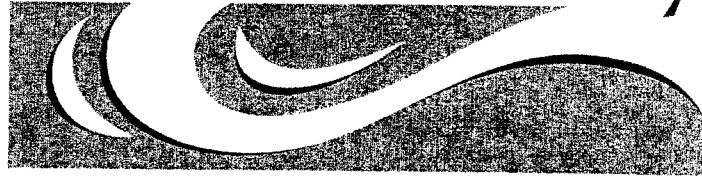


Sea Country



**SEA COUNTRY
MASTER ASSOCIATION
REVISED
DESIGN COMMITTEE
RULES AND
GUIDELINES**

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SEA COUNTRY MASTER ASSOCIATION REVISED DESIGN COMMITTEE RULES AND GUIDELINES

Introduction

The following rules and guidelines have been compiled from the Declaration of Covenants, Conditions and Restrictions (DCCR's) of the Sea Country Master Association, from previous Design Review Committee Rules, and from the knowledge and experience of the Design Review Committee since its inception. Nothing in these rules and guidelines shall be construed to alter or change the meaning or intent of the Sea Country Master Association Declaration of Covenants, Conditions & Restrictions, hereinafter referred to as the DCCR's.

I. The Sea Country Master Design Philosophy

Sea Country is a planned community with a variety of residences, community facilities, commercial areas and other urban elements designed with unifying continuity in mind. The desire to encourage freedom and individual expression in construction improvements must be balanced by the responsibility to protect the covenants, which are for the benefit of all property owners within Sea Country. Administration of these covenants has been assigned to the Design Review Committee. The primary purpose of the Design Review Committee is to insure harmonious aesthetic relationships. The Design Committee interprets the covenants with flexibility and will approve designs and materials that, in its opinion, will enhance rather than detract, from the community. The committee is aware that matters of taste and personal preference are subjective. It also recognizes that plans and specifications do not always convey the true appearance of a particular design. Furthermore, the Design Committee recognizes new and different designs. Therefore, it will attempt to be equitable, consistent in application of criteria, and timely in judgment with regard to new trends in design and materials. The Committee will not approve "trendy" designs or materials that are faddish and of short-lived stylishness. The Design Committee is continually striving to upgrade the quality of design improvements in Sea Country. Therefore, those designs that may have been previously approved shall not necessarily be a precedent for approval of similar designs. Each case shall be judged on its own merits.

II. Design Committee Duties

The Design Committee's role is to protect the visual character of Sea Country and, by inference, the economic values. The Committee is concerned with all exterior house and garden designs and materials visible from the street and neighboring properties. The Design Committee shall act in accordance with the DCCR's and these guidelines.

III. Authority

The DCCR's of Sea Country contain standards and restrictions affecting each owner in the use of his lot. Whenever an owner proposes to make any improvement to or build on his lot or to reconstruct, alter, or refinish the exterior of any improvement already constructed, he must follow the procedures outlined in the DCCR's or amendments. Any substantial structural addition or alteration visible from the street and/or neighboring properties must have prior approval of the Design Committee.

IV. Limits of Liability

Approval of plans by the Design Review Committee is solely for architectural design and for conformance with the requirements of the DCCR's and these rules and guidelines. No representations are made, nor is any responsibility assumed by the Sea Country Master Association or the Design Committee, regarding the structural quality or soundness of the work proposed or approved. It shall be the responsibility of the owner to examine the premises and to undertake adequate design for all improvements or changes to be constructed on the owner's property. Neither the Design Review Committee nor any member thereof shall be liable to any Owner or to any other person for any damage, loss or prejudice suffered or claimed on account of (a) the approval of any plans, drawings and specifications, whether or not defective, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (c) the development or manner of development of any property within Sea Country, or (d) the execution and filing of an estoppels certificate, whether or not the facts therein are correct, provided, however, that such member has, with the actual knowledge possessed by him, acted in good faith.

V. Other Codes, Laws, Rules and Ordinances

Approval of plans does not eliminate the owner's obligation to comply with all existing laws, ordinances, rules and regulations made by any governmental authorities or with any terms and conditions required under the DCCR's of Sea Country, or any deed, lease, or mortgage.

VI. Definitions

Some of the following definitions are extracted from the DCCR's; others were developed by the Design Review Committee to guide its deliberations.

Design Review Committee: The committee created pursuant to Article(s) of the DCCR's.

Design Committee Rules: These rules adopted by the Design Committee pursuant to the DCCR's and ratified by the Sea Country Master Association.

Excavation: Any disturbance of the surface of the land (except temporarily for planting), which results in removal of earth or rock to a depth of more than 18 inches.

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 18 inches.

Garage: The term "garage" includes "carport". A garage can be used for parking vehicles other than automobiles including boats and trailers.

Improvements: Includes buildings, outbuildings, roads, driveways, parking areas, fences, retaining walls, stairs, decks, hedges, windbreaks, planted trash surrounds, poles, signs and other structures of any type or kind.

Lot: Any lot designated on a subdivision map for residential use, or with respect to any condominium, an apartment of such condominium, or with respect to any apartment house, duplex, or multiple dwelling, a complete residential unit, and in each case, except when clearly contrary to the context, includes all improvements thereon.

Owner: Each person, corporation or other legal entity who is, or such persons, corporations or other legal entities who are the beneficial owner of any lot. Provided, however, that with respect to any condominium, the term owner shall mean apartment owner as defined in the Condominium Property Act, Chapter 514B, Hawaii Revised Statutes. For the purpose of limitations and restrictions set forth in Article III of the Declaration: (a) owner shall not include the Declarant with respect to any lots owned by the Declarant and (b) owner shall include for the purposes of Article III, unless the context otherwise requires, family, invitees, licensees and lessees of any owner.

- Paved Driveway Area:** The durable surfacing of a road, sidewalk or other outdoor area (e.g. concrete, asphalt concrete). Prefabricated concrete, grass concrete or bricks, may be used only in secondary parking areas.
- Private Yard Area:** Any real property conveyed to any owner (other than Declarant or the Association) by means of a deed, together with all improvements from time to time constructed thereon. The land area appurtenant to each Residence, as described in this Declaration and as shown on the Condominium Map, and bearing the same Private Yard Area number as the unit number assigned to the Residence, is a limited common element.
- Parking Stall Assignments:** All Residences have two (2) assigned parking stalls. Some Residences may have either a one car or two car garage as a component of the Residence, or no garage. The Condominium Map identifies each stall by a parking stall number.
- Residence:** A building or buildings used for residential purposes, together with any garage, carport or similar outbuilding appurtenant thereto, whether or not a part of the same structure.
- Retaining Wall:** Any structure constructed for the purpose of containing or supporting any earth embankment and/or fill.
- Visible from Neighboring Property:** Any object or activity that is in line of sight originating from any point six (6) feet above any adjoining property including common areas and streets.
- Act:** The Condominium Property Act, Chapter 514B, Hawaii Revised Statutes (1995 Repl.), as amended.
- Association:** The Sea Country Master Association, The Association of Home Owners of Holomoana at Sea Country, The Association of Home Owners of Wailana at Sea Country, consisting of all Residence Owners acting as a group in accordance with this Declaration, the Bylaws and the Act.
- Board of Directors:** The Board of Directors of the Sea Country Master Association.
- Bylaws:** The Bylaws of the Association Recorded concurrently with this Declaration, as amended from time to time.
- Community:** Shall refer to The Sea Country Master Association, The Association of Home Owners of Holomoana at Sea Country, The Association of Home Owners of Wailana at Sea Country, consisting of all development, consisting of buildings, landscaping, improvements and structures thereon and all easements, rights and appurtenances belonging thereto.
- Common Area:** Includes, but need not be limited to:
1. Any landscaping and other flora, structures and all other improvements located upon and within any Common Area
 2. Roadways, medians and rights of way along or within the Roadways, including trees and other landscaping and/or irrigation facilities located therein or thereon
 3. Any private emergency, access or service roads owned by Declarant or areas required to be maintained and which provide ingress and egress to and from the Property and adjacent lands
 4. The Roadway Landscaped Easement Area
 5. All Community perimeter walls designated in Supplemental Declarations as Common Area, entry monuments.

VII. Design Review Procedures

The following procedures must be followed and Design Review Committee approval obtained prior to obtaining other required permits or beginning any construction. These Design Review Committee procedures are designed only to comply with the Sea Country Master planning and design standards. Lot owners are responsible for obtaining the necessary City and County building permits and complying with all applicable City & County codes, ordinances and regulations.

Step 1: Obtain a copy of the "Design Review Committee Application Form" which is available from the Sea Country Master Association Office or Recreation Center or Sea Country Resident Manager.

Step 2: Prepare your drawings as follows:

a. **Plot plan** (scale 1 inch=20 feet): The plot plan at the time of original sale contains all the required information except the outline of the proposed modification. If the original plot plan is unavailable, prepare a plot plan showing the lot dimensions, property lines, drainage swales, adjacent streets, existing dwellings and improvements, including fences and trash enclosures. Proposed improvements should be emphasized. (Either darkened or shaded)

b. **Building plans and elevations:** Show floor plan (top view), roof plan and all elevations front, rear and side views. Most importantly, a cross-section of the point of the roof connection must be provided. Building plans must include specifications for the type and finish of all exterior materials, which should match the existing materials and colors as closely as possible. If the structure or structures are to be finished in a different color, swatches of the proposed new colors must be provided.

Step 3: Submit one copy of the Design Committee Application Form along with one (1) copy of your drawings to the Sea Country Master Design Committee, located at the Resident Managers Office. The original sets of plans will be returned.

Step 4: Depending on the complexity and adequacy of the plans, the review process may take anywhere from one to four weeks after receipt of proper applications. If the proposed modifications are acceptable, a Sea Country Master Design Permit will be issued and the applicant may proceed with processing through the City and County Building Department, as required. If the plans are not approved by the Design Committee, the applicant will be notified and one set of plans will be returned with appropriate comments. The plans must then be revised for approval before construction will be permitted. Custom lot construction is subject to additional requirements. Oral requests for approval of proposed work that is subject to these rules and regulations will not be accepted. The fact that an owner has scheduled work, arranged financing, entered into a contract for materials or labor, received approval from City and County agencies or claims he/she will suffer alleged hardship, shall not be a basis for Design Review Committee approval. Projects, once begun, must be completed in accordance with approved plans. Financial inability to conclude the project will not excuse an owner from his commitment to complete. Contractors and suppliers may not submit their materials or products for "blanket approval." The Owner has the sole responsibility for insuring that the work contained in approved plans is performed in accordance with these rules and regulations and the Sea Country Master DCCR's.

ILLUSTRATION: Seeking approval for your single-family home addition (i.e. Lanai/balcony).

1. Plan your addition and submit your plans in the early stages of design for a preliminary review by the Sea Country Property Manager and Sea Country Master Design Committee.
2. Submit your final plans to the Design Review Committee for review and to obtain a Sea Country Master Design Approval Permit.
3. Submit your final plans to the City & County Building Dept. to obtain a Building Permit. The Building Dept. will NOT begin to process your plans without a Sea Country Master Design Permit.
4. Post both of your permits in view of the street and commence your construction.

