

HIDE-A-WAY HILLS CLUB
BUILDING CODE

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PREFACE

Pursuant to Article V 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 not be the intention of this code to restrict the rights of individual members of the free use of their property pursuant to all deed restrictions. 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.

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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 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.

SECTION 200.00 – BUILDING PERMIT APPLICATIONS

- 200.01 PERMIT APPLICATION** - The Member must complete a permit application and submit (2) detailed sets of construction documents and all necessary information to be reviewed by the Committee (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.

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.

- 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 should contain at least 1,500 square foot of living space excluding porches and decks. The fee for Building Permits for New Dwellings is \$500.00 and is valid for six (6) months with one six (6) month extension granted at the discretion of the General Manager. The fine for non-completion is as follows; \$100.00 per month for up to six months and \$500 per month thereafter until construction is completed and a Certificate of Occupancy issued or there is a final site review. 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.

A) ACCEPTABLE SIDING MATERIALS

- 1) Wood (cedar, etc.), brick and stone exteriors that blend with the wooded environment are recommended.
- 2) Vinyl siding, stucco, cementuous siding and earth-tone paints are accepted (*see definition on page 8*).
- 3) Members who are re-siding, re-staining or re-painting their dwelling need to submit samples of the colors to the ACC for approval. There is no fee to obtain a siding or paint permit.

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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 material 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.

200.3 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 are 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 & 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.

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.

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 shall not exceed 60% of the square footage size/footprint of the main dwelling. The maximum eave height for a garage shall 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 construction. Building permit for an addition or a garage is \$200.00 and is valid for six (6) months only. The fine for non-completion is as follows; \$100.00 per month for up to six months and \$500 per month thereafter until construction is completed and a certificate of occupancy issued or a final inspection. 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. No chain link type shall be visible from roadways at any time. Permits are required for fences and the fee is \$50.00

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. The fine for commencement without a permit is equal to the required permit fee plus owner must apply and pay for permit before construction can commence.

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- 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 utilities are in working order and all plumbing has been inspected and approved by the County Health District.

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 each side lot line. No structure shall be placed on any easement unless the easement has been released by the HAH Board of Trustees according to the guidelines set at the August 18, 2009 Board meeting.
- 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. The fee for Driveways permits is \$200.00 and is valid for six (6) months. If new construction is commenced within twelve months, fee is applied to New Dwelling fee. The fine for non-completion is as follows; \$100.00 per month for up to six months and \$500 per month thereafter until construction is completed and there is a final site review.
- 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. The fee for Off road Parking Permits is \$200.00 and is valid for six (6) months.
- 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 systems will be reviewed on a case by case basis.
- 300.06.1 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.

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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. 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. 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, wharves, recreational decks, porches, car ports, sheds and wharf storage lockers. Miscellaneous construction permits are \$100.00 and shall be valid for six (6) months.
- 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 Building Permit, prior to commencement of construction. Permits are \$100.00 and shall be valid for six (6) months.
- 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.

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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 structures within Hide-A-Way Hills shall require a permit and final inspection for clean-up. The permit fee is \$1,000 and is refundable. Refund of permit fee is obtained after final inspection for clean-up has been approved. Demolition must be completed within six months.

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 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. Action by the Board will be considered final.

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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.

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 material, 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.

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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.

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.

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SECTION 800.00 – FEE SCHEDULE

| <u>SECTION</u> | <u>TYPE OF PERMIT</u> | <u>FEE</u> |
|----------------|-------------------------------------|------------|
| 200.02 | NEW DWELLING | \$500.00 |
| | ADDITIONS OVER 350 SQUARE FOOT | |
| | REPLACEMENT ROOF | NO FEE |
| 200.05 | ADDITION OR GARAGE | \$200.00 |
| 200.06 | FENCE | \$50.00 |
| 300.02 | DRIVEWAY CONSTRUCTION | \$200.00 |
| 300.03 | OFF ROAD PARKING | \$200.00 |
| 400.07 | MISCELLANEOUS CONSTRUCTION | \$100.00 |
| | Wharf or Recreational Deck | |
| | Wharf appurtenance - Storage Locker | |
| | Sheds - Car Port- Other | |
| 500.01 | SHORELINE EROSION PROTECTION | \$100.00 |
| 600.01 | DEMOLITION (100% REFUND) | \$1000.00 |
| 600.04 | VARIANCE | \$500.00 |

A member may receive a refund of 50% of his/her Permit Fee upon successful completion of the project in the original permit time allotted with no extensions. In order to get the refund, the member must notify the HAH office that the project is completed and have it reviewed by the ACC & General Manager.