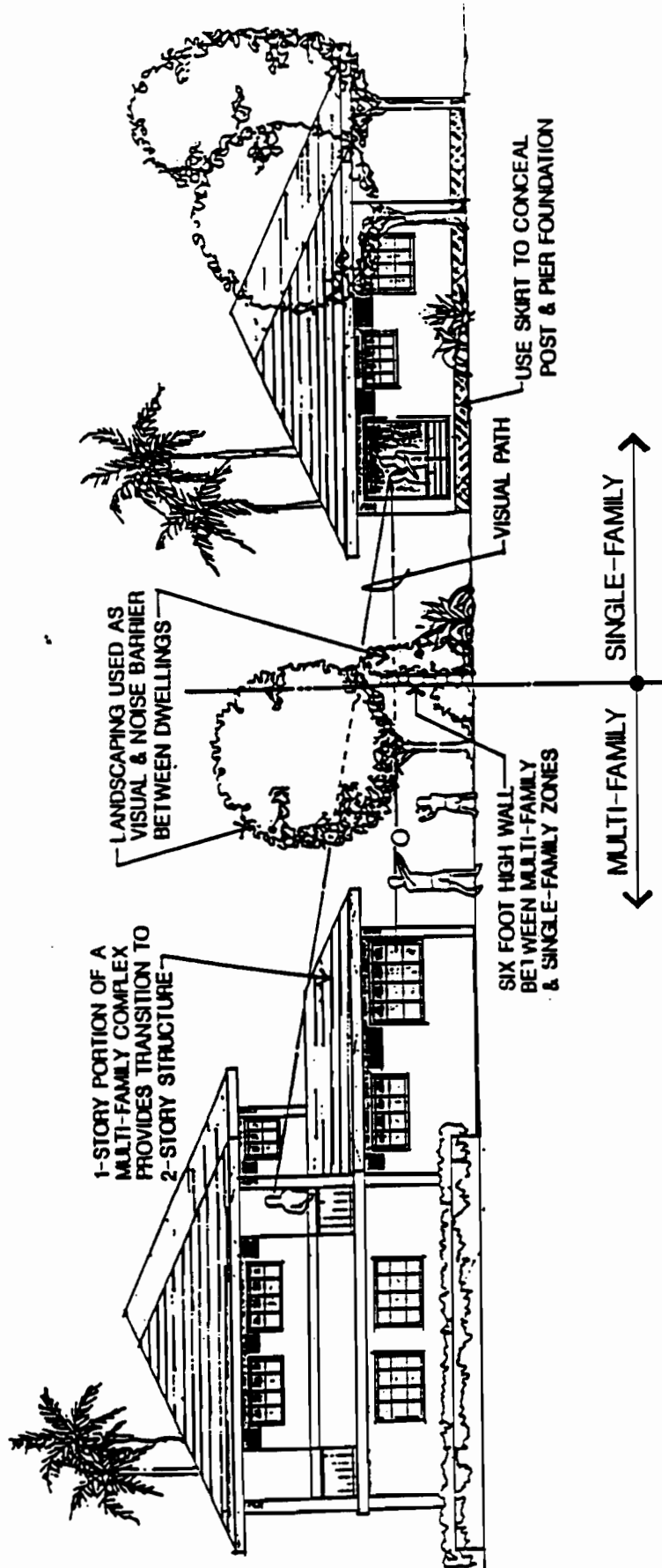
Single Family Dwelling Second Story Setback



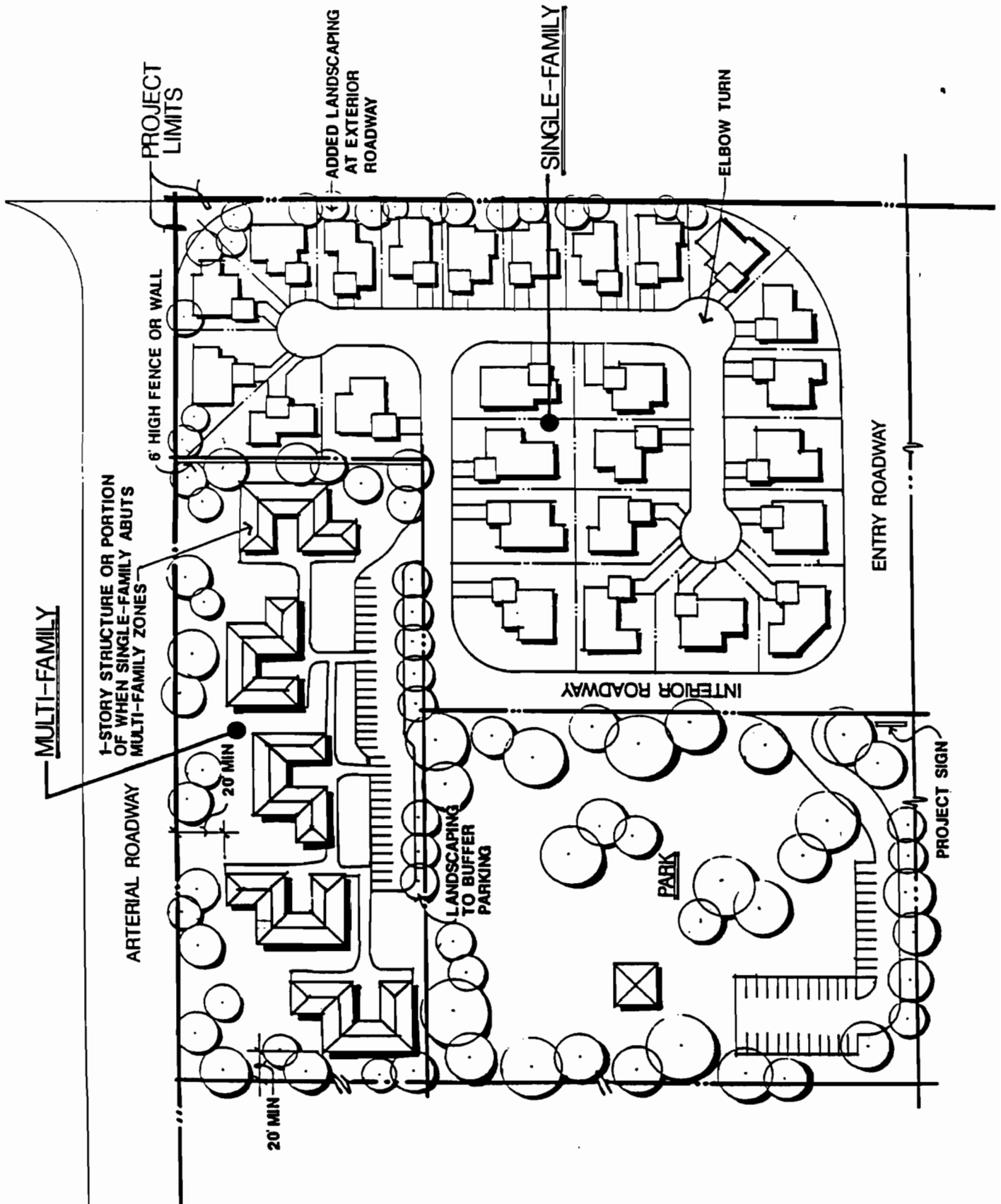
Single Family Dwelling Front Yard Setback



Transition Between Single Family and Multifamily Areas - Elevation



Transition Between Single Family and Multifamily Areas - Plan



Multifamily Dwelling



- RECESSED AREAS TO CREATE INTEREST IN ELEVATIONS
- STRONG HORIZONTAL BANDS TO VISUALLY REDUCE HEIGHT



Recommended Privacy Buffer



Multifamily Setback

