

# HIDE-A-WAY HILLS CLUB BUILDING CODE

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# **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 ensure 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. The main and first structure on a lot or parcel shall be a single-family dwelling, which can include an attached garage. An attached garage and house shall consist of a common foundation, wall and roof structure.

Each lot or parcel may also have one (1) accessory detached garage or car port. Garages and carports are subject to the limitations specified in Section 200.05, Section 300.01 and other sections of this building code.

In addition to a dwelling and detached garage or car port, a lot or parcel may have one (1) additional accessory structure. This second accessory structure includes, but is not limited to: enclosed or unenclosed shed, detached deck, covered recreational deck, gazebo, cabana, shelter and other structures similar. Accessory structures are subject to limitations specified in Section 200.05, Section 300.01, Section 400.00 and other sections of this building code.

All accessory structures are to be constructed subsequent to or at the same time as the single-family dwelling, except for boat moorings as specified in Section 400.09 and a dock storage locker as specified in Section 400.05 of this building code.

A boat mooring and dock storage locker may be constructed at the shoreline even if a dwelling has not been constructed. Boat moorings, dock storage lockers, stairways, and an open-sided shelter covering firewood are not included as second accessory structures and can be constructed even if another accessory structure is on the lot or parcel.

**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. No fee is required.

A building permit application containing 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 standards.

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

**200.01 PERMIT APPLICATION** - The Member must complete a building permit application and submit it, along with all other necessary information to be reviewed by the Committee, to the office seven (7) days prior to the ACC meeting. All documents larger than 8 ½ x 11 must be submitted in digital form. Member is encouraged to attend the Committee meeting with their builder to respond to Committee inquiries.

A Building Permit for a New Dwelling or an Addition Over 350 Square Feet is valid for twelve (12) months. A member may extend this time limit by applying for an extension and paying an extension fee. A maximum of three six-month extensions may be granted at the discretion of the ACC and the General Manager. There is no fee for the first six-month extension. The fee for a second six-month extension is equal to the initial building permit fee. The fee for a third six-month extension is two times the original permit fee. An extension fee, if applicable, must be paid with the extension application. A deposit cannot be used to pay for an extension fee. A member or contractor may not apply for or receive a second building permit for the original project in order to avoid non-completion fines.

A Building Permit for an Addition Under 350 Square Feet, Exterior Remodeling, Driveway, Off-Road Parking, Fence, Shoreline Erosion Protection and Other Miscellaneous Construction is valid for six (6) months. A member may extend this time limit by applying for an extension and paying an extension fee. A maximum of three three-month extensions may be granted at the discretion of the ACC and the General Manager. There is no fee for the first three-month extension. The fee for the second three-month extension is equal to the initial building permit fee. The fee for a third three-month extension is two times the original permit fee. An extension fee, if applicable, must be paid with the extension application. A deposit cannot be used to pay an extension fee. A member or contractor may not apply for or receive a second building permit for the original project in order to avoid non-completion fines.

Include drawings and documents with the building permit application. Where applicable, drawing requirements include, but are not limited to:

- A) Plans including elevation views showing heights, window and door placements and overhead view showing all rooms and their intended use including door and window sizes, drawn to scale.
- B) Site drawings and a copy of the official HAH Plat Map for the lot or parcel. Drawings should show grading plan and locate existing and proposed structures and septic and well with distances between each and to property lines. The plat map, if enlarged, can be used as a base for a site drawing.
- C) Your County Health Department's required pre-construction drawings and approval for well and sewage treatment system if applicable
- D) For safety concerns and to follow the Ohio Residential Building Code, ACC reserves the right to require additional structural drawings.
- E) All exterior colors are to be submitted to the ACC for approval prior to the initiation of construction, including excavation.

**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 earth-tone definition in Section 700.00).
- 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 1 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 ADDITIONS, GARAGES, CAR PORTS AND OTHER MISC. CONSTRUCTION** - For an addition, garage, carport, and other misc. construction, the member shall furnish building and site plans as specified in section 200.01 of this building code. All changes, additions or deviations from approved plans must be resubmitted and approved by the ACC prior to commencing work.

All structures located on any lot or parcel shall be finished in the same roofing and exterior material as the primary structure or as approved by the ACC. Colors on additions, garages, car ports and other misc. structures must match the main dwelling's colors unless alternative colors are approved by the ACC. The ACC reserves the right to deny placement if an accessory structure is to be located in an area reserved for current or future septic systems.

**Garages and Car Ports** - The maximum size for an attached garage 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.

A lot or parcel may have one (1) accessory detached garage or detached carport. See Section 100.01. A detached garage or detached carport can be a hybrid version where a garage is constructed with an open section and a carport is constructed with an enclosed section. A hybrid garage or carport will be treated as one structure for the purpose of calculating the structure's permitted square footage.

The square footage for a detached garage, including an unenclosed area such as a lean-to, or for a detached carport, including an enclosed area such as storage, shall not exceed 60% of the square footage of the main dwelling's footprint as defined in Section 700.00. Any dwelling, irrespective of size, may have a 240 square foot detached garage or detached carport, this being a standard size for one car. The maximum square footage for a detached garage or detached carport is 1,200 square feet.

The maximum eave height for a detached garage or detached carport is nine feet measured from the finished floor to the bottom of the eave.

**Additions** - An addition over 350 square feet shall fall under the requirements for new dwelling construction. All additions are subject to a county's sanitation requirements and may require review and approval from the county health department.

**Sheds** - The maximum size for a shed (enclosed or unenclosed) is a footprint of 180 square feet. The maximum height for a shed's side wall is eight (8) feet. If a shed is relocated on a lot or parcel, the new location must be approved by the ACC.

**Other Misc. Construction** - For the purposes of this code, miscellaneous construction shall be defined as, but not limited to: sheds (enclosed or unenclosed), decks (attached or detached), stairways, porches (enclosed or unenclosed), gazebos, cabanas, shelters, and retaining walls.

## **200.06 EXTERIOR REMODELING AND FENCES –**

**Exterior Remodeling** - All exterior remodeling, major repairs, and exterior color must conform to the Hide-A-Way Hills Building Code. See Sections 200.02 and 600.06 of this Building Code.

**Fences** - All fences, including replacements, shall be subject to approval by the Committee prior to installation. When non-conforming, grandfathered fencing is to be replaced, the fence shall meet current fencing requirements. See Section 600.06 of this code. For repairing grandfathered fencing also see Section 600.06 of this Code.

As part of a building permit application, the member shall submit a plat map and scaled site plan showing proposed fence location and must include verifiable distances from any structures and drawn in accordance with an accurate boundary line survey.

Because Hide-A-Way Hills is a woodland environment where space for wildlife is a priority and where views are valued and valuable, fencing is not encouraged. Natural fencing barriers, including trees and hedges, are encouraged.

Where fencing is beneficial, it must meet the following requirements.

To protect health:

1. fencing cannot damage areas specified for current or reserved septic systems, determined by the county health department.

To both protect and maintain space for wildlife:

2. barbed wire is prohibited.
3. fencing must be constructed so that its top line, including posts, is generally smooth with no spikes, points, spears or sharps.
4. fencing, except for split rail, cannot be installed in required setbacks as defined in Section 300.01 of this code, or in easements where easement rights have not been waived as defined in Section 300.09 of this code.
5. fencing may not enclose entire lots.

To maintain natural scenery and open views and vistas throughout our unique community:

6. solid fencing of wood or other construction material is prohibited.
7. chain link fencing is prohibited, except for a removable, collapsible pen as described in item 11 below.
8. fencing must be constructed using a see-through design. Designs using thin, widely spaced balusters or pickets without spears or points and designs using open weave wire are acceptable.
9. fencing must be no more than 48 inches (4 feet) in height, except for fencing described in items 11 and 12 below.
10. fencing cannot be installed in the front of lots, except for split rail fencing installed for safety or decorative purposes and not used to create a barrier. For the purpose of this section, the front of a lot is defined as the area between a HAH road right-of-way and a dwelling, measured using the road right-of-way boundary and an imaginary line running from side lot line to side



lot line across the front of the dwelling. The ACC may reduce this line to accommodate corner lots and difficult terrain.

To accommodate pets or other needs, members may request a permit to install:

11. a removable, collapsible pen constructed using chain link fencing, typical of what is available in home and pet supply stores. This pen may be up to 72 inches (6 feet) in height. It can be installed with or without a top. It must be easily removable with vertical supports that are not embedded in the ground. It must be located behind the dwelling and not be visible from the roadways.
12. a fence up to 72 inches (6 feet) in height enclosing a maximum 3,000 (three thousand) square feet in area. This permanent fencing cannot be chain link. To reduce this fence's impact on neighbors' views, this fencing must be minimally obtrusive in appearance constructed using only wood posts and open weave wire between the posts, typical of what is called field fencing. The wood posts must be natural or stained brown. This fencing must be located in a back yard. For the purpose of this section, back yard is defined as the area between the back lot line and an imaginary line running from side lot line to side lot line across the back of the dwelling. On corner lots, the ACC may reduce this line to keep this fencing away from roadways. This fencing is subject to the requirements in 1 through 10 above.

**Wireless, electronic containment:**

Systems generally referred to as electronic dog fencing are permitted and encouraged. They do not impede utility workers or hikers on easements and do not block wildlife. For the purpose of this building code, a wireless, electronic dog control system is not a fence and does not require a building permit to be installed.

**Barking:**

For information, see the document titled Hide-A-Way Club Rules, available on the Club website.

**Deer:**

Deer will jump a six-foot fence. Young deer may not be able to jump out. Members, especially seasonal members, are advised to keep a gate open when not at the home.

**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. 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.

**200.09 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 an extension fee, if applicable.

For Dwellings and Additions over 350 square feet and Demolitions, 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.

### **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 400.00 of this code. The setback for a private water well on any lot line or parcel line if lots are conjoined is a minimum of 10 feet.

No structure shall be placed on any easement except as provided for under Section 300.09 of this Building Code.

**300.02 DRIVEWAY CONSTRUCTION** - No member shall construct or allow to be constructed on their Lot or Lots any vehicular access to any public roads. Members who own Outlots or Farmettes are allowed to construct vehicular access to Hide-A-Way Hills Road.

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 Driveway Extension and Parking Area shall be defined as construction or earth moving to create space for maneuvering or parking inside a lot or parcel's property lines.

A Building Permit shall be required for all new construction of a Driveway, Driveway Extension, Parking Area or Culvert and for any change in the surface material or size for any Driveway, Driveway Extension, Parking Area or Culvert.

Driveways and their run-off shall not encroach onto Hide-A-Way Hills' roadways. Where it is needed to help control run-off and encroachment, driveways that are converted from dirt or stone to asphalt, cement or a similar hard surface shall be constructed with a gravel strip between the driveway and the Hide-A-Way Hills' roadway. The width of the gravel strip, if needed, shall be approved by Hide-A-Way Hills before construction. Hide-A-Way Hills Club will determine culvert size.

If new dwelling or garage construction is commenced within twelve months, the driveway fee is applied to the New Dwelling or 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.

See the Hide-A-Way Hills Club Rules, section titled Vehicles, item 9, which states in part: NO NON-WHEELED OBJECTS, TRAILERS, AUTOMOBILES, TRUCKS, OR OTHER VEHICLES SHALL BE PARKED ON HIDE-A-WAY HILLS RIGHT-OF-WAY AT ANY-TIME, except that members occupying residence locations built before August 7, 1975 which have no off-road parking facilities, may park motorized and licensed vehicles on roadway adjacent to their property, when such vehicles are licensed currently, and are utilized regularly for ingress and egress to the owner's property. Members whose properties contain facilities for off-road parking shall utilize such parking facilities.

**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.

A screen for a fuel storage container does **not** need a building permit provided the screening is single-use and no wider nor taller than what is needed to screen the container. If a screen is used for an additional purpose, it is a fence, subject to the requirements in Section 200.06 of this code. A screen's colors must conform to the Hide-A-Way Hills Building Code, blending with the wooded environment.

**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. 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, RECREATIONAL DECKS AND OTHER MISC. CONSTRUCTION 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 WHARFS, RECREATIONAL DECKS AND OTHER MISC. CONSTRUCTION IN OR NEAR THE LAKES** - Building Permits are required for new build or repair of existing wharfs if the repair changes the dimensions of the existing wharfs. 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 shoreline miscellaneous construction. For the purposes of this code shoreline miscellaneous construction shall be defined as, but not limited to: dredging, sea walls, boat slips, wharfs (new build or repair of wharfs that change the dimensions of the existing wharfs), recreational decks, wharf storage lockers, retaining walls, excavation, and erosion protection. See Section 100.03 for erosion control requirements during construction.

See the Hide-A-Way Hills Club Rules, section titled Boating, item 2, which states in part: All Lake front lot docks shall be properly identified with numbers at least three (3) inches in height. Proper identification consists of the lot number corresponding to boat registration affixed on the dock facing the lake.

**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 ODOT 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.

#### **500.04 DREDGING AND EXCAVATION**

**A) DREDGING** - Lake Dredging, as stated in Section 700.00 of this code, is "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." In an application for a dredging permit, mark on a site plan the location to be dredged including approximate dimensions, and state how the silt being removed will be disposed of. If the silt will remain on the lot or parcel, indicate on the site plan where the silt will be placed.

Because dredging at the shoreline or in the lake has the potential to create fissures in the lake bed's stone layers, silt should be removed with caution. If equipment strikes a stone layer, dredging should stop and the General Manager and the ACC should be contacted. To continue dredging, an engineer's evaluation may be required. The member will be responsible for any fees associated with an engineer's evaluation.

**B) EXCAVATION** - A site plan for excavation or construction on or near a shoreline should clearly indicate the area to be excavated including dimensions, and state how the excavated material will be disposed of. If the excavated material will remain on the lot or parcel, indicate on the site plan where the excavated material will be located. Excavated material may not be used to decrease the volume of water of any lake by extending land into the lake. See Section 500.01 of this code for rip rap that can be used along a shoreline to control erosion.

All construction at or near a shoreline requires the installation of temporary erosion control measures along the shoreline **before** excavation begins. See Building Code Section 100.03 - HEALTH AND ENVIRONMENTAL POLICY FOR CONSTRUCTION SITES.

#### **SECTION 600.00 - SPECIAL CONSTRUCTION**

**600.01 DEMOLITION** - All demolition of Dwellings, Garages and other structures within Hide-A-Way Hills shall require a permit and final inspection for clean-up. Demolition must be completed within three months. An initial demolition permit requires a refundable deposit, but there is no fee. A demolition permit may be extended once for three months by requesting an extension and paying the demolition extension fee.

If an emergency, the General Manager and one ACC member, following an inspection of the damage, may immediately issue a demolition permit.

**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** - For a definition see "Variance" in Section 700.00 of this Building Code. The Board of Trustees may grant a variance to a Building Code requirement if a lot or parcel's exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance peculiar to the property makes the literal enforcement of a Code restriction unreasonable, thereby resulting in an unnecessary hardship. 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 procedure to obtain a variance to the Hide-A-Way Hills Building Code shall be established by the ACC. The variance procedure shall entail at a minimum, but not be limited to, the following:

1. **Application.** Members apply for a variance using the HAH Building Permit application. In addition to supporting material that explains the need for a variance, the application must include the Building Code section number(s) for which a variance is requested, a list of Adjacent Lot owners as defined in item 2 below, and a member's statement explaining why conforming to requirements of the Building Code is not possible. After required material has been received and applicable fees paid, the ACC will review the application, summarize the request, make a recommendation and forward this information to the Board for its next meeting.
2. **Notification to Neighbors.** Following receipt of a complete application, the General Manager shall notify all Adjacent Lot owners via registered mail of the request for a code variance and the nature of the project involved. For the purpose of notification, Adjacent Lots are defined as member lots bordering the property or properties, and also member lots within sight of the property or properties for which the variance is requested, excluding roadways and easements. Said notification shall briefly explain the scope of said variance and include the date for the open hearing for the purpose of airing member responses and board vote. The notification to members must be mailed no later than thirty (30) days before the open hearing and board vote.
3. **Community Notification.** The General Manager will place an advertisement of said request for a variance to the HAH Building Code in the next Echo and will also send the advertisement to the membership via electronic notification. The advertisement will include the reasons for the variance and date for the public hearing and Board vote.
4. **Open Hearing.** The Board of Trustees shall conduct an open hearing for the purpose of airing any member comments and to inform the Board of any pertinent details regarding the requested variance. The open hearing shall be held at the Board meeting following the advertisement in the Echo, but no earlier than thirty (30) days from the required mailing to Adjacent Lot owners. Any comments regarding the variance directed to the Board in writing and received prior to the open hearing shall be read aloud at the hearing.
5. **Vote.** At the end of the open hearing, the Board shall rule by majority vote 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.

**ACC** – The Architectural Control Committee.

**BOAT SLIP** – a space for a boat surrounded on three sides by either dock or retaining wall

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

**BUILDING FOOTPRINT** – The area that includes a dwelling's main finished floor and attached porch and garage at slab elevation. A dwelling's footprint does not include decks

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

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

**CAR PORT** – A detached, permanent, accessory structure with open sides constructed on fixed posts. For allowable square footage for a car port see Section 200.05 of this code.

**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.

**EASEMENTS** - An easement is a right granted to a person or to an organization to use a property that that person or organization does not own. The use or uses permitted are usually specified in deed restrictions and stated on maps. In Hide-A-Way Hills, members' lots have areas that are designated as HAH easements. The Hide-A-Way Hills plat maps specify the locations and measurements for these easements. They are included in a lot's recorded title and should appear on a property survey. On maps and surveys, a dashed line is usually used to signify an easement. The uses permitted in these HAH easements are specified in the notes section on HAH plat maps and in the document titled Restrictions for Hide-A-Way Hills. See Sections 300.01 and 300.09 of this Building Code, the HAH Plat Maps for Sections 1 through 77, and Item 7 in the document titled Restrictions for Hide-A-Way Hills.

Where members' lots have been joined to form parcels (see Definitions Section), the right to enforce some HAH easements have been waived by the applicable utilities company and by the Board. For the specifics governing these waivers see Section 300.09 of this Building Code and Article II, Section 4 (E) in the document titled Hide-A-Way Hills Club, Amended and Restated Code of Regulations.

**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.

**FOOTPRINT** - See Building Footprint in this Definitions section.

**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. For allowable square footage for an attached or detached garage see Section 200.05 of this code.

**HAH PLAT MAP** - the final official survey for land within HAH's boundaries. The map was stamped by the surveyor, approved by the County Board of Commissioners and County Health Department and recorded at the County Recorder's office. The plat map for HAH is divided into sections. Each section shows how that section is subdivided into lots. Copies are available at the HAH office. Also see Plat Map defined below.

**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.

**OFF ROAD PARKING** – For the purposes of this code, Off Road Parking is parking space on a member’s lot or parcel, and not on a HAH road right-of-way. See Section 300.03 of this code.

**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.

**PLAT MAP** - a map drawn to scale that locates roads and natural features and shows how land is divided. It shows distance, bearings, acreage, easements and lot numbers. A notes section on a map defines symbols and lists uses for easements. Also see HAH Plat Map defined above.

**PLOT PLAN** - a drawing that shows a plot’s (in HAH a lot or a parcel) existing driveways, structures, well and sewage treatment system with distances to property lines and between structures, well and septic. In addition, this plan shows changes and additions that a member proposed to make with distances to existing elements. Also see Site Plan defined below.

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

**RECREATIONAL DECK** - A rec deck is decking over land at or near the shoreline. It can be part of or separate from a dock, which is defined as over water. A recreational deck does not extend beyond the shoreline. If all or part is covered or enclosed, a recreational deck becomes a shelter or shed and therefore counts as an additional accessory building/structure per Section 100.01 of this code. A simple recreational deck that is not covered does not count as an additional accessory building/structure and is permitted per section 400.09 of this code.

**SETBACK, FRONT** - A front setback is measured from the property line abutting a HAH road right-of-way. Where a property abuts more than one HAH road right-of-way, a front setback applies to the property line abutting only one of the road right-of-ways.

**SETBACKS** - A setback is an area along a lot line or a parcel line where construction, with some exceptions, is prohibited. Setbacks maintain visibility along roadways and provide spacing that augments privacy and increases safety, especially with respect to fire. Easements (see Definitions section) and setbacks often overlap. See Section 300.01 of this Building Code and Item 3 in the document titled Restrictions For Hide-A-Way Hills. Also see Structures and Building Setback in the Definitions section of this Building Code.

**SHED** - A storage facility no larger than 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.

**SITE PLAN** - for the purposes of this code, a site is a member’s lot or parcel or a committee’s area of activity. A site plan, also known as a plot plan, shows what exists on a lot, parcel or area at present and changes that are proposed. Also see Plot Plan and Parcel defined above.

**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.

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

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

**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 parcel, or building and located on the same lot or parcel.

**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, whereby 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 watercraft may be moored alongside to load or unload or to lie at rest.

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

<b>SECTION</b>	<b>TYPE OF PERMIT</b>	<b>FEE</b>	<b>REFUNDABLE CONSTRUCTION DEPOSIT</b>	
100.04	COMMITTEE PROJECTS	NO FEE		
200.02	NEW DWELLINGS	\$ 500.00	+	\$ 500.00
	ADDITIONS OVER 350 SQUARE FOOT	\$ 250.00	+	\$ 250.00
	FIRST SIX-MONTH PERMIT EXTENSION	NO FEE		
	SECOND SIX-MONTH PERMIT EXTENSION	EQUAL TO INITIAL BLDG. PERMIT FEE		
	THIRD SIX-MONTH PERMIT EXTENSION	TWO TIMES ORIGINAL BLDG. PERMIT FEE		
	ROOF & COLOR APPROVALS	NO FEE		
200.05	ADDITION UNDER 350 SQUARE FEET, GARAGE OR CAR PORT	\$100.00	+	\$ 250.00
	MISC. CONSTRUCTION - Shed, porch, deck not near a lake, stairway, shelter, gazebo, cabana, retaining wall not at or near a lake	\$ 50.00		

<b>SECTION</b>	<b>TYPE OF PERMIT</b>	<b>FEE</b>	<b><u>REFUNDABLE</u> CONSTRUCTION DEPOSIT</b>
	FIRST THREE-MONTH PERMIT EXTENTION	NO FEE	
	SECOND THREE-MONTH PERMIT EXTENSION	EQUAL TO INITIAL BLDG. PERMIT FEE	
	THIRD THREE-MONTH PERMIT EXTENSION	TWO TIMES ORIGINAL BLDG. PERMIT FEE	
200.06	FENCE	\$ 50.00	
300.02	DRIVEWAY CONSTRUCTION	\$100.00	
300.03	OFF ROAD PARKING	\$ 50.00	
400.07	MISCELLANEOUS CONSTRUCTION IN OR NEAR LAKES - Wharf, Recreational Deck, Boat Slips, Wharf Appurtenance, Storage Locker, Retaining Wall, Excavation, Dredging, Other	\$ 50.00	
500.01	SHORELINE EROSION PROTECTION	NO FEE	
600.01	DEMOLITION OF DWELLINGS, GARAGES AND OTHER STRUCTURES	NO FEE	+ \$ 250.00
	DEMOLITION PERMIT EXTENSION	\$ 250.00	
600.04	VARIANCE	\$ 250.00	

#### **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.