

# HIDE-A-WAY HILLS CLUB BUILDING CODE

## TABLE OF CONTENTS

<b>PREFACE</b> .....	3
<b>Section 100.00 - GENERAL REQUIREMENTS</b>	
100.01 NUMBER OF STRUCTURES PER LOT OR PARCEL .....	4
100.02 BUILDING CODE .....	4
100.03 HEALTH POLICY FOR CONSTRUCTION SITES .....	4
100.04 HAH COMMITTEE ACTIVITY .....	4
<b>Section 200.00 - BUILDING PERMIT APPLICATIONS</b>	
200.01 PERMIT APPLICATION .....	4
200.02 DWELLINGS .....	5
200.03 SITE REVIEW .....	5
200.04 LIABILITY INSURANCE .....	6
200.05 ADDITION OR GARAGE .....	6
200.06 EXTERIOR REMODELING & FENCES .....	6
200.07 COMMENCEMENT WITHOUT PERMIT .....	6
200.08 OCCUPANCY PERMIT .....	7
<b>Section 300.00 - SITE CONSTRUCTION</b>	
300.01 PLOT PLAN .....	7
300.02 DRIVEWAY CONSTRUCTION .....	7
300.03 OFF ROAD PARKING .....	7
300.04 SITE LIGHTING .....	7
300.05 HEATING AND COOLING SYSTEMS .....	7
300.06 PLACEMENT OF GAS STORAGE BOTTLES .....	7
300.07 TREES .....	7
300.08 WIND TURBINE ENERGY SYSTEMS AND SOLAR POWER ENERGY SYSTEMS .....	8
300.09 EASEMENTS AND PROPERTY LINES.....	8
<b>Section 400.00 - BOAT MOORING, WHARFS, DECKS IN OR NEAR THE LAKES</b>	
400.01 WHARF SHORELINE RESTRICTIONS .....	9
400.02 WHARF SIZE .....	9
400.03 FLOATING WHARF .....	9
400.04 COVERED WHARFS .....	9
400.05 WHARF APPURTENANCE .....	9
400.06 NUMBER OF WHARFS PERMITTED .....	9
400.07 BUILDING PERMIT FOR WHARFS AND RECREATIONAL DECKS .....	9
400.08 TREATED WOOD .....	9
400.09 BOAT MOORINGS .....	9
<b>Section 500.00 - LAKE FRONT CONSTRUCTION</b>	
500.01 SHORELINE EROSION PROTECTION .....	10
500.02 PREFERRED MATERIALS .....	10
500.03 ALTERNATE METHODS .....	10

# HIDE-A-WAY HILLS CLUB BUILDING CODE

<b>Section 600.00</b> - SPECIAL CONSTRUCTION	
600.01 DEMOLITION .....	10
600.02 SATELLITE RECEIVING DISH .....	10
600.03 MOBILE HOUSING & STRUCTURES .....	10
600.04 VARIANCES .....	10
600.05 APPEALS .....	11
600.06 NON-CONFORMING STRUCTURES .....	11
<b>Section 700.00</b> - DEFINITIONS .....	11
<b>Section 800.00</b> - FEES, FINES & PERMIT EXCEPTIONS .....	13

# **HIDE-A-WAY HILLS CLUB BUILDING CODE**

## **PREFACE**

Pursuant to Article VII Section 4 of the General Code of Regulations of Hide-A-Way Hills, the Architectural Control Committee, herein after referred to as the "Committee", shall administer this code for all construction within Hide-A-Way Hills.

It shall be the intention of this code to regulate building through a review and approval process of all permits and the periodic inspection of construction permits within Hide-A-Way Hills to maintain the natural beauty of the hills, protect lakes, streams, wildlife and wooded areas, and that all projects blend well and are aesthetically pleasing with the environment, yet enhance the property values of the members and Hide-A-Way Hills as a community. It shall be the policy of the Hide-A-Way Hills Club that all regulations established by this code will be to the benefit of all members of Hide-A-Way Hills. These regulations shall not deprive a member of the full and beneficial use of their property or prevent the managed growth of Hide-A-Way Hills as a residential and recreational community.

The rules and regulations set forth in this code shall be administered for the benefit and protection of all individual members and the community of Hide-A-Way Hills in general. The Committee shall in the review and approval process of all projects proposed for Hide-A-Way Hills insure that an aesthetically pleasing appearance is maintained.

It is the responsibility of the member to familiarize him or herself with all applicable provisions of this code with particular attention to insurance requirements and entry requirements to Hide-A-Way Hills by non-members for purposes of executing work on his or her building project. Non-member workers, sub-contractors or others involved in the construction project will not be permitted entry to Hide-A-Way Hills without proper proof of insurance as set forth in this code. The member is responsible for all fines incurred for non-compliance with this building code.

A member must be in good standing with the Hide-A-Way Hills Club in order to apply for a building permit.

# HIDE-A-WAY HILLS CLUB BUILDING CODE

## **SECTION 100.00 - GENERAL REQUIREMENTS**

**100.01 NUMBERS OF STRUCTURES PER LOT OR PARCEL** - No lot or parcel within Hide-A-Way Hills shall be used for other than residential purposes and may have no more than two structures thereon. The primary structure shall be a single-family dwelling and the secondary structure may be a detached garage. An attached garage and house shall consist of a common foundation, wall and roof structure. Only one detached garage or enclosed storage facility to include sheds or like structures is permitted per lot or parcel. The location of the secondary structure must be approved by A.C.C. If relocated the new location must be approved by A.C.C.

**100.02 BUILDING CODE** - The Ohio Building Code and all other applicable codes shall govern all construction in Hide-A-Way Hills Club. No provision, contained in the Hide-A-Way Hills Club Building Code, shall violate any provision in any Building Code. When an item(s) is not addressed in the Hide-A-Way Hills Club Building Code, the Ohio Building Code shall take precedence.

**100.03 HEALTH AND ENVIRONMENTAL POLICY FOR CONSTRUCTION SITES** - Before any work is started, all job sites will have Portable Toilets provided by the member or contractor when there is no available on-site facility for workers. During the site review process an ACC member and the General Manager will determine the most inconspicuous possible place to install such portable toilets consistent with both the overall intent of the HAH Building Code, as expressed in the foregoing Preface, and the safety requirements of the vendor.

Temporary erosion control measures such as sediment traps, hay bales or silt fences must be properly placed prior to any earthmoving on site. Erosion control measures shall be kept in good repair and fully functional until the erosion potential from the site no longer exists.

**100.04 HAH COMMITTEE ACTIVITY** - Any project proposed by a HAH Committee that involves exterior construction, demolition, remodeling or painting must be reviewed by the Architectural Control Committee and be approved by the Board of Trustees before work commences. Notwithstanding the requirements of subsequent Sections of this Code, no permit application or fee is required, but detailed plans must be submitted for ACC review and for Board approval. The role of the ACC is to ensure that any construction in Hide-A-Way Hills is in compliance with HAH regulations, to make sure that member construction does not violate neighboring property lines, and adheres to community building standard.

## **SECTION 200.00 - BUILDING PERMIT APPLICATIONS**

**200.01 PERMIT APPLICATION** - The Member must complete a permit application and submit two (2) detailed sets of construction documents and all necessary information to be reviewed by the Committee seven (7) days prior to the ACC meeting to the office. Member is encouraged to attend the Committee meeting with their builder to respond to Committee inquiries.

A Building Permit for New Dwellings is valid for twelve (12) months with one six (6) month extension granted at the discretion of the General Manager and the ACC. In extenuating circumstances the ACC and the General Manager may consider a member's request for a 2<sup>nd</sup> extension. The member must come to an ACC meeting for review of the extension request. Should the 2<sup>nd</sup> extension be granted, it will be granted based on the shortest duration reasonable but, in no event, more than three (3) months.

**Minimum drawing requirements include, but are not limited to:**

- A) Floor Plan(s) including an overhead view showing all rooms and their intended use including door and window sizes.
- B) Site drawings indicating grading plan, septic and well locations on an official HAH plot plan.
- C) For safety concerns and to follow the Ohio Residential Building Code, ACC reserves the right to require additional structural drawings.
- D) All exterior colors are to be submitted to the ACC for approval prior to building.

**200.02 DWELLINGS** - A Building Permit shall be required for all new dwellings and current dwellings in which more than 50% of the exterior structure will be replaced. New dwellings are recommended to contain at least 1,500 square foot of living space excluding porches and decks. ACC members, Security personnel and the General Manager shall have access to the building/construction site at all times. To deny access will result in a \$500.00 fine and work stoppage. All changes, additions or deviations from the approved plans must be resubmitted and approved by the Committee. All structures located on any parcel shall be finished in the same material and colors as the primary structure or as approved by ACC. All dwellings shall display the lot number and the lot number sign shall be of such color and material and as to be visible from the street. The ACC recommends that the number be reflective so that the dwelling can be identified in low light conditions.

**A) ACCEPTABLE SIDING MATERIALS**

- 1) Wood (cedar, etc.), brick and stone exteriors that blend with the wooded environment are recommended.
- 2) Vinyl siding, stucco, cementitious siding and earth-tone paints are accepted (see definition on page 9).
- 3) A member who is siding, staining or painting his/her dwelling or other structure must submit samples of the colors to the ACC for approval if the member is changing the color from an already ACC approved color. There is no fee to obtain this permit.
- 4) Previously approved non-earth tone colors, for example blue-tones, will require re-submission for approval of color by the ACC prior to re-painting, re-siding or re-roofing.

**B) ACCEPTABLE ROOFING MATERIALS** - Shall be earth tone colors that blend with the wooded environment; fiberglass shingles, architectural metal, tile (clay or aluminum). Members who are replacing a roof need to submit a sample of the roofing materials to the ACC to obtain a roofing permit. There is no fee for the permit to replace a roof. Membrane roofing is permitted on less than 3 in 12 pitches for replacement roofing only.

**C) ARCHITECTURAL FEATURES** - Architectural features and embellishments shall be approved by the Committee for aesthetics only.

- 1) Roof slopes shall be a minimum 4 in 12 slope.
- 2) Rakes shall be a minimum 6" with a minimum 12" eave overhang.
- 3) Porch roofing, bay or bow window roofing etc. may be permitted to be a different material than the main structure if it is aesthetically pleasing and is approved by the Committee.

**200.03 SITE REVIEW** - The member or his contractor shall stake the locations of all proposed improvements set forth on the plot plan and mark all trees to be removed. The permitted removal of trees is those that are within the proposed footprint and a ten foot perimeter around all structures and drives. Construction may commence after the site has been reviewed by an ACC member and the General Manager and a permit has been issued by the ACC. The fine for any cleanup and damage will be the actual costs as determined by Hide-A-Way Hills Club and the penalty will be equal to the actual cost of that clean up and repair.

Any new construction or addition may require a Certified Property Survey completed with visible boundary markers prior to any work being started. After this has been completed, the alterations are to be staked out by the owner or contractor and verified by HAH. The member or his contractor shall mark all trees to be removed. The permitted removal of trees is for those that are within the proposed footprint and a ten-foot perimeter around all structures and drives. Tree removal must be approved by the HAH General Manager.

ACC has the authority to waive the Certified Property Survey.

**200.04 LIABILITY INSURANCE** - Proof of liability insurance in the amount of at least \$1,000,000.00 must be provided by the general contractor or the member if acting as Contractor. Such insurance shall make assignment to the Hide-A-Way Hills Club and shall include coverage of all subcontractors, which the General Contractor listed on the permit, will contract with for the execution of work on the project. In some instances it may be determined that liability insurance is not necessary and it may be waived by the ACC or the ACC may accept a reduced amount of insurance coverage.

**200.05 ADDITION OR GARAGE** - For an addition or a garage, the member shall furnish building and site plans drawn to scale with spot elevations and showing all existing structures. The maximum garage size for a house with a footprint under 900 square feet shall be 900 square feet of floor area and for a house with a footprint over 900 square feet the maximum garage size shall be 1,200 square feet of floor area. In addition the size of an unattached garage should not exceed 60% of the square footage size/footprint of the main dwelling. The maximum eave height for a garage should be nine feet measured from the finished floor to the bottom of the eave. An addition over 350 square feet shall fall under the requirements for new dwelling construction. All changes, additions or deviations from the approved plans must be resubmitted and approved by the Committee prior to commencing of work. All structures located on any parcel shall be finished in the same material as the primary structure or as approved by ACC. Roof and siding colors on additions and garages must match the main dwelling colors unless alternative colors are approved by the ACC.

**200.06 EXTERIOR REMODELING AND FENCES** - All exterior remodeling, major repairs, and exterior color must conform to the Hide-A-Way Hills Building Code. All fences shall be subject to approval by the Committee prior to installation. The member shall submit a scaled plot plan showing proposed fence location and must include verifiable distances from any structures, and drawn in accordance with an accurate boundary line survey.

To maintain the open wooded views and vistas throughout our unique community, fencing must meet the following requirements: 1. Fencing must be of an open weave design, solid fencing of wood or other construction material is prohibited. Chain link fence is not permitted to be used unless it is necessary to create a dog run. Such dog run is to be located to the rear of the home and is not to be visible from the roadways. 2. Fencing must be no more than 48 inches in height. 3. Entire lots may not be fenced. 4. The front of lots may not be fenced; however, split rail fences intended to be decorative and that are not used to create a barrier are acceptable.

Wireless, electronic dog fences are allowed and encouraged, as well as the use of natural "fencing barriers", including trees and hedges.

**200.07 COMMENCEMENT WITHOUT PERMIT** - No construction within Hide-A-Way Hills requiring a Building Permit as defined by this code may commence without first obtaining a valid Hide-A-Way Hills Building Permit. Members who begin construction without an approved permit are in serious violation of HAH Rules and subject to a maximum fine of \$500 per month to a maximum of \$5,000. These fines will be levied until such time as the member secures an approved permit for construction.

Before a permit can be approved, all fine/s, the applicable fee and the construction deposit (if required) must be paid.

**200.08 OCCUPANCY PERMIT** - An ACC member and the General Manager will review the construction site to verify all Hide-A-Way Hills Building Codes have been met. A Certificate of Occupancy will be issued when construction is complete, all construction material and waste has been removed, all utilities are in working order and all plumbing has been inspected and approved by the County Health District. A Certificate of Occupancy will not be issued and the applicable construction deposit will be forfeited if the aforementioned requirements have not been met.

### **SECTION 300.00 - SITE CONSTRUCTION**

**300.01 PLOT PLAN** - For new construction or additions, the member shall furnish a survey with spot elevations indicating the location and dimensions of the proposed grades. The plans must include verifiable distance from the proposed structure to platted roadways, property lines and easements and establish the proposed finished grade and shall be drawn in accordance with an accurate boundary line survey. In case of demolition, the site plan shall show construction to be demolished and the location and extent of existing structures that are to remain on the site. All structures must be located at least 25 feet from the front lot line or 40 feet from the center of all roadways whichever is greater and located a minimum of 10 feet from all other lot lines or parcel lines if lots are conjoined, except that lake front decks and docks may be located at or near a shoreline as specified in Section 400 of this code. No structure shall be placed on any easement except as provided for under Section 300.09 of this Building Code.

**300.02 DRIVEWAY CONSTRUCTION** - For purposes of this code, Driveway Construction shall be defined as any construction or earth moving for the purpose of establishing a means of ingress or egress, directly or indirectly, onto any platted roadway within Hide-A-Way Hills. A Building Permit shall be required for all new construction of Driveways, Driveway Extensions and Parking Areas. Driveway run-off shall not encroach onto Hide-A-Way Hills' roadways. Culvert size will be determined by Hide-A-Way Hills Club. No member shall construct or allow to be constructed on their lot or lots any vehicular access to any public roads. If new dwelling/garage construction is commenced within twelve months, the driveway fee is applied to New Dwelling/Garage fee.

**300.03 OFF ROAD PARKING NEW STRUCTURES** - No new structure may proceed on any lot without first providing a minimum of five hundred (500) square feet off road parking spaces accessible at all times. Off road parking spaces shall have the same permit requirements as Driveways.

**300.04 SITE LIGHTING** - Exterior lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cause glare to other homeowners.

**300.05 HEATING AND COOLING SYSTEMS** - No open geothermal systems are allowed. No outdoor furnaces are allowed. Closed geothermal systems will be reviewed on a case by case basis.

**300.06 PLACEMENT OF GAS STORAGE BOTTLES** - All existing and new fuel storage containers shall be placed in such a location so as not to be seen from any common road or from neighboring property. If this is not possible, then a suitable screen shall be installed.

**300.07 TREES** - Any trees larger than 18 inches in circumference, as measured 36 inches from the ground, require approval from the General Manager to be removed unless said trees are within 10 feet of the house or garage.

**300.08 WIND TURBINE ENERGY SYSTEMS AND SOLAR POWER ENERGY SYSTEMS** - No Wind Turbine Energy Systems will be permitted. Solar Power Energy Systems are permitted but must be reviewed and approved by ACC.

**300.09 EASEMENTS AND PROPERTY LINES**

**Building Across Property Lines and in Easements**

Construction projects that violate neighboring property lines or a lot's easements are a serious violation of HAH rules and subject to a maximum fine of \$500 per month to a maximum of \$5,000.00. These fines will be levied until such time as the member in violation comes to terms with the offended party.

**Easement Waivers for Conjoined Lots**

A structure may be placed on an easement if the easement has been released by the HAH Board of Trustees. The Board of Trustees may waive the Club's rights in easements laying between two adjacent lots, owned by the same person(s) based upon the following criteria:

- (1) The easement is located between and along lots with common owners who have duly recorded a written declaration that the lots are conjoined and can never be separately sold;
- (2) All applicable utility companies have, in writing, released all of their rights in and to said easement.

In making its decision, the Board will consider the materiality of any benefit of the easement to the Club. If the Board determines that a decision can be shown that it is in the best interest of HAH the Board shall deny the request. The Board may consult with and receive advice from the Architectural Control Committee.

**Shoreline Easements on Lake Front Properties**

Members who own property with an easement adjacent to a property line that is, generally speaking, parallel with the shoreline, may apply to the Board for permission to construct a lake front deck in that easement. The guidelines for approval are:

- (1) The member has applied for a building permit for a deck to be located in a lake front easement, and that application includes a plot plan/site plan that shows:
  - The deck is not located in another easement or required setback along a property line that is, generally speaking, perpendicular to the shoreline.
  - The deck does not extend beyond the shoreline, as specified in section 400.07 of the Building Code.
  - The deck consists of no more than one uncovered platform no larger than 240 sq. ft. in area, plus ramp and stairs for access and railing for safety.
- (2) The member agrees that the area where the easement exists, excluding the deck itself, remains open for access as stated on the Hide-A-Way Hills plat maps and Deed Restrictions.
- (3) The member agrees to remove the deck if a need arises that access for utilities or drainage is required. The deck may be replaced if the Board agrees that any work that needed to be done in the easement area has been accomplished.

(4) The member agrees to pay legal fees associated with drafting the document to accept restrictions.

(5) The member agrees to record the document drafted in the county recorder's office.

(6) The member shall pay all costs, fees and expenses incurred for the deck (including removal thereof) for items (1)-(5) above.

#### **SECTION 400.00 - BOAT MOORINGS, WHARFS, and DECKS IN OR NEAR THE LAKES**

**400.01 WHARF SHORELINE RESTRICTIONS** - No wharf shall extend from the shoreline more than 18 feet. In some instances, as determined by the General Manager, this distance may be reduced for reasons of safety.

**400.02 WHARF SIZE** - No wharf shall exceed three hundred (300) square feet in area, measured from the shoreline extending over the surface of the water.

**400.03 FLOATING WHARF** - Floating wharves shall be permitted. All flotation materials used in the construction of a floating wharf shall be approved by the manufacturer for marine use. Requests for permits for the construction of a floating wharf shall be accompanied by the manufacturer's cut sheet for the flotation material that will be used.

**400.04 COVERED WHARFS** - A wharf may be covered by a permanent roof for the purpose of shedding the elements but, may not extend beyond the edge of the wharf. No sides will be permitted to enclose a wharf. Roofing material shall be the same as the primary structure.

**400.05 WHARF APPURTENANCES** - A storage locker not to exceed 72 cubic feet may be constructed upon a wharf. No storage enclosure shall be used for living or sanitary purposes.

**400.06 NUMBER OF WHARFS PERMITTED** - One wharf shall be permitted for each fully assessed lake-front lot. If a member owns multiple, adjacent lakefront lots, only one wharf shall be permitted.

**400.07 BUILDING PERMITS FOR WHARFS, RECREATIONAL DECKS, SHEDS AND OTHER MISC. CONSTRUCTION** - Building Permits are required for new build or repair of existing wharfs, if the repair changes the dimensions of the existing wharf/s. A wharf to be constructed with a recreational deck for purposes of this code shall be constructed under a single building permit. A recreational deck shall not extend beyond the shoreline. Building Permits shall be required for all miscellaneous construction. For the purposes of this code miscellaneous construction shall be defined as, but not limited to: dredging, sea walls, wharfs (new build or repair of wharfs that change the dimensions of the existing wharfs), recreational decks, porches, car ports, sheds and wharf storage lockers.

**400.08 TREATED WOOD** - Any wood used in any construction which comes in contact with the ground or is used in the construction of any structure in or over a body of water shall be pressure treated per Standard Specifications for Pressure Treatment of Timber Products.

**400.09 BOAT MOORINGS** - Lot owners with lake side property shall be permitted to build an approved wharf and recreational deck on their shoreline as set forth in this code.

## **SECTION 500.00 - LAKE FRONT CONSTRUCTION**

**500.01 SHORELINE EROSION PROTECTION** - It is the intention of this regulation to protect the lake shorelines in Hide-A-Way Hills from unnecessary erosion caused by wave action and to regulate the aesthetic appearance of the shoreline by establishing a standardized erosion control method. All sea walls constructed upon any shoreline within Hide-A-Way Hills shall require an approved Hide-A-Way Hills Building Permit, prior to commencement of construction.

**500.02 PREFERRED MATERIALS** - The preferred material and method for the construction of sea walls shall be rip-rap as set forth in O.D.O.T. Construction and Material Specifications. The General Manager shall determine approved methods, for the placement of the specified material, with the assistance of the Committee.

**500.03 ALTERNATE METHODS** - Alternate sea wall system may be submitted to the office of the General Manager for review by the Committee.

## **SECTION 600.00 - SPECIAL CONSTRUCTION**

**600.01 DEMOLITION**- All demolition of Dwellings/Garages within Hide-A-Way Hills shall require a permit and final inspection for clean-up. Demolition must be completed within six months. If New Dwelling or Garage construction is commenced within 12 months, the Demolition Fee is applied to the New Dwelling or Garage Fee. Any excess fee will be refunded.

**600.02 SATELLITE RECEIVING DISHES** - No satellite dish may be installed in Hide-A-Way Hills that is larger than 36 inches in diameter and shall be placed at least 25 feet from the front lot line or 40 feet from the center of all roadways whichever is greater. No satellite dish shall be placed on any easement.

**600.03 MOBILE HOUSING AND STRUCTURES** - No Mobile Home or like residential structure including but not limited to metal or temporary carports may be erected within Hide-A-Way Hills.

**600.04 VARIANCES** - The procedure to obtain a variance to the Hide-A-Way Hills Building Code shall be established by the ACC. After submitting all necessary materials, and receiving approval of the ACC, any member wishing to apply for a variance must apply for it from the Board of Trustees. The Board of Trustees may neither grant, nor condone, any variance that is contrary to the purpose or intent of any Deed Restriction applicable to lots or parcels of the Hide-A-Way Hills subdivision. The variance procedures shall entail, at a minimum but not be limited to, the following:

- 1.) Application with the Hide-A-Way Hills Club Office. The General Manager, upon receipt of said application, project approval from ACC, and payment of all fees as established in Section 800.00, Building Permit Fees of this Code, shall notify all adjacent lot owners via registered mail of the request for a code variance and the nature of the project involved. Adjacent lots shall be defined as member lots bordering the property or properties, or within sight of the property or properties for which the variance was requested excluding roadways and easements. Said notification shall briefly explain the scope of said variance and list dates of hearings for the purpose of airing member responses.
- 2.) The General Manager shall place, in two consecutive issues of the ECHO, an advertisement of said request for a variance of the Hide-A-Way Hills Building Code. Such advertisement shall contain the same information as outlined in paragraph 1. above.

- 3.) The Board of Trustees shall conduct open hearings, for the purpose of airing any member comments and to inform the Board of any pertinent details regarding the requested variance. Said hearings shall be at the two regular Board meetings immediately following the respective required advertisements. Any comments regarding the variance directed to the Board in writing, and received prior to an open hearing, shall be read aloud at said hearings. The Board shall rule, by majority vote, and prior to adjournment of the last applicable meeting, as to the acceptance or rejection of the request for variance. This action by the Board is final. Failure to act as stated on the part of the Board shall constitute an acceptance of the stated variance.

**600.05 APPEALS** - Decisions made by the ACC may be appealed to the HAH Board of Trustees by the member. A member filing an appeal must send the appeal to the HAH Office no later than 30 days prior to the next scheduled Board of Trustees meeting. Upon receipt of the member's appeal, the HAH Office will send a copy of the appeal, along with the attendant documents to the ACC Chair. If the appeal does not meet the 30 day filing deadline, the appeal will be heard in the following month. Action by the Board on the appeal will be considered final.

**600.06 NON-CONFORMING STRUCTURES** - Where a structure exists under the HAH Building Code that could not be built under the terms of the new or revised Code by reason of restrictions on area, lot coverage, height, or other characteristics of the structure, it may be continued so long as the structure remains otherwise lawful subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its degree of non-conformity. Alterations, additions or enlargements may be allowed as long as the work done does not violate any other portion of the Code. Complete plans shall be required of all work contemplated under this section.
- B. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, in the judgment of ACC, it shall not be reconstructed except in conformity with provisions of the HAH Building Code.
- C. When a non-conforming structure, or structure and premises in combination, is vacated or abandoned for 12 consecutive months, the structure, or structure and premises in combination, shall thereafter be required to be in conformance with the current HAH Building Code. Upon request of the owner, the ACC may grant an extension of time beyond the 12 consecutive months.

**REPAIRS AND MAINTENANCE** - Any non-conforming structure may have work done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding 25 percent of the current replacement value of the building.

### **SECTION 700.00 - DEFINITIONS**

All words used in this chapter shall have their customary meanings as defined in WEBSTER'S NEW WORLD DICTIONARY, except those specifically defined in this section.

**BUILDING, ACCESSORY** - A use or structure incidental to and located on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**BUILDING, MAIN** - A structure in which is conducted the principal use of the lot on which it is located.

**BUILDING SETBACK** - The horizontal distance, from the point of measurement to the nearest building wall.

**CONTRACTOR** - Individual, owner or company listed as "contractor" on the application must be or have representations on premises during construction. No representative on site at time of work will be cause for halting project.

**CONSTRUCTION DEPOSIT** - Upon completion of all construction work and approved final review, the member may request the return of the construction deposit.

Cost to repair and/or restore any damage to roads within HAH to their original condition will be deducted from the deposit. Any permit extension fees and/or fines will automatically be deducted from the deposit.

**DWELLING UNIT** - A building arranged, intended, or designed as a habitable unit, containing kitchen, bath and sleeping facilities.

**EARTH-TONE** - Any of various muted colors ranging from neutral to deep brown including some shades of red and green.

**FLOOR AREA** - The sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls and provided for the purpose of determining compliance with the permitted floor area.

**GARAGE, PRIVATE** - An accessory building structure or portions of a principal building for the parking or temporary storage of motor vehicles of the occupants of the premises.

**HEIGHT, BUILDING** - The vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure.

**LAKE DREDGING** - For purposes of this code, dredging shall be defined as the removal of earthen materials, by whatever means from any location that will result in a net increase in the volume of water of any lake within Hide-A-Way Hills.

**LOT OF RECORD** - A lot in which the plat has been recorded in the office of the County Recorder of the County in which the lot or parcel of land is located.

**LOT LINE** - Any boundary of a lot.

**MEMBER** - A person, persons or entity that holds title to land.

**MOBILE HOME** - Any non-self-propelled vehicle transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**PARCEL** - Any number of adjacent lots where said lots have been forever joined as one inseparable parcel of land and duly recorded as such with the appropriate recording agency in the county of jurisdiction.

**PORCH** - A roofed open structure projecting from the front, sides or rear wall of the building.

**SHED** - A storage facility under 180 square feet.

**SHORELINE** - The shoreline shall be the mean point at which the land contacts the surface of the lake when the water level is at average summer elevations.

**SEA WALLS** - Shoreline erosion protection.

**STAIRS** - A series of steps that go from one level or floor to another.

**STORY** - A room or set of rooms on one floor level of a building.

**STRUCTURE** - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, such as but not limited to a dwelling or garage.

**USE** - The specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**USE, ACCESSORY** - A use which is customarily incidental and subordinate to the principal use of a lot or building and located on the same lot.

**USE, NON-CONFORMING** - Use of a building or of land that does not conform to the regulations as to the use for which it is situated.

**VARIANCE** - A non-conformance to the Hide-A-Way Hills Building Code, granted by the Board of Trustees, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the Code restriction, would result in unnecessary hardship. Any member wishing to apply for a variance must apply for it from the Board of Trustees.

**WHARF** - a "wharf" as used in these regulations shall be defined as a structure built alongside or into a waterway so that water craft may be moored alongside to load or unload or to lie at rest.

#### **SECTION 800.00 - FEE & FINE SCHEDULE**

<b>SECTION</b>	<b>TYPE OF PERMIT</b>	<b>FEE</b>	<b>CONSTRUCTION DEPOSIT</b>
200.02	NEW DWELLINGS	\$500.00	\$500.00
	ADDITIONS OVER 350 SQUARE FOOT	\$250.00	\$250.00
	FIRST PERMIT EXTENSION	NO FEE	
	ADDITIONAL PERMIT EXTENSIONS	\$250.00	
	ROOF & COLOR APPROVALS	NO FEE	
200.05	ADDITION UNDER 350 SQUARE FEET OR GARAGE	\$100.00	\$250.00
200.06	FENCE	\$ 50.00	
300.02	DRIVEWAY CONSTRUCTION	\$100.00	
300.03	OFF ROAD PARKING	\$ 50.00	

<b>SECTION</b>	<b>TYPE OF PERMIT</b>	<b>FEE</b>	<b>CONSTRUCTION DEPOSIT</b>
400.07	MISCELLANEOUS CONSTRUCTION Wharf or Recreational Deck Wharf appurtenance - Storage Locker Sheds - Car Port - Other	\$ 50.00	
500.01	SHORELINE EROSION PROTECTION	NO FEE	
600.01	DEMOLITION OF DWELLINGS & GARAGES	\$500.00	
600.04	VARIANCE	\$250.00	

### **FINES FOR NON-COMPLETION OF BUILDING PROJECTS**

The fines for non-completion of building projects in the permitted time are as follows unless the member has renewed the permit and paid a new permit application fee.

For dwellings and additions over 350 square feet the fine is \$100.00 per month for up to six months and \$500.00 per month thereafter until construction is completed and a Certificate of Occupancy issued or there is a final site review.

For all other projects the fine for non-completion is \$25.00 per month for up to six months and \$50.00 per month thereafter until construction is completed and there is a final site review.

### **FINES FOR BUILDING WITHOUT AN APPROVED PERMIT**

Members who begin construction without an approved permit are in serious violation of HAH Rules and subject to a maximum fine of \$500 per month to a maximum of \$5,000. These fines will be levied until such time as the member secures an approved permit for construction. Before a permit can be approved, all fine/s, the applicable fee and the construction deposit (if required) must be paid.

### **PERMIT EXCEPTIONS**

New roofing, painting, staining, and re-siding, if the color is the same as the original color, do not require a permit. Emergency repairs caused by weather conditions or acts of nature (trees falling, wind damage, etc.) do not require permits.

However, if the color is a previously approved non-earth tone color, pursuant to 200.02(A)(4), the member must have approval from the Architectural Control Committee to replace the siding, roofing, paint or stain.