

MAUI LANI
MASTER DESIGN GUIDELINES (Single Family Homes)
September 2010 (Revised February 16, 2017)

The Design Guidelines for Maui Lani have been carefully developed to assist you, as an owner of a property in this unique, master-planned residential community, in designing your home. It has been the experience of all successful master-planned residential communities that stringent architectural design guidelines promote a consistent and harmonious living experience for all Homeowners.

These Design Guidelines are only a part of the documents that relate to owning property in Maui Lani. Owners shall familiarize themselves with all the documents related to property ownership, including but not limited to, the Public Offering Statement; the Maui Lani Declaration of Covenants, Conditions and Restrictions (the “Declaration”); the By-Laws and Policies of the Maui Lani Community Association; and the Maui Lani Project District Ordinance. Each development within Maui Lani may have Supplementary Documents, Conditions, Restrictions, Policies, and Design Guidelines and Owners shall read these documents carefully.

As used herein, “Homeowners’ Association” shall mean the Association of Homeowners for the subdivision in which your Lot is located, “Association” shall refer to the Maui Lani Community Association; DRC shall mean the Maui Lani Design Review Committee, “Board” shall mean the Maui Lani Community Association Board of Directors and “Declarant” shall refer to Maui Lani Partners and its successors and assigns.

These Design Guidelines should be used as an information source for you, your architect, builder and real estate agent. These guidelines include information regarding the application and approval process, minimum building standards, architectural design criteria and restrictions.

These Design Guidelines shall apply to all single family residential lots in the Maui Lani Community and all improvements to such lots.

DESIGN PROCESS

1. All new construction, and/or exterior alterations (including re-painting) to your property (e.g. house, garages, extensions, additions, walls, hardscape, landscaping, fences, pools, gazebos, lanais, patios, play equipment, etc.) must be submitted for review and must be approved by the DRC prior to being built and before you submit plans to the County of Maui, if required, for building permits.

2. Architectural plans are required, and they shall be drawn to a minimum 1/8" scale, shall be prepared or reviewed and stamped by an architect licensed to do business in the State of Hawaii.
3. Grading plans are required for ground altering work and they shall be prepared by a licensed engineer.
4. Landscape plans are required, and they shall be drawn to a minimum 1/8" scale. They shall also be prepared and stamped by a licensed landscape architect or a licensed landscape contractor prior to submittal to the DRC, unless otherwise determined by the DRC.
5. The use of architects, landscape architects, contractors and engineers currently licensed in the State of Hawaii is required, unless otherwise determined by the DRC.
6. Due to ever changing construction methods and materials, the DRC has the authority to make amendments, additions, clarifications and deletions to these Design Guidelines.
7. If deemed appropriate by the members of the DRC, it may retain a licensed architect to review the submittals for compliance with these guidelines and to assure that an appropriate architectural character and aesthetic appearance is maintained. The DRC may also adjust the design review fee.

DESIGN STANDARDS

1. HOUSE DESIGN.

- 1.1. Unless otherwise approved by the DRC, the minimum living area for a house shall be 1,100 square feet, except for those Lots located on the golf course which shall be a minimum of 1,200 square feet. "Ohana" dwellings, cottages, or rental units with separate kitchens and/or separate entrances are not permitted.
- 1.2. The exterior body finish material of the house and all accessory structures excluding walls and fences shall be:
 - 1.2.1. Wood.
 - 1.2.2. Hardi-plank lap siding or equivalent.
 - 1.2.3. Masonite or equivalent.
 - 1.2.4. Stucco, plaster, or CMU/hollow block as long as the blocks are textured in stucco or plaster finish.
 - 1.2.5. Other material as approved by the DRC.

- 1.2.6. No plain-surfaced plywood, vinyl siding, metal siding, split-faced CMU block, decorative "cut-out" CMU block, smooth CMU/hollow blocks or other smooth siding material will be allowed. Split-faced CMU block with integral color complimentary to the existing dwelling shall be allowed for storage sheds on lots not adjacent to the golf course.
- 1.3. Exterior paint colors shall be selected from a color chart supplied by the DRC or in accordance with the following guidelines:
 - 1.3.1. Subtle and muted earth tones are encouraged.
 - 1.3.2. The base/trim colors and the roof color shall be complimentary.
 - 1.3.3. Color requests shall be submitted on a minimum 12" x 12" brush out or larger if determined by the DRC.
 - 1.3.4. Colors similar to approved colors found on the approved color chart may also be considered by the DRC. Other color palettes prepared by a licensed design professional may also be considered by the DRC.
 - 1.3.5. All exterior metal, including gutters, flashing, sheet metal and vents shall be finished to match or complement the house/roof color.
- 1.4. The maximum percentage of visible light reflectance (exterior) for window tinting shall not exceed 21%. Reflective treatments using gold, silver, bronze, black or metallic are prohibited. Product selections and manufacture's specification sheet must be submitted for approval prior to their application.
- 1.5. It is highly recommended that the architectural character of all buildings promote a contemporary Hawaiian style featuring generous roof overhangs, ample windows, front porches, lanais and trellises. Pole houses, geodesic domes, cedar "log style" homes, structures with "A" frame roof lines, factory-built structures which have been pre-assembled or pre-cut for assembly and other architectural styles, which in the opinion of the DRC are not compatible with the Maui Lani community, are prohibited. Shed roofs shall be limited to accessory rooms or structures (e.g. covered lanais, sunrooms, or equipment enclosures), only as approved by the DRC.
- 1.6. Two story homes shall be designed in a fashion that the roof lines and exterior details, including lanais, trellises and staggering wall planes, both articulate the exterior elevations and separate the floor levels to avoid a monotonous, "box-like" appearance. Large two-story dwellings shall be designed to have their second floor either stepped back or cantilevered over

the first floor's exterior wall plate at the front elevation, and additionally, at the rear elevation for properties adjacent to the golf course.

2. GARAGE AND DRIVEWAY.

2.1. All houses must have an enclosed garage.

2.2. All garages must be set back from the front property line at least (20) twenty feet. For homes along the golf course, the house structure, including lanais, shall be setback a minimum of (5) five feet from the top of slope.

2.3. All driveways and aprons must be paved with concrete. Special concrete treatments such as stamped concrete and grass-crete are also acceptable for driveways.

3. ROOF DESIGN (House and Accessory Structures).

3.1. At least 85% of the total roof area of the house shall have sloped roofs equal to or greater than 4:12. Mansard roofs are not permitted.

3.2. Roofing material for the sloped roofs shall be:

3.2.1. Clay, concrete or ceramic tile.

3.2.2. Wood shingles (No. 1 Blue Label) or wood shakes.

3.2.3. Asphalt shingles.

3.2.4. Other material as approved by the DRC.

3.2.5. No metal roofing, plywood, plastic or rubber membrane is allowed.

3.2.6. Roofing material shall be installed per manufacturer's specifications and standards.

3.3. Skylights are to be designed as an integral part of the roofing system and shall be of non-reflective color or tint.

4. LOT GRADING AND DRAINAGE.

4.1. Lot grading will be limited to excavation not to exceed (3) three feet and embankment not to exceed (2) two feet at any place upon the lot. If special circumstances dictate, the DRC may grant a variance to these limitations.

4.2. The design for the lot drainage and drywells shall be prepared by an architect or civil engineer licensed in the State of Hawaii. Drywells may be required, as determined by the DRC. There shall be no interference with the established surface drainage pattern established over any lot which affects any other lot, the common area or any Association property. There shall be no additional drainage directed toward the golf course.

4.3. No activities shall be undertaken on any slope banks which may damage or interfere with

established slope ratios, create erosion or sliding problems, or which may change the direction of flow of drainage channels or obstruct or retard the flow of water through drainage channels.

5. SOLAR - PHOTOVOLTAIC.

5.1. No mechanical equipment, other than solar heating or solar electricity (e.g. photovoltaic) panels shall be placed upon the roof.

5.2. The installation of solar heating and solar electricity (photovoltaic) panels shall be limited to the roof and approved structures, and as much as practical, be hidden from view by either incorporating them into a flat roof section or laying them on a parallel plane flush-mounted to a sloped roof. The panels shall be installed along the roof plane which will allow the maximum southerly exposure, while minimizing panel height.

5.3. Solar heating and solar electricity (photovoltaic) panels shall be installed, maintained, repaired, replaced and operated in complete conformity with the required application and plans, as submitted to the DRC, and shall be in compliance with any conditions of DRC approval, regardless of whether or not the current lot owner caused it to be installed.

5.4. The solar panels shall not be installed unless they meet all applicable standards and requirements imposed by state and local permitting authorities, and all applicable safety, performance and reflectivity standards established by industry standards and accredited testing laboratories such as Underwriters Laboratories.

5.5. All exterior metal and conduit, including flashing, sheet metal and vents used for the panels shall be finished to match or complement the house/roof color. All wires shall be underground, or hidden or screened from view as detailed above from the street, golf course and adjacent properties. The DRC may approve pre-finished exterior metal, if deemed to be complementary to the house and/or roof color.

5.5.1. Mechanical equipment, apparatus, or the like, including but not limited to batteries and inverters, shall be installed within the Unit garage. If the DRC determines installation of such equipment within the garage is not practical, the DRC may agree for the equipment to be installed on the exterior of the house or adjacent to the house structure, within the buildable area, (not in the setbacks). However, if so installed, it must be screened from view of the street, golf course and adjacent properties.

5.5.2. Mechanical equipment, apparatus, or the like, including but not limited to batteries, inverters, and electric meters shall not be installed on the front of the house.

5.5.3. Screening material for the purpose of these documents shall be landscaping material, exterior finish body material, lattice, fencing, or walls that are compatible in appearance and color with the main structure and shall screen the item from view of the street, golf course, and adjacent properties.

5.6. Solar panels must be installed by an installer holding all licenses required by state law and local ordinances for installation of solar heating or electric panels.

5.7. The application shall include or be accompanied by the following: a scaled plan, minimum 1/8 inch scale, detailing location (roof elevations), method of installation, mounting rack design, and routing of the brackets and cabling and conduit serving it. The identity of the manufacturer and the model designation shall be made a part of the application. Photographs and/or product brochures and other similarly detailed graphical representations of the solar system to be installed shall be made available to the DRC. The contractor is required to provide a completed contractor's registration form which includes the license number, name, address and phone number of the contractor. Copies of the permits and any stamped approved plans as submitted to the County shall be provided as part of the application and/or approval process.

5.8. Written notice shall be provided by the owner to the DRC upon completion of the installation.

5.9. The Association will not be responsible for the removal or trimming of trees, or the causing of the removal or trimming of trees which may block sunlight to any solar device or panels.

6. SATELLITE DISH.

6.1. Installation of satellite dishes is restricted to a maximum of (2) two dishes with a maximum diameter of (1) one meter, unless otherwise provided for by the Public Utilities Commission's rules and regulations.

6.2. The owner shall submit an application to the DRC with the type and size of the dish, name of the service provider, type of service, and confirm that the dish is for the exclusive use of the unit resident.

6.3. The owner shall provide plans showing the location and manner of installation, including cables, which shall not be visible from adjacent units or the golf course.

6.4. The owner shall provide certification from the provider that the proposed location is the most inconspicuous location available.

6.5. If required for best reception, as determined by a statement from the service provider, ground mounted satellite dishes are required to be screened from view of the street, golf course, and

adjacent properties with materials that will not interfere with reception.

6.6. The dishes shall be maintained in good condition and repair, both with regard to function and appearance, regardless of whether or not the current lot owner caused it to be installed.

7. WALLS AND FENCES.

7.1. All residential walls and/or fences shall not exceed a maximum of (6) six feet measured from the bottom of the exposed wall including any exposed footing, unless a unique condition is approved by the DRC. For retaining conditions over (6) six feet in height, the wall system must be designed such that each wall or wall/fence combination does not exceed a maximum of six feet and shall be terraced a minimum of (4) four feet between walls. The terrace shall be landscaped to diminish the height impact of the terraced wall. Walls retaining more than (3) three feet of soil require plans to be submitted to the DRC that are prepared and stamped by a licensed structural engineer. A copy of the building permit issued by the County of Maui is also required.

7.2. Retaining walls, privacy walls, and fences, that are up to three (3) feet in height and are located at front property line adjacent to the street (side property lines adjacent to the street are specifically excluded), shall be setback two (2) feet from the street frontage property line. Retaining walls, privacy walls, and fences, that are over three (3) feet in height and are located at property lines adjacent to the street are required to be setback four (4) feet from the street frontage property line. Lots with less than 4,000 square feet are exempt from the setback. For the purpose of this guideline, no setbacks shall be required for walls or fences adjacent to alley ways or other private access easements.

7.3. Property owners that share a property boundary shall coordinate installation of walls and fences with adjacent properties, such that they will conform to these guidelines.

7.4. All walls or fences shall be constructed of new materials. Approved wall and fence materials are as follows:

7.4.1. Rock walls.

7.4.2. CMU with stucco or plaster finish on both sides of the wall.

7.4.3. Double (2) sided split faced block for non-retaining walls on boundary lines not adjacent to the golf course.

7.4.4. Split-faced block, keystone, or anchor blocks for retaining walls on boundary lines not adjacent to the golf course. The exposed flat side of the block shall not exceed ½ of the

block height

7.4.5. Redwood or cedar fencing.

7.4.6. Aluminum or wrought iron fencing, subject to the approval of the style and color by the DRC.

7.4.7. Vinyl fencing.

7.4.8. Other material approved by the DRC.

7.4.9. Chain link fencing is prohibited.

7.4.10. For lot boundaries adjacent to the golf course, the approved fence material is a 4' high black, aluminum fencing manufactured by Ameristar, "Majestic" style, or as specified by the DRC. The fence may be installed on a one-foot perimeter wall constructed of an approved material. The fence shall be located on the top of the slope of the finished lot pad or within (3) three feet of the top of slope, in accordance with these Design Guidelines and as shown in "Exhibit B ". Except for the (4) four foot high black aluminum fencing and perimeter walls, as described above, no additional fences or walls shall be built along the boundary line adjacent to the golf course.

8. LANDSCAPE.

8.1. To ensure the neighborhood is attractive and livable, the installation of landscaping of all homes must be started within (90) ninety days from the completion of the house and completed within (120) one hundred twenty days. The landscape area within the street right-of-way adjacent to the property line shall be landscaped and maintained by the Homeowner. During the interim period prior to landscape installation, the Owner shall take all reasonable steps to minimize dust nuisance to adjacent property owners. A minimum of 50% of the unimproved portion of the lot (i.e. lot minus house pad, original driveway plan, slope bank adjacent to the golf course, and any approved synthetic lawn area) shall be landscaped with lawn, ground cover or other plant materials. The DRC may approve additional paved areas in excess of the above limitation if it is determined that extraordinary circumstances require the accommodation of additional parking on the property.

8.2. Synthetic lawn material may be considered by the DRC for approval along the sides and rear of the property. Upon request, the DRC shall provide specific information on the allowed location of the synthetic lawn, as well as, minimum material specifications, warranties, and maintenance requirements. The applicant shall use this information to prepare and submit a

design review application.

8.3. Please take special notice that due to the hybrid grasses on the golf course fairways and greens, the species of grass commonly known as Seashore Paspalum is specifically prohibited from any lawns at Maui Lani. In addition, other plant and tree types may be restricted from the community if determined by the DRC or Board or the State of Hawaii to be invasive or a nuisance to adjacent properties and their owners.

8.4. Any lot remaining vacant for over (60) sixty days shall be maintained in a neat appearance with appropriate measures taken to control dust and to stabilize the lot pad and slope with temporary irrigation and grass, groundcover, and/or approved gravel products on flat lot pads with a silt fence to minimize visibility and weed and dust nuisance to adjacent lots, streets and common areas.

8.5. For those lots that have boundaries adjacent to the golf course, there are design and use regulations that have been developed to create a natural blending of the home-sites with the golf course fairways.

8.5.1. There shall be no alterations to the natural slope bank, including improvements such as fences, walls, terracing, grading or gardens.

8.5.2. The DRC, in coordination with the golf course, has approved a grass mixture of "Rye" and "Buffel Grass" to maintain the 'Links Style' of the course. One of the characteristics of a links course is its natural landscape features. The natural landscape features at the golf course are Kiawe trees and natural grasses. Aside from the natural appearance, these grasses will retain soil and sand while being environmentally sensitive to water demands.

8.5.3. In certain cases, the golf course may grant a landscape maintenance easement to the Homeowners' Association for the subdivision to allow the Association to maintain, water, plant and re-plant the slope banks within the subdivision to create an attractive appearance compatible with the golf course overall design.

9. SWIMMING POOLS, SPAS AND HOT TUBS.

9.1. Swimming pools, hot tubs, spas and water features must be set back a minimum of (5) five feet from the top of the slope bank and fence for those lots adjacent the golf course. In addition, these improvements shall be kept a minimum of (15) fifteen feet from the front property line. Special care should be taken in designing and locating these improvements so they do not damage the slope bank and they take into account errant golf balls from the golf

course. Aboveground swimming pools are prohibited with the exception of small wading pools that are screened from view from adjacent properties, the golf course and roadway.

10. MECHANICAL EQUIPMENT, AIR CONDITIONERS, TANKS, UTILITIES, REFUSE RECEPTACLES.

10.1. All refuse receptacles and mechanical equipment, including pool and spa equipment, should be located adjacent to the house structure, or whenever practical, as determined by the DRC, within the buildable area (not in the setbacks), and screened from view. The screening material shall be landscaping, walls or fences which are compatible in appearance and color with the main structure.

10.1.1 Mechanical equipment, apparatus, or the like, including but not limited to electrical meters, batteries, and inverters shall not be located on the front of the house.

10.2. Window-mounted air conditioners are prohibited.

10.3. All utilities, wires and conduit shall be underground and propane gas tanks shall be hidden or screened from view from the street and golf course.

10.4. Screening material for the purpose of these documents shall be landscaping material, exterior finish body material, or fencing which is compatible in appearance and color with the main structure and shall screen the item from view of the street and adjacent properties.

11. STORAGE, KENNELS, MISCELLANEOUS ACCESSORY STRUCTURES.

11.1. Pre-fabricated metal or plastic storage sheds are prohibited. However, plastic storage boxes are permitted provided they do not exceed (3) three feet in height and (4) four feet in length, are screened from view, and are kept adjacent to the house structure.

11.2. Storage sheds, constructed by a licensed contractor, shall have a maximum height of six feet measured from the foundation to the top wall plate and a maximum area of 80 square feet. Storage sheds with a maximum area of 36 square feet and a maximum height of six feet measured from the foundation to the top wall plate may be constructed by an Owner Builder. Sheds shall be located within the buildable area whenever practical, as determined by the DRC. The design and materials of the storage shed shall be complimentary to the house design and materials. Additional information on acceptable building materials can be found in **Section 1. House Design.**

11.3. The maximum roof pitch allowed shall be 5:12 and the minimum roof pitch allowed shall be 2:12. The roof must be complimentary in color and material type to the roof of the

existing dwelling.

- 11.4. The storage shed must include a concrete or post and pier foundation for proper structural integrity.
- 11.5. All electrical wiring to the shed must be underground and installed by a licensed electrician in accordance with County Code.
- 11.6. No plumbing is allowed with the exception of an exterior hose bib.
- 11.7. Building permits shall be required in compliance with County Code
- 11.8. Other accessory structures such as children's play equipment shall have a maximum height of eight feet and shall be located a minimum of (5) five feet away from the property boundaries. The structures shall be maintained in good condition and shall be residential in character and size.
- 11.9. Dog kennels shall be located in the backyard only, and a site plan shall be submitted to the DRC showing the location, size and materials to be used for the kennel. Construction plans shall be submitted, as may be required by the DRC. The DRC may require setbacks when the proposed kennel is adjacent to common areas and the golf course.
 - 11.9.1. The dog kennel shall be appropriately-sized and designed for both the health of the dog, as well as the available space in the backyard, but the kennel area shall not exceed 50 square feet. If the DRC determines, that the backyard has inadequate space for an appropriate-sized kennel, then the applicant may be advised to consider a fenced yard.
 - 11.9.2. Kennels shall be constructed of one or more of the approved materials
 - 11.9.2.1. 8-gauge to 11.5-gauge chain link fabric
 - 11.9.2.2. 8-gauge or 10-gauge welded wire mesh with powder coat finish
 - 11.9.2.3. Sunbrella Fabric or similar material may be used for sun and weather protection.

The DRC may consider sunblock covers integral to the design of the kennel and installed flat with the top of the kennel wall. The use of “blue tarps” or polyethylene coated nylon weave is prohibited, unless otherwise determined by the DRC.
 - 11.9.3. A concrete foundation shall be constructed for the kennel.
 - 11.9.4. All kennel construction shall be properly maintained. Rusted or significantly bent wire or metal shall be replaced or repaired immediately. Any fabric awning improvements with tears or severe fading shall be replaced immediately.
 - 11.9.5. Kennels shall be screened from view, as much as reasonably possible. Proposed

screening materials may include fence, walls, landscaping, or lattice.

12. POSTAL FACILITIES.

12.1. The DRC may provide a specification sheet for the design and construction of mailboxes. The US Postal Service has requirements regarding postal box grouping which must be followed. All Homeowners are responsible for coordinating installation of the mailboxes with the adjacent property owners.

13. RECREATIONAL VEHICLES.

13.1. Boats, trailers, and other vehicles shall not be parked in any portion of a backyard, side yard or front yard of a lot except as provided in the following guidelines.

13.1.1. Boats, trailers and other similar recreational vehicles may be parked in a garage, carport, driveway, or other paved areas of the front yard or side yard of a lot, if the lot is a minimum of 6,000 square feet and the DRC has approved the proposed parking arrangement and any related improvements.

13.1.2. Regardless of lot size, boats, trailers, and other similar recreational vehicles are allowed on the lot if they are parked entirely within the enclosed garage of the lot's dwelling unit.

13.2. Boats, trailers and other similar recreational vehicles shall not be visible from the golf course and shall not be parked upon any subdivision roadway lot.

14. MISCELLANEOUS.

14.1. Exterior holiday decorations shall be removed within thirty days of the event.

15. COMPLIANCE.

15.1. The lot owner shall comply with the Maui Lani Project District Ordinance and all other applicable State and County laws, rules and regulations. The lot owner and the owner's architect must field verify the lot's existing conditions prior to preparation of the design submittal documents.

15.2. During the course of construction, any damage done by the lot owner, or the lot owner's contractor on other private lots, subdivision or Association streets, sidewalks or other improvements shall be the responsibility of the lot owner who employs the contractor, and shall be immediately repaired. Temporary drainage and erosion-control measures shall be in place throughout construction.

- 15.3. The Association requires a damage and compliance deposit from the lot owner to ensure that this type of damage will be repaired and to ensure that construction is completed in compliance with the plans as approved by the DRC. This deposit shall be held by the Association until the construction and landscaping for the house is completed and a representative of the Association and the lot owner have inspected the premises, and any outstanding issues have been resolved.

REVIEW & APPROVAL PROCESS

The review and approval process by the DRC begins with the lot owner or their contractor submitting a complete application to the DRC office.

STEP ONE OF THE DESIGN REVIEW PROCESS

1. Submit two sets of your preliminary plans prepared by your architect. The submittal should include at a minimum:
 - 1.1. Floor plan (minimum scale 1/8").
 - 1.2. All exterior elevations (minimum scale 1/8").
 - 1.3. Roof plans.
 - 1.4. Roof material and color.
 - 1.5. Exterior wall material and colors of body and trim, including samples and brush outs.
 - 1.6. A site plan which includes:
 - 1.6.1. Building location (house, garage).
 - 1.6.2. Driveway location.
 - 1.6.3. Building and required storage square footage.
 - 1.6.4. Roof overhangs.
 - 1.6.5. Setbacks.
 - 1.6.6. Pools, spas, including equipment location and proposed screening.
 - 1.6.7. Fence and wall plans, including location, measurements, material, elevations and cross-sections..
 - 1.6.8. Utility connections and including the A/C lock rotor amperes.
 - 1.6.9. Equipment location and screening, such as A/C and gas tanks.
 - 1.6.10. Existing and proposed finished lot grades.

- 1.7. Drainage and drywell design plan.
- 1.8. Landscaping and irrigation plan, including landscape lighting, if any.
- 1.9. Application and a non-refundable design review fee as determined by the DRC.
2. Submittal requirements shall be modified, as needed, to correlate with the proposed improvements. The lot owner should meet with Property Management to determine the submittal requirements prior to submittal of the application.
3. The DRC shall consider the following in providing comments and approving or rejecting the submittal:
 - 3.1. Compliance with the Maui Lani Master Association Declaration of Covenants, Conditions and Restrictions.
 - 3.2. Compliance with the Homeowners' Sub-Association Declaration of Covenants, Conditions and Restrictions, if any.
 - 3.3. Compliance with these Design Guidelines.
 - 3.4. Compliance with the Design Guidelines of the Homeowners' Association, if any.
 - 3.5. The proposed location and orientation of the house on the lot.
 - 3.6. The proposed setback lines and height.
 - 3.7. The proposed building shape and massing.
 - 3.8. The architectural character and overall aesthetic appearance of all improvements and landscaping.
 - 3.9. The appropriateness and aesthetic appeal of the exterior materials and colors to be used.
 - 3.10. The completeness of the submittal documents.
 - 3.11. Reasonable standards of the industry in the design of high-quality, architecturally consistent and aesthetically pleasing house plans, site plans and landscaping plans.

STEP TWO OF THE DESIGN REVIEW PROCESS

1. Submit two sets of plan with the revisions as required by the DRC after their initial review. The required revisions must be clouded and submitted with the "Required Revisions Form". The DRC will review the revised plans submitted and upon approval of the plans the lot owner will move to the final steps required to obtain DRC final approval.
2. Upon securing the DRC's written conditional approval of the final plans and incorporating any required revisions, the lot owner shall submit the following to the DRC prior to commencing

construction:

- 2.1. A copy of the building permit issued by the County of Maui.
 - 2.2. A copy of the plans as approved and stamped by the County of Maui for the building permit process. The DRC will review those plans for conformity to the approved plans on file.
 - 2.3. Landscaping and irrigation plans if not previously submitted.
 - 2.4. A damage and compliance bond or deposit issued in favor of the Maui Lani Community Association.
3. Upon receipt of the above items the DRC will then issue final approval with any and all appropriate conditions of approval and construction.

AUTHORITY OF THE DRC

The DRC will review and provide a written response to each step of the review process within (20) twenty business days of a complete submittal. One set of drawings for each step will be held by the DRC for their record. The Final Plans will be kept on file with the DRC and/or Association.

The DRC's final approval is valid for (1) one year from granting. If substantial work, as determined by the DRC, has not commenced or continued within that time, then plans must be re-submitted for re-approval. The DRC may approve submittals with conditions or reject submittals. Plans that require revisions must be re-submitted for review within (6) six months of the original submittal to avoid having to submit a new application and additional review fee.

All approvals and conditions of approval will be issued only in writing by the DRC. **No verbal approvals or comments will be considered as valid.**

The DRC may, in its discretion, retain a licensed architect to review the submittals for compliance with these guidelines and to assure that an appropriate architectural character and aesthetic appearance is maintained. The DRC may charge a design review fee and adjust the amount of the fee from time to time.

For exterior alteration work that the DRC deems relatively minor such as re-painting, play equipment, etc., the DRC has the authority to waive the design review fee and to make determinations on requirements related to the use of licensed professionals.

In the event that these Design Guidelines do not explicitly cover an item in a submittal, the DRC shall make its decision upon its analysis of whether such item is in compliance with the overall

quality of the Maui Lani community and the intent of the existing design guidelines.

The DRC shall not be responsible for compliance with building codes or any county, state or federal regulations.

The Design Guidelines may be subject to revisions pursuant to the Association documents. It is the responsibility of the property owner to obtain the most current design and association documents prior to commencing with the design process.

The DRC or the Board shall have the right at any time, at its sole discretion, to amend, waive, grant variances to enforce or not enforce any of the provisions and requirements herein without any liability whatsoever to any lot owner or other person. Any waiver, variance or non-enforcement shall not affect the application or enforcement of these Design Guidelines with respect to any other lots within the Maui Lani Community.

The review and /or granting of any approvals by the DRC of any item submitted to the DRC shall in no way constitute or should not be construed as a representation, warranty or agreement by the DRC, the Declarant, The Association or any of their members, Directors Officers, Employees Consultants, Agents, Successors or Assigns that such item (1) had been prepared free of defects, is of good workmanship or free of design and construction defects, (2) will result in improvements which are readily marketable or add value to the Lot (3) will result in a government entity's or any other person's approval, or (4) is in compliance with building code or other applicable legal requirements. Neither the DRC, the Declarant, The Association nor any Directors, Officers, Employees, Consultants, Members, Agents, Successors or Assigns shall be liable to any lot owner or to any other person for any damage loss or prejudice suffered or claimed on account of either the approval or rejection of the plans, drawings, specifications or of the actual construction of any improvements, pursuant to the Declaration or these Design Guidelines whether or not the decisions were defective or erroneous and/or whether or not they were in compliance with the Declaration and these Design Guidelines.