

AMENDED AND RESTATED HIDDEN COVE OWNERS ASSOCIATION  
BUILDING REGULATIONS

This Amended and Restated Hidden Cove Owners Association Building Regulations (“Building Regulations”), dated, for records purposes only, March (16<sup>th</sup>), 1995, is made by the Hidden Cove Owners Association Board of Trustees as follows:

RECITALS

A. Description of the Land. The Building Regulations affect all property located in Summit County, State of Utah, described as follows:

Hidden Cove Subdivision No. 1, Rev., Lots 1 through 107,  
according to the official plat thereof, filed in the records of the  
Recorder of Summit County, State of Utah.

WHEREAS, the original Hidden Cove Owners Association Building Regulations were recorded on June 9, 1980, as Entry No. 167373, Book M1-60, Page 60-65; and

WHEREAS, the first amendment to the Hidden Cove Owners Association Building Regulations was recorded on or about April 4, 1986, as Entry No. 249018, Book 379, Page 775-775A; and

WHEREAS, the second amendment to the Hidden Cove Owners Association Building Regulations was recorded on or about July 13, 1989, as Entry No. 292835, Book 484, Page 281-282; and

WHEREAS, the third amendment to the Hidden Cove Owners Association Building Regulations was recorded on or about May 16, 1990, as Entry No. 324306, Book 564, Page 53-55; and

WHEREAS, all of the original Hidden Cove Owners Association Building Regulations referred to in the recital paragraphs above are hereinafter sometimes collectively referred to as the “Prior Regulations”; and

WHEREAS, the Hidden Cove Owners Association Board of Trustees, in a duly called meeting, voted to change, amend and restate the prior regulations; and

WHEREAS, the undersigned Board of Trustees now desire with this declaration to amend and completely restate the prior building regulations and any and all other regulations whatsoever currently in effect with regard to all or any part of the Hidden

Cove Subdivision with the intent and purpose that upon recordation of these Building Regulations, the prior regulations, and any and all other regulations will be superseded in their entirety by this declaration.

NOW, THEREFORE, the undersigned Board of Trustees declare that the property within the Hidden Cove Subdivision shall be sold, conveyed, leased, occupied, or resided upon, hypothecated and held subject to the following building regulations, and improvement standards and as among the owners and purchasers themselves and their heirs, successors, and assigns, and said building regulations shall run with the land. Upon recordation of this instrument with the office of the County Recorder of Summit County, Utah, all the prior building regulations shall be totally amended, completely restated and entirely superseded by this building regulation.

## I. ARCHITECTURAL CONTROL

1.01 Architectural Approval. No building, fence, wall or other structure (including patio covers, decks, storage sheds, play structures) shall be commenced, erected, painted, re-painted, refurbished, remodeled, maintained, or installed upon the properties, nor shall any exterior addition to or change or alteration therein, be made until the plans and specification showing the nature, kind, shape, height, materials, color and location of the same shall have been submitted to and approved in writing by the Board of Trustees as to: (a) harmony of external design, location and color in relation to surrounding structures and topography, (b) preservation of the view from other lots, and (c) compliance with all covenants, conditions, restrictions, and building regulations.

a. The Board of Trustees shall not give its consent to the proposed improvement unless, in the opinion of the Board, the improvement is properly designed in regards to exterior design, contour, materials, shapes, colors, and the general character of the improvement shall be in harmony with the existing structures in the subdivision and it shall be in harmony with surrounding landscape, and the improvements shall be designed and located upon the lot so as to minimize the disruption of the natural land form and vegetation cover.

b. The Board of Trustees shall have the right to disapprove any building/improvement application in the event the application, plans, specifications, plot plan, and exterior color scheme are not in sufficient detail or are not in accordance with the building regulations set forth. If the design or construction of the proposed improvement is not in harmony with neighboring improvements and the general surroundings or if the design and plans for construction do not include sufficient safeguards for preservation of the environment, the Board shall have the right to disapprove.

1.02 Submission of Building Plans. Prior to the construction of any structure in the Hidden Cove Subdivision, a complete set of building plans, specifications and plot

plan must be submitted to the Board of Trustees. Pursuant to the Restrictive Covenants of the Hidden Cove Subdivision, the Trustees shall have the sole power to approve or disapprove any proposed structure or improvement based upon the compliance or noncompliance with the standards to which buildings and structures in the subdivision must conform.

1.03 Application Requirements. The following requirements must be complied with before any application can be approved:

- a. An application form provided by the Hidden Cove Homeowners Association must be completed and signed.
- b. Both the builder and the lot owner must sign an acknowledgment agreement stating they have read, and will comply with all covenants and regulations and will accept financial responsibility for any costs incurred as a result of failure to build in accordance with the covenants, guidelines and approved plans, including court costs and attorney fees.
- c. All dues, assessments and any other costs assessed against the building lot must be paid before plans will be considered for approval. The lot must be free of any Home Owners Association liens.
- d. A refundable, construction site maintenance deposit is required and must be submitted with the application. The deposit will be held by the Association for use, in the event the owner and/or his representatives fail to conduct their project in conformity with these Regulations. At the discretion of the Board of Trustees, this deposit may be used by the Association to remedy any violations of these provisions. For example, if a construction site is not kept clean and orderly, and the Board of Trustees is required to take measures to clean the site, the cost of the cleaning may be deducted from the construction site maintenance deposit. If any monies from this deposit are used to correct violations, the Board of Trustees may require an additional deposit to cover further anticipated costs.
- e. The construction site maintenance deposit, less any charges or forfeitures determined by the Board of Trustees, shall be refunded to the owner or his representative upon written notification of completion of the project and proof of issuance of a final certificate of occupancy from Summit County.
- f. Two suitable sets of plans, with a separate page of specifications, for any proposed residence site improvement or alteration shall be submitted to the Board of Trustees with the application. Sufficient information shall be included to demonstrate compliance with the covenants and guidelines. Both copies of the submitted plans must be exact copies of the plans submitted to the Summit County building department. The minimum size of a plan allowed is "C" size (18" x 24"). After approval, one copy will be

stamped and returned to the contractor or owner with required restrictions or contingencies note. One copy will remain the property of the Home Owners Association. Once a plan has been approved and written notice of approval has been given, all changes, additions, or deletions from the approved plan must also be submitted for review and approval, including any exterior design changes that occur during the construction process. Notwithstanding the requirement for Board of Trustees' approval, neither the Home Owners Association nor the Board of Trustees shall be liable in any way for the design or construction of any residence in the subdivision.

g. A scale drawing of the site development plan must be submitted to the Board of Trustees and contain the following: the topography of the lot and location and orientation of the proposed dwelling including setbacks, roofs, decks, walkways and driveways, with the percent of slope of the driveway clearly defined and a general landscaping plan, including location of trees, yard light, and all other details. The topography drawing must include the property line, existing grades, and final grades with drainage identified. The drawing must also include the location of the datum point/bench mark, location of any proposed retaining walls or proposed retention with top and wall elevation, and the main floor and top of foundation elevation.

h. The submitted plans must show the front, the two sides and the rear elevation drawings of the house with both the natural grade and finished grade clearly shown and identified with the corresponding topography footage, on each drawing.

i. Samples of exterior finish materials and colors must be submitted. If all finish materials and colors have not been determined at the time of plan submission, samples must be submitted prior to installation of such materials.

j. The application must include the starting construction date and the project completion date. All construction must be completed within eighteen months from the commencement of construction, unless the Board of Trustees in its sole discretion, approves an extension for good cause, not to exceed six months in length. Failure to comply with this provision will result in the forfeiture of the construction site maintenance deposit.

1.04 Non-compliance. Owners and/or builders who currently have a home or project that is not in compliance with existing Hidden Cove building regulations and/or covenants, conditions and restrictions may not submit plans for a new project until the home or project is brought into compliance and conformity with these building regulations and any existing covenants, conditions, and restrictions.

## II. MINIMUM DWELLING SIZE

2.01 Square Foot Regulations. Any single-story family dwelling proposed to be constructed on any lot in Hidden Cove Subdivision shall have a minimum floor space of 1,500 square feet on the ground level, excluding square footage of any garages, patios, decks, attached storage areas or basements.

Any multi-story family dwelling proposed to be constructed on any lot in Hidden Cove Subdivision shall have a minimum total floor space of 1,850 square feet, excluding square footage of any garage, patios, decks, attached storage areas or basements. The ground floor level shall have a minimum square footage of 1,250 square feet.

## III. PLAN APPROVAL

3.01 Approval Period. Approval of building plans shall remain valid for six months from the date of approval. If construction is not started within six months, the plans must be resubmitted for approval and shall be subject to any changes made in the restrictive covenants, or building regulations during the interim period.

## IV. SET BACK REQUIREMENTS

4.01 Survey. A copy of the certified survey must be submitted to the Board of Trustees prior to excavation or construction. All lot corners must be visibly staked. Said survey shall include a clear specification of the height at the top of the foundation measured from any one of the survey markers on the street access side of the home.

4.02 Set Back Distances. For the purpose of determining set back distances, open porches, eaves and steps shall not be considered to be part of the dwelling unit. No building shall be located on any lot nearer than 30 feet to the front lot line, or 55 feet from the center line of the road, whichever is greater. The side street set back shall be 30 feet from the property lot line or road easement line, or 55 feet from the center line of the road, whichever is greater. The side yard set back shall be 12 feet from the side property line and the rear set back line shall be 24 feet from the rear lot line on all interior lots and 12 feet on all exterior lots.

## V. DWELLING CONSTRUCTION

5.01 Exterior Materials. All exterior materials shall be new, and, except for the roof, shall be made of natural wood, stone, brick, used brick, or stucco. The use of aluminum or vinyl siding, plywood, T1-11, pressed board, cinder block, and similar types of siding as exterior finish materials are prohibited. All exterior materials must be completely installed prior to the occupancy of the dwelling.

5.02 Color. The color of all stains or paints on exterior surfaces, including flashing, roof gutters, soffits, fascia, or other metal roof materials, shall be made of earth-tone colors (light beige, through dark browns, grays, and some shades of green) and shall be in earth tones indigenous to the area. Navy blue, black, red, or any other bright colors are prohibited on either siding or trim. White is discouraged.

5.03 Roof/Roofing Material. The principle roof over each dwelling shall maintain a minimum of a four-to-twelve (4/12) pitch and a maximum of a twelve-to-twelve (12/12) pitch. Wood shake shingles, or architectural grade asphalt shingles, having at least a 30 year guarantee, may be used. Any other roofing materials must be approved by the Board of Trustees prior to installation. Asphalt shingles must meet or exceed the specifications of the GAF “Timberline” series with an approximate weight of 290 pounds.

5.04 Structures. Strictly rectangular or square structures shall not be permitted. English Tudor, French Chateau, A-Frames, Victorian, and Colonial homes are strongly discouraged. Mansard Roofs and Geodesic domes are prohibited.

5.05 Compatibility. No home shall be permitted that is not compatible and in harmony with existing homes and the natural beauty of the land surrounding the subdivision. The design of the home must be compatible with the lot upon which it is being built. A home shall not be placed so high or so low on the lot that it causes problems with the adjoining lots. Storage, utility buildings and similar structures shall be of the same materials and color as the home.

5.06 Driveway. The driveway on any lot must be constructed of concrete, asphalt, or comparable materials and placed on properly compacted earth. No dirt or gravel driveways or parking pads will be permitted.

a. All construction work related to the installation of a driveway must be completed prior to, or simultaneously with, the occupancy of the dwelling. It is the homeowner’s responsibility to keep driveways in reasonable repair.

b. Driveways must be of a sufficiently gentle slope that they are usable for vehicle access at all seasons of the year and so they are not a hazard to the neighboring homes, yards, persons, or vehicles on the street. The driveway must be constructed in such a way that it does not cause a problem related to snow removal, snow storage or water run-off for the homeowner, neighbors, adjoining properties or the county road department. Driveways shall not exceed a maximum grade of ten percent (10%) within the public right-of-way with a transition to a maximum grade of not more than sixteen percent (16%) on private property. A grade of less than ten percent (10%) is strongly encouraged.

5.07 Finish Grade. The estimated natural finished grade shall tie into the elevation and slopes of adjoining properties without creating a need for retaining walls, or abrupt differences in the visual slope and elevation of the land; and not change the direction or flow of run-off water so as to adversely affect any adjoining property.

5.08 Chimneys. All chimneys, flues or smoke exhaust pipes must be enclosed to the roof line. No more than 2 feet of exposed pipe is allowed above the roof line.

5.09 Fill Dirt. Fill dirt shall not be placed on any lot without written permission from the Board of Trustees and the affected lot owner. Fill dirt must be graded to a smooth level at the time of placement and shall not affect or change the natural grade of any lot nor harm any vegetation or trees. All streets surrounding the placement of the fill must be left clean and orderly.

5.10 Site Requirements. Prior to the start of framing, a 20' X 7' X 5' roll-off dumpster must be placed on the building lot, for all refuse accumulated from the construction project, and emptied when full. Open trailers or trucks as a substitute for dumpsters are prohibited. Dumpsters must not be placed on the street. Fires to burn scrap materials and debris are not allowed.

a. A chemical toilet shall be placed on site for the construction workers prior to any work beginning. Once sewer and water lines are connected the builder/owner is encouraged to install a toilet inside the building at which time the chemical toilet must be removed.

b. During the period of construction of any dwelling, no materials may be stored on any roadway or in any easement areas. No material which may represent a safety hazard to the general public may be stored on site.

c. Mud, debris, gravel and similar materials deposited by construction or construction vehicles or equipment shall be cleaned from roadways daily by the contractor. If the lot owner or contractor fails to comply with this provision the Association shall clean the roads at the expense of the lot owner.

d. To the maximum extent possible, construction related autos, trucks and equipment shall be parked in an orderly manner on the construction site. Vehicles and equipment parked on the street for construction purposes, must be confined to the same side of the street as the lot where the construction is taking place. Vehicles must not be parked in front of an existing home and under no circumstance may they be parked on the street overnight. Vehicles parked on the street, for construction purposes, must not impede, hinder or restrict the snow removal from the streets.

e. No exterior construction shall be permitted between 7:00 P.M. and 7:00 A.M. Weekend work is to be avoided to the maximum extent possible, and shall be prohibited if complaints occur.

f. During the work day, unnecessary noise on construction sites such as, but not limited to, the operation of radios and tape players at a loud volume shall be discouraged and shall be prohibited if complaints occur. Loud volume is defined as a sound level exceeding 50 decibels (50 dB) at any of the property boundaries when measured on the A-weighted scale of an accurately calibrated sound level meter.

g. No construction shall infringe in any manner, or for any reason, on adjacent or other properties unless written permission has been obtained from affected property owners and/or holders of rights-of-way, exclusive of utility or other rights-of-way held by county or state authority. Infringement includes, but is not limited to, movement, parking or storage of construction vehicles or equipment, storage of materials or debris, including dirt, gravel or rocks, and placement of toilets or waste bins. No infringement, no matter how slight, brief or inconsequential is permitted. A copy of each necessary written permission shall be given to the Board of Trustees before any infringement occurs, otherwise these guidelines shall be deemed to be violated and a stop work order will be applied for immediately.

## VI. USES PROHIBITED AND PERMITTED

6.01 Single Family Residence. No lot shall be used for any purpose other than for one single family residence. No mobile home, trailer, tent, shack, garage, basement, or any temporary building or structure, uncompleted building or structure of any kind shall be used at any time as a residence, either temporarily or permanently.

6.02 Vehicles. All recreational vehicles, boats, snowmobiles, motor homes, trailers, mechanical equipment not stored in the garage shall be screened from view of all lots within the subdivision. All vehicles exposed to view from any lot in the subdivision shall be maintained in running condition, properly licensed, and regularly used. No commercial or industrial type vehicle or trailer shall be stored or parked on any lot.

6.03 Signs. No signs, posters or displays shall be shown or displayed on a lot excepting one sign of customary and reasonable dimensions which states that the premises are for sale or rent, as well as temporary signs and flags customarily used by real estate offices to advertise an open house, and such signs as may be required by legal proceedings, excepting for the right of the Declarant to use billboards, signs, markers, flags, flag poles and the like in connection with its sales or rental activities.

6.04 Antenna and Satellite Dishes. No antenna and satellite dishes shall be erected on any lot without the approval of the Board of Trustees. Transmitting antennas of any type are prohibited.

6.05 Temporary Structures. No structures of a temporary character, trailer, basement, tent shack, garage, barn or other out-building, shall be used on any lot at any time.

6.06 Fireplaces and Wood Burning Devices. All fireplaces and wood burning devices shall meet Federal Environmental Protection Agency guidelines.

6.07 Landscape Control. All landscaping shall be completed within one (1) year from the time of occupancy or completion of the residence or extend beyond July 31 of the next calendar year, whichever occurs last, without written approval of the Association. Said plan shall provide for landscaping sufficient to prevent flow of soil or dirt from his or her lot onto any adjacent sidewalk, street, parkway or lot.

6.08 Garages. The garages shall be used for the parking and for storage purposes only, and shall not be converted for living or recreational purposes. All garages shall be constructed with sufficient square footage to house a minimum of two passenger automobiles.

6.09 Screen Doors, Windows and Patio Covers. No owner shall be permitted to install any aluminum or metal awnings, or covers, over windows or patios, nor shall the windows be covered with aluminum foil, blankets, paint, or similar unsightly material. The foregoing shall not be deemed to restrict the practice of tinting of windows, providing that all tinting on each lot shall be of a uniform color and type. Exterior doors shall not be painted bright primary colors.

6.10 Nuisances. No noxious or offensive activities (including, but not limited to, the outdoor repair of motor vehicles) shall be carried on upon the properties. Without limiting the generality of the foregoing, no horns, whistles, bells or other sound devices, except security devices used exclusively to protect the security of the lot and improvements located thereon, shall be placed or used on any such lot or improvements. No exterior lighting shall be placed or maintained upon any lot so as to cause an unreasonable glare or illumination upon any other lot. All Christmas lights and decorations shall be removed by January 15 of each year.

6.11 Rubbish Removal. All garbage and trash shall be placed and kept in sanitary, covered containers. In no event shall such containers be maintained so as to be visible from neighboring property except when set out for a reasonable period of time before and after scheduled trash pickup times. No owner of a lot shall permit anything or

condition to exist upon his lot which shall induce, breed or harbor infectious plant or other diseases, or noxious insects. No construction materials, branches, tree stumps, yard materials shall be left or permitted to remain on any lot.

6.12 Clothes Drying Facilities. Outside clothes lines or other outside facilities for drying or airing clothes shall not be erected, placed or maintained on any lot, unless they are erected, placed and maintained so as not to be visible from neighboring property.

6.13 Rooftop Appliances. Appliances or installations upon the roofs of structures, shall not be permitted unless they are approved by the Board of Trustees.

6.14 Compliance with Laws. Each owner shall promptly comply with all laws, statutes, ordinances, rules and regulations of Federal, State or municipal governments or authorities applicable to use and occupancy of, and construction and maintenance of improvements upon the lots and any additions thereto. Owners and /or builders who violate these Regulations should expect corrective action to be taken against them by the Board of Trustees.

6.15 No Fences. No fences are permitted or allowed in the subdivision.

6.16 Dog Runs. Construction of a dog run will be limited to one (1) per family dwelling. The maximum square footage for each dog run is 200 square feet. Each dog run must be placed behind the family dwelling so that it is not conspicuous from the street which the family dwelling abuts. The plans for the proposed construction of a dog run must be submitted for the review and approval of the Board of Trustees before any construction may commence.

6.17 Car Ports. Car ports are expressly prohibited.

6.18 Removal of Foliage. No trees, shrubs, bushes or other native foliage (“vegetation”) shall be removed beyond 15 feet of the dwelling, except as is absolutely necessary for the ingress and egress to the lot without the prior written approval of the Board of Trustees. Removal of foliage in areas exceeding 15 feet of the dwelling and driveway requires owners to hydroseed disturbed areas with an approved seed mix of native grasses and forbes. Planting of trees, shrubs, grasses and other appropriate landscape materials may be substituted for the hydroseeding providing disturbed soils are stabilized as part of the landscape project.

If more than 50% of the existing vegetation is removed during construction, owners are required to develop a landscape plan and replant disturbed areas.

Removal of any conifer on property requires advance approval from the Board of Trustees.

6.19 Maintenance of Buildings and Landscaping. The land and all improvements comprising a lot shall be maintained by the owner of the lot in good condition and repair as to prevent their becoming unsightly. Such maintenance shall include, but shall not be limited to, the regular mowing and trimming of grass and other vegetation so as to maintain the lot in a clean, slightly, neat and attractive condition at all times. The maintenance obligations by the owner of any residence, garage or other structure upon the lot shall extend to and include painting, repairing, replacing and caring for roofs and all exterior building surfaces. Such maintenance and repair shall be of high quality, and all exterior surfaces shall be periodically repainted with earth tone colors and must harmonize with the surrounding development and complement the original exterior building surface.

## VII. ENFORCEMENT

7.01 Enforcement. The Hidden Cove Owners Association, the Board of Trustees, any owner, or Summit County, Utah, shall have the right to enforce by any proceedings of law, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed.

7.02 No Waiver. Failure by the Association or any other owner to enforce any covenant, building regulations, or restriction set forth in this document or the Hidden Cove Restricted Covenants shall in no event be deemed a waiver or the right to do so thereafter. The failure by the Association to have not previously enforced the regulations pursuant to restrictive covenants is not deemed to be a waiver of the right to allow such proceedings to continue in the future.

7.03 Severability. The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable or invalid, such void, voidable, unenforceable or invalid provision shall not affect the other provisions of this Agreement.

7.04 Variations. Where circumstances require, the Board of Trustees may, by majority vote, allow reasonable variations to any of these provisions. In order to obtain a variance, the owner must clearly demonstrate that the purposes of these Regulations shall not be circumvented through the granting of such a variance. The Board of Trustees will make every effort to determine the impact this variance request will have on the surrounding properties prior to granting of any such variance. Any request for variations must be submitted, in writing, to the Board of Trustees.

ADOPTED BY THE HIDDEN COVE OWNERS ASSOCIATION BOARD OF TRUSTEES on (16th) day of March, 1995.

HIDDEN COVE OWNERS ASSOCIATION (a non-profit corporation)

By (Ralph Hottinger)  
Ralph Hottinger, President

Attest:

(Mary Pat Matheson)  
Mary Pat Matheson, Vice President

(Jean Hottinger)  
Jean Hottinger, Secretary

STATE OF UTAH                    )  
                                          : ss,  
County of Summit                )

On the 16th day of March, 1995, personally appeared before me, Ralph Hottinger, who, being by me first duly sworn, declared that he is the President of Hidden Cove Owners' Association, a non-profit corporation, and executed the within instrument, and that the within and foregoing instrument was signed in behalf of said corporation, by authority of resolution of its Board of Trustees, and duly acknowledged to me that the said Association executed the same.

(Dorene M. Gunn)  
NOTARY PUBLIC