

## 6. Walls, Fences and Gates

Design Committee approval is required for all wall, fence and gate construction or modification including relocation, replacement or repainting of existing elements.

Some subdivisions within the Association have special restrictions. See Rule O below.

- A. The Homeowner is responsible for maintenance of the area alongside a wall, fence or gate within the Homeowner's lot.
- B. It is the homeowner's responsibility to verify the location of property pins before and after the completion of any perimeter wall or fence construction or improvement. Pins should not be removed under any circumstances.
- C. Height standards are set in accordance with City & County rules and are as follows:
  - 1) A solid wall or fence (excluding retaining walls) constructed along or within ten (10) feet of the street frontage of a lot shall not exceed thirty (30) inches maximum height.
  - 2) All solid wall, fence or gate over thirty (30) inches in height must be setback ten (10) feet from the front property lines. For properties abutting two or more streets, the above setbacks will apply only to the property line on the front face of the house on the lot.
  - 3) Open style fencing may be added to the thirty (30) inch wall within the ten (10) foot setback for a total maximum height of six (6) feet from the finished grade. In addition, where practical, the height of any proposed wall, fence or gate shall be identical to those on adjacent properties.
- D. Footings for walls, fences and gates including post holes shall be entirely within an Owners lot and shall not encroach upon an adjacent property unless by specific written agreement between all property owners affected.
- E. Gates are not automatically approved with a fence approval. If a gate is not included in the original request, it must be submitted for and approved prior to installation. A photo or accurate sketch of the proposed gate must accompany all gate applications.
- F. No part of any wall or fence, including the fence posts, should touch or connect to any house, wall or fence. There must be a minimum three (3) inch space between these and other structures.
- G. Generally, construction of parallel walls or fences (two (2) walls built alongside one another on neighboring properties), shall not be approved because they contribute to

drainage issues; however, due to the varying needs of adjacent neighbors, the Design Committee may approve parallel walls on a case-by-case basis.

#### H. Joint or Shared Walls or Fences

- 1) Joint Wall/Fence Ownership and Maintenance Agreement – In accordance with the deed and title restrictions, whenever two (2) adjacent Owners jointly construct a wall or fence along and/or over a mutual property line, it is required that a Joint Agreement of Construction and Maintenance be prepared (the Association recommends using an attorney to draw up the agreement), signed (by both owners), recorded (at the Bureau of Conveyances) and a copy of the recorded document be provided to the Design Committee with the application form.
- 2) Footings may be on either side of the property line only if there is a Joint Agreement for Construction and Maintenance recorded between the adjoining property Owners.

#### I. Materials

- 1) Fences and retaining walls visible from the street may be constructed of lava rock, split-face masonry block or interlocking cement blocks (keystone) and may be painted to match or complement the residence.
- 2) Plain block masonry may only be used if it is finished with stucco.
- 3) Any proposal to paint a wall must include filling in all the grout lines and painting with a heavy body paint which must conceal the block construction underneath.
- 4) Recycled brick with raked joints may also be used.
- 5) Fences may be made using siding that matches or complements the exterior materials and color of the dwelling as approved by the Design Committee.
- 6) In general, walls, fences and gates containing one or two materials appropriately mixed, may be approved; however, walls, fences and gates containing more than 2 materials and those using reflective materials, such as bare metal, expanded metal, plastic, fiberglass or exotic designs, multiple colors, shall not be approved unless they complement the overall design and decoration of the homes in the neighborhood. Requests will be reviewed on a case-by-case basis.
- 7) Whenever a wall, fence or gate, by the nature of its construction and materials has a "good side", the "good side" shall face outward from the property toward the adjacent street and adjacent properties, etc. Any exposed framing, braces, support material, etc. shall face inward to the property and may, at the Owners option, be finished with an approved material.

- 8) Chain link or wire fencing will not be approved.
- 9) When constructing a CRM (composite rock material) wall, the same material shall be used throughout the entire wall thickness.
- 10) Open style fencing such as wrought iron or open picket vinyl or wood fencing should be simple in design.
- 11) All jagged edges shall be smoothed, tooled or skilled. This includes the grouting and mortaring in between edges of split-face masonry and between each rock.

12) Redwood Fences and Gates

- a. Interior may be painted to match or compliment the body of the house provided they are not visible from the street or adjacent property.
  - b. Exterior must be painted to match the body of the house.
  - c. Trim may be painted to match the trim of the house provided the house is painted within the current preauthorized colors and the approved application is on file with the Association office.
- J. Design - The Design Committee will grant approval to wall, fence and gate designs that have clean lines which blend in with the design concept of the community. Simple fences with flat tops are preferred. The Design Committee will not approve baluster walls. For safety purposes, walls, fences and gates may not obstruct your neighbor's view of the street.
- K. All Homeowners planning to construct walls, fences or gates on their property must indicate on their plans the location, height and type of material of any already existing walls, fences or gates on adjacent properties.
- L. A 24" setback is generally required along all Community Association owned walls and fences and for all walls and fences that are jointly owned by the Homeowner and the Community Association.
- M. All wall, fence and gate work must be completed in a professional manner and must meet all City & County building codes. A copy of the City & County permit should be submitted to the Design Committee prior to the construction of all walls and fences and must be submitted prior to the close out inspection.
- N. Exemptions  
Walls, Fences and Gates exempted from all the above conditions and exceptions to the three (3) foot front yard setback are as follows:

- 1) Existing walls, fences or gates located within existing setback areas, which were previously approved by the Design Committee.
- 2) Walls, Fences or Gates originally placed by the Developer.
- 3) Side yard on corner lots where the street is less than two hundred feet long.

O. **Neighborhood Specific Restrictions**

There are also neighborhood specific restrictions that apply only to the following developments:

1) Carriages Deed Restrictions

- a. The use of wood, vinyl and chain linked fence materials are specifically prohibited.
- b. All walls or fences shall be constructed out of cementitious wallboard, CMU (hollow tile masonry), CRM (rock or lava rock) or brick. Brick veneer or other kinds of rock or brick finishes are acceptable. Cementitious wallboard and CMU walls must be finished with plaster or stucco. Wrought iron may be used in limited circumstances and will be evaluated as to its design appropriateness on a case-by-case basis by the Design Committee.

2) Haleakea Plan 5 Driveway Gate Deed Restrictions

- a. Gate shall open inwards or sideways.
- b. No exposed hinges shall be visible from the street.
- c. Gate shall be manual in operation.
- d. Fence and/or gate shall not extend beyond the façade of the house.
- e. Gate shall complement the existing fence.

3) Soda Creek Deed Restrictions

a. Front Yard Fences:

- o All walls and fences over thirty (30) inches high must be set back three (3) feet minimum from front yard property lines. The only exceptions are corner lots where only one side must be set back three (3) feet and properties along Kolowaka Drive. The three (3) foot setback must be landscaped.
- o Colors for the fences shall be subdued earth tones. White may not be acceptable as a subtle earth tone shade for City & County purposes.

b. Fencing at Corner Lots:

- Replacement of existing fences at front property line, where building permits were previously issued, may be replaced at the same location with the same approved fence design.
- New walls and fences at the front property line for corner lots shall be permitted along on side of the street frontage. A minimum three (3) foot setback shall be provided on the other side.
- All wall and fence locations, heights, types and colors may require Department of Land Utilization (DLU) approval as well as that of the Design Committee. This restriction shall continue in perpetuity.

4) Sun Terra Deed Restrictions

- a. Walls and fences along Launahale are considered perimeter walls and are therefore, the property of the Community Association.
- b. City & County zoning for Sun Terra attached the three (3) foot planter strip (normally located on the street side of the sidewalk) to the Homeowner's front yard property line. For Corner Lots, the three (3) foot City & County planter strip is attached to the side yard. THEREFORE, Homeowners may not construct walls or fences within this three (3) foot easement. Solid walls or fences that do not exceed twenty-four (24) inches in height may be constructed on the front (or in the case of a corner lot, the side) property line, which in most cases is three (3) feet from the sidewalk. Solid walls and fences in excess of twenty-four (24) inches in height must be setback ten (10) feet from the front property line. *Refer to City & County guidelines for solid walls and fences exceeding twenty-four (24) inches in height on the side yard of a corner lot, as the rules vary depending on the length of the adjacent street.*
- c. Painted or prefinished open (see through), metal, picket fencing may be constructed above solid walls within the yard, not to exceed a combined height of five (5) feet above the existing grade.
- d. Picket fences shall consist of vertical round rods or square bars set in a series with no less than a four (4) inch clear space in between. Horizontal support beams for the vertical pickets shall not exceed two (2) inches square or diameter.
- e. Masonry screen block, chain link or wood slats will not be an acceptable substitute for open picket fences.

- f. Foundations for walls or fence posts may not encroach into City & County right-of-way or planter strips.

5) Woodbridge Plan 2 Driveway Gate Deed Restrictions

- a. Gate shall open inward or sideways.
- b. No exposed hinges shall be visible from the street.
- c. Gate shall be manual in operation.
- d. Fence and/or gate shall not extend beyond the façade of the house.
- e. Gate shall complement the existing fence.

Application Packet Requirements:

- A complete Design Committee application form signed by the Homeowner
- Closing Plot Plan with the following information:
  - o Where item(s) will be installed
  - o Setback distances from property lines (all sides)
  - o Length measurements of wall/fence/gate
- Cross section drawings that include
  - o Height and width measurements
  - o Footings (how it's attached to the ground)
  - o Color
  - o Neighbor adjacent walls and fences. Especially parallel walls or fences.
- Elevation drawings, manufacturer's brochure or photos showing
  - o What the finished product will look like
  - o Measurements, height and length
  - o Materials used and color
- Is the swale affected?
  - o Yes – Provide drawings showing how the swale(s) will be maintained
  - o No – No additional drawings will be necessary
- Neighbor awareness form (if applicable)  
If you will be disturbing your neighbor or accessing a shared area, please include a form from each neighbor that will be affected. This form does not give your neighbor the authority to deny your application
- Legal agreements (if applicable)  
If this is a jointly owned wall or fence. Joint wall/fence agreement and proof of submittal to the Bureau of Conveyances
- Applicable design fee by check or money order made payable to Ewa by Gentry Community Association