

# **Waikoloa Village**



## **Association**

### **Environmental Rules and Improvement Standards**

# ENVIRONMENTAL RULES AND IMPROVEMENT STANDARDS

[January 25, 2011, Rev. 1]

The Environmental Rules and Improvement Standards are not intended to replace the Declaration of Protective Covenants, but to supplement them in an effort to clarify improvement rules, procedures and standards for the benefit of all Association members and to enhance and protect the value, desirability and attractiveness of the village as a whole and each Lot situated therein.

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| <p>An application must be completed for all Improvements (See Page 5, Definitions, A.8.) The application included in this booklet is for reference purposes only. Applications can be downloaded from the Waikoloa Village Association website at <a href="http://www.waikoloa.org">www.waikoloa.org</a> or picked up from the Waikoloa Village Association office.</p> |           |

## A. DEFINITIONS

1. "Association" means the Waikoloa Village Association.
2. "Carport" means a roofed structure which is at least 100 percent open on one side and with 50 percent net openings on another side or which is provided with an equivalent of such openings on two or more sides [reference County Code, Chapter 5, Article 1, Section 5-1.0.18(a)].
3. "Complementary" means in harmony with the surrounding area.
4. "Committee" means the Environmental Control Committee (reference WVA Declaration of Protective Covenants, Section 1, paragraph C).
5. "Constructed" means built, assembled, installed, erected, placed or altered.
6. "Grading" means any excavation or fill or combination thereof.
7. "Harmony" means the quality of forming a pleasing environment.
8. "Improvements" means all buildings, outbuildings, roads, driveways, parking areas, fences, retaining walls and other walls, hedges, poles, antennae, and any other structures of any type or kind (reference WVA Declaration of Protective Covenants, Section 1, paragraph H), and reroofing, repainting, and re-landscaping.
9. "Landscaping" means the planting of trees, shrubs, bushes, hedges, ground cover, and other plants and the placement of sprinkler systems, water accents, walkways, gravel and cinder areas, borders, and other features for the purpose of creating a visually pleasing yard.
10. "Lot" means any lot as designated on the Plat (reference WVA Declaration of Protective Covenants, Section 1, paragraph I).
11. "Nuisance" means that which interferes with a neighbor's enjoyment of their property by creating smells, sounds, pollution, damage or other

offenses that are annoying, troublesome, noxious, harmful, irritating, or bothersome.

12. "Owner" means any person who holds fee simple title to a Lot; or any person who has contracted to purchase fee title to Lot under a written agreement, in which case the seller under said agreement shall cease to be the Owner while said agreement is in effect; or a lessee of a Lot under a recorded lease from the Owner of fee title to said Lot for a term of not less than 50 years, in which case the lessor under said lease shall cease to be the Owner while said lease is in effect (reference WVA Declaration of Protective Covenants, Section 1, paragraph L).

13. "Plat" means the recorded File Plans for the Development which show the Lots and Common Area (reference WVA Declaration of Protective Covenants, Section 1, paragraph M).

14. "Reasonable" means not excessive or extreme and within the bounds of common sense.

15. "Rules and Standards" means Environmental Rules and Improvement Standards.

16. "Stockpiling" means the temporary storage of soil, sand, gravel, rock or other similar material not to exceed one hundred cubic yards upon any Lot for the purpose of using the material as fill at a later date.

## **B. GENERAL**

1. Any Lot improvement constructed prior to the effective date of these rules and standards, in compliance with all then existing rules and standards and for which an Association approval had been obtained, is permitted to be maintained as a nonconforming improvement until such time that the improvement is reconstructed or damaged to the point of requiring reconstruction, at which time it must be removed or brought into compliance with all provisions of these rules and standards.

2. No building, antenna, tower, wind turbine, fence, wall, screen, landscaping, repainting, reroofing or any other Lot improvement shall be constructed until the nature, kind, shape, height, materials, and color have been approved by the Committee.

3. Solar photovoltaic panels installed on roofs do not require Committee approval.

4. The Committee may disapprove any application because of reasonable dissatisfaction with grading plans, location of the proposed improvement on a Lot, finished ground elevation, scheme, finish, design, proportions, architecture, shape, height or style of proposed improvement, the materials used therein, the kind, pitch or type of roof proposed to be placed thereon, or if in the judgment of the Committee reasonably exercised, the proposed Improvement will be inharmonious with the Development or with the Improvements erected on other Lots [reference WVA Declaration of Protective Covenants, Section 4, paragraphs A(ii)(b) and (c)].

#### 5. Construction Time Frames

5.1 Every improvement once begun shall be completed within nine (9) months. Improvements not completed within nine (9) months, Improvements on which construction is interrupted for ninety (90) days, and Improvements partially or totally destroyed and not rebuilt within nine (9) months shall be deemed a nuisance. The time for completion of any construction, repair or rebuilding shall be extended for a period equal to any delay from causes beyond the reasonable control of the Owner. Declarant or Trustee may remove any such nuisance or repair or complete the same, at the cost of the Owner (reference WVA Declaration of Protective Covenants, Section 2, Paragraph B).

5.2 The Owner must submit a written request for an extension of time beyond the required nine (9) month period for completion of construction (see WVA Declaration of Protective Covenants, Section 2, paragraph B) if additional time is needed. If an extension is not requested and

construction is not completed within the required nine (9) month period of time, the security deposit will automatically be forfeited. If an improvement has not been started within the required nine (9) month construction time frame and an extension has not been requested, the approved application for improvement will automatically be revoked. Written notification of revocation will be sent to the Lot owner.

6. The use of materials for construction should exhibit a sense of place and be in harmony with surrounding area.

## 7. Acceptable Colors

7.1 Exterior colors have a major influence on the character and appeal of a home, as well as other Lot improvements that complement the home. Exterior colors also contribute to the overall appearance of the neighborhood. Color selections should therefore be made seeking a balance of personal expression, continuity, and compatibility with the neighborhood. Exterior colors of buildings and other outdoor features shall be earth tone and in harmony with nature and the surrounding environment.

7.2 Trim and accent colors shall complement one another and both shall complement the primary color of the building.

7.3 A 4" x 6" index card size or larger paint sample shall be provided for each proposed color for preliminary approval. The Owner shall paint a 3 foot by 3 foot color sample on the home itself for evaluation by the Committee before final approval is granted.

7.4 All exterior colors must be approved by the Committee. Once approved, color selections cannot be changed without Committee approval.

8. For health and safety reasons, construction waste and debris shall be removed from the site daily or placed in an onsite covered dumpster.

9. A portable toilet must be onsite during construction of any Lot improvement when permanent toilet facilities are not available.

10. The following construction nuisances are not allowed:

10.1 Construction beginning before 7:00 a.m. and continuing after 5:00 p.m.

10.2 Construction trash, waste, and other debris that is allowed to blow onto adjacent Lots or construction material or debris that could become a flying object causing harm or damage during high winds.

10.3 Construction on Sundays.

10.4 Visible fugitive dust resulting from construction activities.

10.5 Use of radios where the volume is maintained at a level that becomes objectionable to the neighbors.

10.6 Grading work, including the use of hydraulic hammers, on Saturdays and Sundays or during normal work days before 7:00 a.m. and after 3:30 p.m.

10.7 Accumulation of construction material and debris that could be hazardous to anyone entering the project site when unattended.

10.8 Open trenches that could become a hazard to the general public that are not barricaded or covered.

10.9 Re-directing surface water runoff onto adjacent Lots.

10.10 Construction waste or soil dropping onto public roads from vehicles traveling to or from the construction site.

## 10.11 Blocking public sidewalks or roads.

11. It is the responsibility of the Owner to obtain any required Federal, State, or County permit(s) prior to the start of construction.

12. When these rules and standards are based on County Codes by reference, they will be deemed to be updated when the applicable County Code(s) are updated, if the Committee determines the update to be reasonable and appropriate for the village. In their determination, the Committee understands that the rules and standards cannot be less stringent than those adopted by the County.

13. The Committee may allow reasonable variances from these rules and standards if literal application results in unnecessary hardship, if the variance is in conformity with the general intent of these rules and standards, and if the granting of such variance will not be materially detrimental or injurious to the Owners of other lots [see WVA Bylaws, Article V, Section E, paragraph iii and WVA Declaration of Protective Covenants, Section 4, paragraph A(iii)].

### **C. PROCEDURES FOR REQUESTING APPROVAL**

#### 1. New Home Construction

1.1 The Owner shall submit a preliminary application for approval to construct a new home by filling out WVA ECC-1 Form and then submitting it to the Committee for approval, along with the required documentation (see paragraph D below for required documentation). A non-refundable filing fee of \$250.00 must be paid at this time.

1.2 Once the application has been given preliminary approval by the Committee, the Lot owner shall obtain County approved plans and County building permit (reference County Code, Chapter 5, Article 1, Section 5-1.0.9). Reference County Code, Chapter 5, Section 5-1.0.8, paragraph (a) for Lot improvements that do not require a County building permit.

1.3 Once the County approves the construction plans and issues a permit, the Owner shall provide a copy of both to the Committee with a request for final approval. If an engineered Grading Plan is required (see paragraph D.1.5.1 below), a copy of the County approved Grading Plan and County grading permit (reference County Code, Chapter 10, Article 2, Section 10-9) will also be provided. A \$2,500.00 refundable security deposit must be paid at this time.

1.4 Grading equipment must not be moved to the construction site or parked on adjacent lots prior to the start of grading operations without Committee approval.

1.5 Once construction of the home is complete, the Owner shall request a County final acceptance inspection.

1.6 A copy of the County's final acceptance/occupancy document must be provided to the Committee before the Association's final acceptance inspection can be conducted.

1.7 Once the Association has accepted the home, the home may be occupied. Occupancy prior to the Association's final acceptance shall be grounds for forfeiture of the Owner's security deposit.

1.8 If the landscaping is not complete at the time of the Association's final acceptance inspection of the home, the Owner must then request a follow-up landscape acceptance inspection. If the Owner needs an extension to the required nine (9) month construction period to complete the landscaping, it must be requested in writing.

1.9 The Owner's security deposit will be returned after the landscaping has been accepted by the Association (see paragraph B.5.2 above for forfeiture of the security deposit if construction is not completed within the required period of time).

## 2. Home Additions and Outbuildings

The procedure for obtaining Association approval for a home addition or outbuilding is the same as that required for the construction of a new home, except the non-refundable filling fee is only \$100.00 and a landscape plan, grading plan or sketch, grading permit, and security deposit is not required.

## 3. Exterior Antennas, Fencing, Landscaping, Repainting, Reroofing, Screening, Towers, Walls, Wind Turbines and Other Improvements

3.1 The Owner shall submit an application for Lot improvement by filling out WVA ECC-1 Form and then submitting it to the Committee for approval, along with the required documentation (see paragraph D below for required documentation).

3.2 Once approved, a copy of the approved application shall be made available to the Owner.

3.3 Upon completion of construction, the Owner shall request a final Association acceptance inspection.

## **D. REQUIRED DOCUMENTATION**

### 1. New Home, Home Additions, and Outbuildings

1.1 A WVA ECC-1 Form shall be filled out and submitted to the Committee for approval, along with the required documentation (see paragraphs 1.2 through 1.7 below for required documentation).

#### 1.2 Preliminary Plot Plan (scale not smaller than 1/8 inch = 1 foot)

The Preliminary Plot Plan shall show the property lines; length of property lines; Lot size in square feet; adjacent streets with street names; footprint of the home and driveway; setbacks; proposed location of above ground utilities, such as, meters, utility boxes, propane tanks, etc.; and

location of proposed swimming pool, walls, retaining walls, fences, and screens.

### 1.3 Preliminary Floor Plan (scale not smaller than 1/4 inch = 1 foot)

The Preliminary Floor Plan shall show the location of exterior and interior walls with individual room dimensions, along with the total living area in square feet.

### 1.4 Preliminary Elevation Plan (scale not smaller than 1/4 inch = 1 foot)

The Preliminary Elevation Plan must show elevation views from all four (4) sides of the building; materials of exterior surfaces, including roof material (wood shingles and corrugated roofing materials are not allowed); colors of all exterior surfaces; and the height of the building measured from finish grade to the top of the highest roof line (see paragraph E.7.5 below for height restrictions).

### 1.5 Preliminary Grading Plan (scale not smaller than 1/8 inch = 1 foot)

1.5.1 When the proposed grading alters the existing drainage pattern with respect to adjacent Lots, exceeds 100 cubic yards of material on any one Lot, exceeds five feet of excavation in vertical height at its highest point, or exceeds five feet of fill in vertical depth at its deepest point, a Preliminary Grading Plan, prepared by a registered civil engineer, shall be provided [reference County Codes, Article 1, Section 10-3, paragraphs (b)(6) and (b)(7) and Article 2, Section 10-19, paragraph (a)]. The plan shall show the property lines; adjacent streets and street names; footprint of the house and driveway; finish floor elevation; finish grade elevation; vertical distance between the surface of the street facing the front of the property to the finished grade; existing and proposed contours with 2 foot intervals or intervals that are appropriate for the work in question, whichever is less, extending a minimum of 5 feet into adjacent Lots; location of the benchmark used to establish the elevations of the

existing and proposed contours and other Lot elevations; manmade drainage structures; swales with arrows indicating direction of flow; plan and profile view of proposed cuts and fills; and location of any retaining walls.

1.5.2 When the proposed grading does not alter the existing drainage pattern with respect to adjacent Lots or does not exceed the other limits stated in paragraph 1.5.1 above, an engineered Grading Plan is not required; however, a sketch showing the property lines; footprint of the house and driveway; streets with street names; profile view of the existing and finished grades; areas of cut and fill; vertical distance between the surface of the street that faces the front of the property to finished grade; and a narrative description of the proposed grading operation shall be provided.

1.6 Preliminary Landscape Plan (scale no smaller than 1/8 inch = 1 foot)

The Preliminary Landscape Plan shall show the property lines; adjacent streets with street names; footprint of the house, driveway, and sidewalks; location of walls, retaining walls, fences, and screens with type of materials, colors, and dimensions; location and name of trees, shrubs, bushes, hedges, ground cover, and all other plants; location of gravel and cinder areas; location of swimming pool (if applicable); and the location and type of other landscape features.

1.7 Final County approved plans must be prepared, designed, and stamped by a registered professional engineer or licensed architect (reference County Code, Chapter 5, Article 1, Section 5-1.0.9).

## **2. Exterior Antennas, Fencing, Landscaping, Repainting, Reroofing, Screening, Towers, Walls, Wind Turbines, and Other Improvements**

2.1 A WVA-ECC-1 Form must be filled out with the required documentation and submitted to the Committee for approval.

## 2.2 Antennas, Towers, and Wind Turbines

Provide a diagram or sketch and detailed specifications of the proposed antenna, tower, or wind turbine, showing property lines, footprint of the existing home, and location of the antenna, tower, or wind turbine, and any proposed screening. The diagram or sketch shall also show the height of the proposed installation in relation to existing or proposed screening features and any additional information that may help the Committee in making a determination.

## 2.3 Fencing/Screening

Provide a sketch or drawing of the proposed fence/screen with dimensions, type of material, and color. The sketch or drawing provided shall show the property lines, footprint of the existing home and driveway, and location of the fence or screen. Fences and screens shall be no more than 6 feet in height and along the front of the property fencing shall be no more than 3 ½ feet in height. In the case of corner lots, the front of the property will be determined based on physical features, such as, location of the driveway, location of the mailbox, location of the main entrance to the home, and other prominent features.

## 2.4 Landscaping

Provide a sketch or drawing of the proposed landscaping showing property lines; adjacent street(s) with street name; footprint of the home, driveway, and sidewalk(s); irrigation; types, quantities, and location of trees, shrubs, bushes, hedges, ground cover, and all other plants, areas of gravel and/or cinder; walls, fences, and screens; and any other proposed landscape features.

## 2.5 Repainting (Exterior)

Provide a description of the surfaces to be re-painted along with paint samples of the proposed color(s).

## 2.6 Reroofing

Provide a copy of the manufacturer's brochure containing descriptive information and colors of the proposed reroofing material. The proposed roofing material color shall complement the color of the house and the surrounding area. Wood shingles and corrugated roofing materials are not allowed.

## 2.7 Walls

Provide a sketch or drawing of the proposed wall with dimensions, type of material and color. Free standing walls shall be no more than 6 feet in height. Retaining walls over 6 feet in height must be permitted by the County. A copy of the County permit shall be provided prior to start of construction. Walls shall not exceed 3 ½ feet in height along the front of the property. In the case of corner lots, the front of the property will be determined based on physical features, such as, location of the driveway, location of the mailbox, location of the main entrance to the home, and other prominent features.

## 2.8 Other Improvements

Provide descriptive information, sketches, drawings, samples, dimensions, colors, and anything else that will assist the Committee in its determination of whether or not the improvement is acceptable.

### **E. RESIDENTIAL IMPROVEMENTS - RULES AND STANDARDS**

#### **1. Address Numbers (reference County Code, Chapter 14, Article 14, Division 2, Section 14-84)**

1.1 Owners shall post and maintain home address numbers so they are visible and legible from the street at their own expense at all times. Address numbers shall be Arabic numerals not less than three inches in height and shall be made of durable and clearly visible material or paint in a

color distinguishable from its background. Where the main entrance to the home is clearly visible and within fifty feet of the street, the address numbers may instead be conspicuously placed on, above, or at the side of the main entrance of the home so that the number is distinguishable and legible from the street.

1.2 During construction of new homes, County assigned address numbers shall be posted temporarily at the driveway location to facilitate inspections and assist emergency responders prior to occupancy.

1.3 For Lots with mailboxes, numbers shall be posted on the mailbox to be visible from either direction.

1.4 When Owners share a common driveway, a sign not exceeding two square feet in size and showing the range of addresses shall be attached to a permanent structure or post with the top of the sign not exceeding six feet in height, and located within the property line near the intersection of the driveway and the street. The sign must be approved by the Association prior to its installation.

1.5 To supplement the placement of required address numbers, Owners may also paint the address number on the face of the street curb. Curbside address numbers shall be white on asphalt curbs and black on concrete curbs and no smaller than 3 inches in height.

## 2. Air Conditioning Equipment (including evaporative coolers)

Exterior air conditioning equipment that can be seen from the street shall be appropriately screened from view (see paragraph E.15 below for screening requirements).

### 3. Antennas, Towers, Satellite Dishes, and Wind Turbines

3.1 Committee approval is not required for satellite dishes not exceeding 4 feet in diameter or for outdoor digital TV antennas (reference FCC OTARD Rule).

3.2 Antennas and towers for commercial use will not be allowed in residential areas, unless approved by the Committee as a variance in accordance with paragraph B.13 above.

3.3 Wire antennas not exceeding an average of ¼ inch in diameter or vertical antennas not exceeding an average of 1 inch in diameter do not require ECC approval, if they cannot be easily seen from the street.

3.4 The Association recognizes Public Law 103-408 which states “reasonable accommodation should be made for the effective operation of amateur radio from residences.” Applicants for an antenna or tower system exceeding the dimensions in paragraph 3.3, above, may be approved on a case-by-case basis. Antennas and towers must not permanently exceed the average height of the tallest screening features located on the applicant’s lot and abutting properties. Screening consists of any combination of buildings, vegetation, fences, and terrain. The effectiveness of screening shall be evaluated from the perspective of a person standing on the public street nearest the proposed installation.

3.5 A tower as described in these rules and standards may form a component of a home wind power system. Applicants desiring to install a wind turbine shall submit an application for Lot improvement to the Committee. The application shall include the information required by paragraph D.2.2 above.

### 4. Drainage Structures

Drainage structures, such as, culverts, storm drains, ditches, and swales shall be constructed to prevent rain water from running off onto

adjacent properties and becoming a nuisance. New drainage structures and changes to existing drainage structures shall be designed by a registered professional Civil Engineer.

## 5. Fences

5.1 Fences shall be constructed from durable material, such as, wood, vinyl, wrought iron, or aluminum and shall be in harmony with the surrounding area and the village as a whole.

5.2 Fence colors shall be selected using the criteria established in paragraph B.6 above.

5.3 Fences shall not be more than 6 feet in height, except fencing along the front of the property shall not be more than 3 ½ feet in height. In the case of corner lots, the front of the property will be determined based on physical features, such as, location of the driveway, location of the mailbox, location of the main entrance to the home, and other prominent features.

5.4 Fences facing the street shall have the finished side facing out.

5.5 Should the unfinished side of the fence face the neighbor, it shall not be unsightly.

5.6 Chain link fences facing the street or beyond the front of the house will not be allowed. Chain link fences (fabric, posts, post caps, poles, and fittings) shall be coated with either green or black vinyl and be no higher than 6 feet. It is recommended that foliage be planted along the chain link fence to help screen it from view.

5.7 Lattice fences facing the street or beyond the front of the house will not be allowed. Lattice fencing along the sides of the house or in the back is allowed as long as the top and bottom of the lattice panels do not extend beyond the top and bottom of the fence rails.

5.8 Construction of fences on top of walls is allowed as long as the total height does not exceed 6 feet. Wall and fence combinations shall not exceed 3 ½ feet in height along the front of the property. In the case of corner lots, the front of the property will be determined based on physical features, such as, location of the driveway, location of the mailbox, location of the main entrance to the home, and other prominent features.

5.9 Photos of acceptable fences are available in the Association office.

## 6. Grading

6.1 All grading shall be performed in accordance with the requirements stated herein and County Codes, Chapter 10, Erosion and Sedimentation Control.

6.2 Grading operations shall not start prior to Committee approval. Grading equipment shall not be positioned on the Lot or parked on adjacent lots in anticipation of receiving approval.

6.3 Surface runoff shall be dispersed or channeled in such a manner to prevent erosion or becoming a nuisance to adjacent Owners.

6.4 A change in the approved finished grade elevation is not allowed without prior approval of the Committee.

6.5 Prior to the start of grading operations, surface soils shall be pre-wet to prevent visible dust particles from traveling outside of the construction site. Surface soils shall continue to be watered during grading operations to ensure visible dust particles are kept under control. When wind speeds are too high to prevent visible dust particles from traveling outside of the construction site, grading operations shall be suspended.

6.6 Committee approval must be received prior to importing any additional fill material not originally on the Lot.

6.7 The Owner is responsible for locating all underground utilities prior to the start of grading operations.

## 7. Homes (New)

7.1 Construction of new homes must be permitted by the County and approved by the Association prior to the start of construction.

7.2 The style of the home and materials used in its construction shall complement the surrounding area and provide a sense of belonging to the village. Corrugated roofing materials (inharmonious) and wood shingles (fire safety concern) are not allowed.

7.3 Home colors shall be selected using the criteria established in paragraph B.7 above.

7.4 The living area of new homes shall not be less than 1,000 square feet, exclusive of roofed or unroofed porches, lanais, garage, carport, or outbuildings [reference WVA Declaration of Protective Covenants, Section 2, Paragraph S (i)].

7.5 Single story dwelling shall be at least 25 feet from the front Lot line [reference WVA Declaration of Protective Covenants, Section 2, Paragraph S (iii)].

7.6 Single story homes on level or near level lots shall not be more than 20 feet in height measured from finished grade to the top of the highest roof line. The height of homes on uneven terrain that exceeds the 20 foot requirement shall be reviewed on a case by case basis and approved if deemed reasonable by the Committee. Split-level or two-story homes may be approved where they fit well with the existing terrain.

7.7 Homes must have a double car garage or carport. Where practical, carports shall be oriented so as to eliminate a straight-in view

from the street [reference WVA Declaration of Protective Covenants, Section 2, Paragraph S (i)].

## 8. Home Additions

8.1 Materials used for home additions shall be the same or generally recognized as complementary in style and color of the original home, except wood shingles and corrugated roofing materials are not allowed. Colors for home additions shall be selected using the criteria established in paragraph B.7 above.

8.2 The home addition height shall not be any higher than the existing home measured from finished grade to the top of the highest roof line.

8.3 Construction of home additions must be permitted by the County and approved by the Association prior to the start of construction.

## 9. Kennels (Permanent)

Kennels must be approved by the Association and shall be either commercially manufactured or custom built with materials that will ensure containment of the animal. The kennel shall have a locking gate, concrete (sloped a minimum 1%) or 6 inch thick pea gravel floor, and an attached animal house or kennel roofing for shelter. The kennel shall be large enough to ensure the animal has room to exercise. The kennel should be located in a naturally shaded area, if feasible. The kennel must not be visible from the street and must not be constructed any closer than the County setback distance from shared property lines.

## 10. Landscaping

10.1 When designing Lot landscaping (see paragraph A.9 above for definition of Landscaping), consideration must be given not only to the appearance of the Lot immediately after completing the landscaping, but

what it will look like after the plants mature. Thought must also be given to plants that may become a nuisance to the adjacent Lot owners. Trees are of particular concern because of the potential for their root system damaging neighbor's walls, and dropping leaves, branches, and other debris onto their property.

10.2 No tree over 3 inches in diameter may be cut down without the prior written consent of the Committee (reference WVA Declaration of Protective Covenants, Section 2, paragraph N).

## 11. Lights and Lighting

To avoid becoming a nuisance, exterior flood lights and spot lights shall be installed and pointed so they are not directed toward adjoining Lots.

## 12. Outbuildings

12.1 Association approval is required for all outbuildings, regardless of height. If required, County permits must be posted in plain view from the street.

12.2 No garage or shed shall be built before a dwelling is built on the Lot. No garage, shed, temporary building, or partially completed building shall be used for human habitation (reference WVA Declaration of Protective Covenants, Section 2, paragraph A).

12.3 All materials used to construct outbuildings must be the same or generally recognized as complementary in style and color of the home. Colors for outbuildings shall be selected using the criteria established in paragraph B.7 above.

12.4 Outbuildings constructed on level or near level ground shall not be more than 20 feet measured from finished grade to the top of the highest roof line. The height of Outbuildings on uneven terrain that

exceeds the 20 foot requirement shall be reviewed on a case by case basis and approved if deemed reasonable by the Committee.

12.5 Utilities to outbuildings must be underground.

12.6 The outbuilding roofing material must match the roofing material of the existing residence, unless otherwise approved by the Committee; however, wood shingles and corrugated roofing materials are not allowed.

12.7 Storage sheds must be located so they cannot be seen from the street, if at all possible. If the storage shed is located where it can be seen from the street, the area surrounding the storage shed must be kept free of clutter and not allowed to become unsightly. Storage sheds shall complement the style and color of the existing home. Custom built storage sheds 6 feet and over in height must be permitted by the County [reference County Code, Section 5-1.0.8, paragraph (a)(16)].

12.8 Playhouses may be located anywhere on the Lot as long as they are maintained and not allowed to become unsightly. Playhouses must not become storage sheds and must be removed from the Lot when no longer in use. Custom built playhouses 6 feet and over in height must be permitted by the County [reference County Code, Section 5-1.0.8, paragraph (a)(16)].

### 13. Repainting

Colors for repainting exterior surfaces shall be selected using the criteria established in paragraph B.7 above.

### 14. Reroofing

14.1 Reroofing with roofing material different from the existing roofing material requires Committee approval and County building permit [reference County Code, Chapter 5, Article 1, Section 5-1.08, paragraph (a)]. Committee and County approval is not required if the Lot owner plans to

reroof with the same roofing material, as long as it is not wood roof shingles. Wood roof shingles must be replaced with an acceptable roofing material.

14.2 Reroofing materials, such as, asphalt shingles, clay/concrete tiles, slate, and metal are acceptable; however, wood shingles and corrugated roofing materials are not allowed.

14.3 The roofing material selected shall complement the style and color of the home and the surrounding area.

## 15. Sanitary Waste

No outside toilet shall be constructed on any Lot (reference WVA Declaration of Protective Covenants, Section 2, Paragraph E).

## 16. Screens

16.1 Screens for concealing propane tanks, storage sheds, boats, refuse containers, and other like items shall be constructed using materials and colors that complement the style and color of the home and the surrounding area.

16.2 Screens shall not be more than 6 feet in height.

16.3 Areas under the house where the home extends out over the slope of the land that has exposed utilities and equipment and/or is being used for storage shall be screened from view by installing horizontal wood slats or approved lattice. Screening material shall complement the home in both style and color and be in harmony with the surrounding neighborhood.

16.4 Screens constructed out of lava rock shall be natural in color. Colors for screens constructed out of other materials shall be selected using the criteria established in paragraph B.7 above.

## 17. Stockpiling

Stockpiling of soil, sand, gravel, rock or other similar material in excess of 100 cubic yards upon a single Lot is not allowed. Stockpiled material, a 100 cubic yards or less, shall be removed or used as fill within 90 days. The Owner must request and obtain Association approval prior to stockpiling.

## 18. Temporary Structures

18.1 No travel trailer or tent shall be placed or erected on any Lot, nor shall any overnight camping be permitted on any Lot (reference WVA Declaration of Protective Covenants, Section 2, Paragraph M).

18.2 No temporary structures or buildings are allowed without Committee approval.

## 19. Utilities, Fuel Storage Tanks, and Refuse Receptacles

19.1 All utilities within the boundaries of any Lot shall be placed underground and fuel storage tanks shall be either installed underground or screened from view.

19.2 Every receptacle for rubbish shall be underground or shall be so placed and kept so it is not visible from any street within the Development (reference WVA Declaration of Protective Covenants, Section 2, Paragraph L).

## 20. Walls/Retaining Walls

20.1 Walls shall be constructed using native materials or materials that complement the Island environment. If concrete blocks are used, they shall be either spit-faced concrete blocks, Concrete Masonry Units (CMU) with textured finish, or interlocking prefabricated concrete blocks. Free standing walls shall be finished on both sides. Retaining walls

shall be finished on both the inside of the wall that extends above the ground and on the outside of the wall. Lava rock walls shall be natural in color. Colors for all other walls shall be selected using the criteria established in paragraph B.7 above.

20.2 Walls shall not exceed 6 feet in height. Retaining walls over 6 feet in height must be permitted by the County. Walls shall not exceed 3 ½ feet in height along the front of the property. In the case of corner lots, the front of the property will be determined based on physical features, such as, location of the driveway, location of the mailbox, location of the main entrance to the home, and other prominent features.

20.4 Free standing Hawaiian dry stack walls shall not be used as retaining walls and shall not exceed 3 feet in height. Hawaiian dry stack walls must be constructed by a person who is experienced in building dry stack walls.

## **F. SUGGESTIONS FOR CONSTRUCTING/INSTALLING LOT IMPROVEMENTS**

1. Light color homes reflect more solar energy (heat) resulting in lower cooling costs.

2. Where possible, homes should be oriented to take advantage of the cooling trade winds. It is desirable to have entrances on the south-west side of the home for periods of strong trade winds.

3. When designing the Lot improvement, consider the effects of high winds, dust, and fire hazards. Designs exceeding required wind and seismic building codes increase the chance the structure will survive hurricanes and destructive earthquakes.

4. When designing Lot improvements, consider factors, such as, appearance, colors, location, and height of structures and vegetation from your neighbor's point of view.

5. The use of renewable energy features, such as, solar hot water heaters and solar photovoltaic panels is highly recommended. Power generating wind turbines may be incorporated in some designs with Committee approval.

6. Consider the Waikoloa dry climate in landscape designs. Landscape designs that emphasize water conservation and the use of drought-resistant plants is encouraged. Even the use of artificial turf may be appropriate in some landscape designs.

7. Be cautious of planting trees that create fire hazards or cause root or other environmental damage. Trees, such as Ironwood, Banyan, Royal Poinciana, Monkey Pod and other like trees, should be avoided.



**AUTOMATIC APPROVAL**

Failure of the Committee to act upon the application within 30 days shall constitute approval of the application.

----- **DO NOT WRITE BELOW THIS LINE** -----

Date

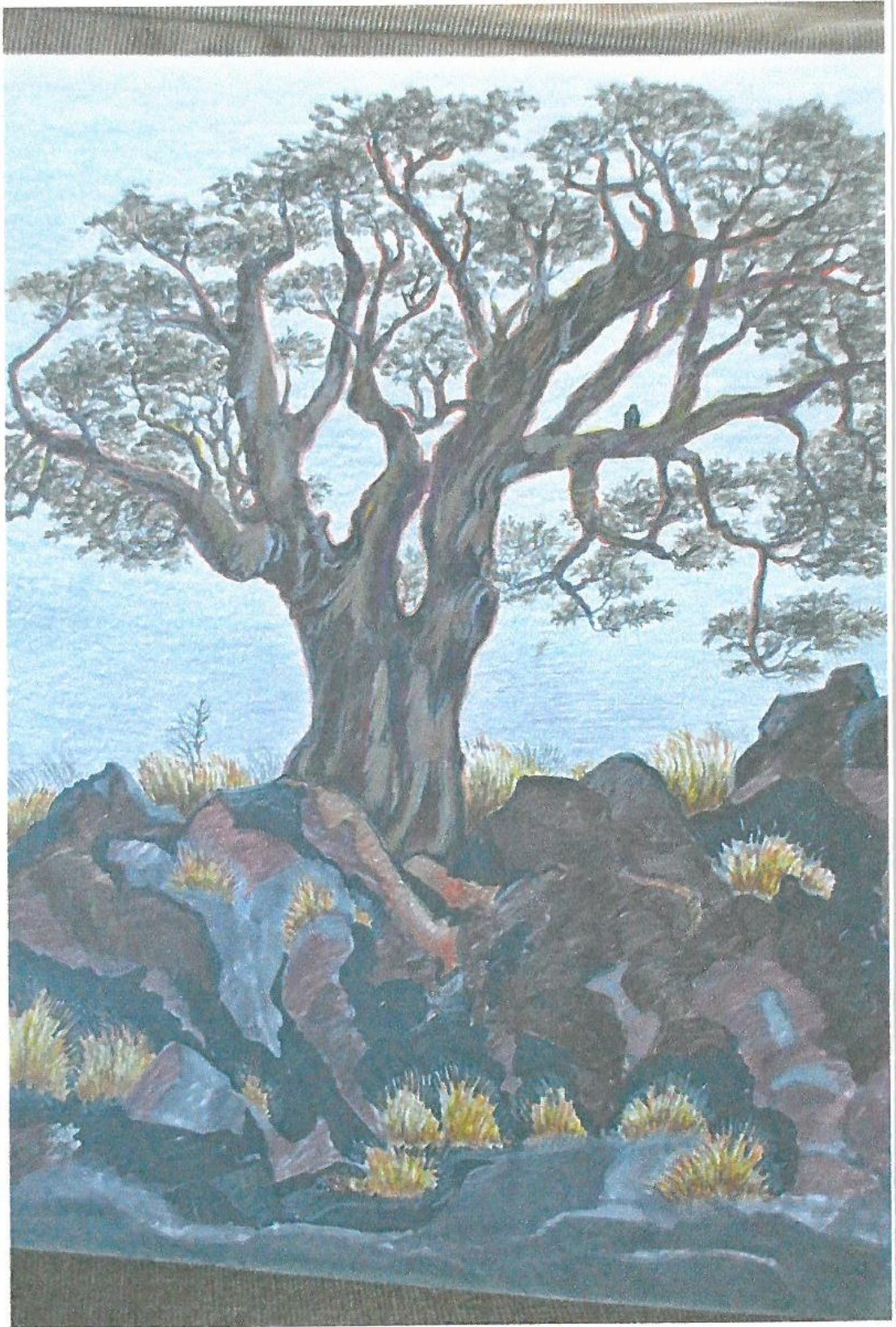
- Association Fees Current \_\_\_\_\_
- Application Submitted \_\_\_\_\_
- Preliminary Plans Submitted <sup>1</sup> \_\_\_\_\_
- Non-refundable Filing Fee Paid <sup>2</sup> \_\_\_\_\_
- ECC Preliminary Plan Approval <sup>1</sup> \_\_\_\_\_
- County Permit Issued <sup>3</sup> \_\_\_\_\_
- County Approved Plans Received and Checked for Changes <sup>1</sup> \_\_\_\_\_
- \$2,500 Refundable Security Deposit Paid <sup>4</sup> \_\_\_\_\_
- Application Approved \_\_\_\_\_
- Final County Acceptance <sup>3</sup> \_\_\_\_\_
- Final Association Acceptance \_\_\_\_\_
- Final Association Landscape Acceptance <sup>5</sup> \_\_\_\_\_
- Refund \$2,500 Security Deposit <sup>6</sup> \_\_\_\_\_

**SAMPLE ONLY**

Notes:

1. Required only for new homes (includes grading plan when required by County Codes), home additions, and outbuildings.
2. \$250.00 for new homes and \$100.00 for home additions and outbuildings.
3. Required only for new homes, home additions, outbuildings, grading (when required by County Codes), retaining walls and fences over 6 feet in height.
4. Required only for new homes.
5. Required only for landscaping associated with new homes and re-landscaping.
6. Only after acceptance of landscaping associated with the construction of new homes.





*Above: Original Art by Henry Lyon  
Cover Art by Erna Negandhi  
Both artists are residents of Waikoloa Village*