

## ARTICLE VI

A. Architectural Control Committee/Construction/RestrictionsSection 1. Architectural Control Committee.

1.1 An Architectural Control Committee shall be established by the owner/developer and shall at all times consist of the owner/developer and one or more person appointed by the owner/developer, until such time as owner/developer elects not to serve, then the Co-owners Association shall appoint three such members. The Architectural Control Committee shall assist lot owners in complying with the development restrictions herein set forth.

1.2 Except as otherwise provided herein, a majority of the members of the Committee shall have the power to act on behalf of the Committee without the necessity of a meeting and without the necessity of consulting the remaining members of the Committee. The Committee may act only by written instrument setting forth the action taken and signed by the members of the Committee consenting to such action, provided further, however, that the developer's consent shall be required for all Committee action in the event the developer remains a member of the Committee.

Section 2. Approval of Construction by Committee

2.1 The developer recognizes that there can be an infinite number of concepts and ideas for the developments of lots consistent with its plan for **Hidden Ridge**. The developer wishes to encourage the formulation of new or innovative concepts and ideas. Nevertheless, for the protection of all lot or unit owners and for the preservation of developer's concept for the development of the project, the developer wishes to make certain that any development of a lot will be consistent with its plan for **Hidden Ridge**, including the following:

(a) No building shall be erected on any lot except a single family dwelling to be occupied by not more than one family, for residential purposes only, and with an attached two car garage, or larger.

(b) Each single-story dwelling constructed on a lot shall have a minimum of 1,800 square feet of finished living area, as determined by the "story-above-grade" provisions of the then most current BOCA National Building Code, unless otherwise approved by the Committee. Multiple-story dwellings shall have a minimum of 2,000 square feet of finished living area. In computing finished living area, only those portions located entirely above grade shall be included and living area shall not include any garage, basement, porch, breezeway, or entranceway. The area may be computed by including exterior walls, partitions, bay windows (if the same reach to the floor and are fully enclosed and heated). The Committee may deny construction in accordance with any plan submitted because of a lack of harmony of external design with existing structures, or because of too great a similarity of other or nearby existing structures. No plan will be approved that will result in the same style being repeatedly used so as to create sameness of design in **Hidden Ridge**.

(c) All buildings shall be limited to thirty-five (35) feet in height above the mean ground level of the building foundation area; mean ground level shall be defined as the natural

topography of the site (backfill to increase the mean ground level is specifically prohibited). The minimum roof pitch shall be 6/12. In no event, however, shall any building exceed the applicable height limits contained in the applicable municipal zoning regulations or building codes unless the appropriate variances are obtained therefrom.

(d) Mobile homes, double-wide mobile homes and other factory built structures which have metal frames or titles (whether referred to as "modular" or not) shall not be permitted. Factory built modular or panelized structures, whether or not constructed with conventional building materials, shall not be permitted. Earth and berm type dwellings and dome-shaped structures shall not be permitted.

(e) All exteriors will be composed of natural wood (redwood or cedar), brick, stone, or cement siding. The exterior siding may be vertical, horizontal, rough sawed, or such other textures that may be approved by the Committee. All wood exteriors will be properly stained or painted. The exterior siding may be of such other textures that may be approved by the Committee. Colors will be natural, rustic, earth-tone hues with flat finished preferred. No aluminum siding or 4 x 8 or 4 x 9 plywood siding (e.g. textured 111 pattern and reverse board and batten) will be allowed; however, aluminum and/or vinyl materials will be allowed for use as gutters and soffits.

(f) All roofing materials shall be a dark or neutral color (white and red roofs will not be permitted), unless approved in advance by the Committee.

(g) All homes shall be located so as to comply with the setback restrictions hereinafter provided and all applicable building codes and on that portion of a lot as permitted by the Committee with an orientation approved by the Committee, it being the intent of these restrictions to keep homes as compatible as possible with the natural surroundings and with each other.

(h) The Committee shall have the right to waive or vary any of the restrictions contained in this section in such cases as it, in its sole discretion, shall deem to be in the best interests of those owning property in **Hidden Ridge**.

2.2 No lot or unit or unit owner shall construct, alter, or maintain any improvements on a lot until all the following have been completed:

(a) The lot or unit owner has submitted to the Committee two complete sets of preliminary sketches showing floor plans, exterior elevations and an outline specification for the material and finishes.

(b) The Committee has approved the preliminary sketches.

(c) Upon approval of preliminary sketches, the lot or unit owner has submitted to the Committee two complete sets of plans and specifications therefore, in form satisfactory to the Committee, showing insofar as is appropriate:

- (1) The size and dimensions of the improvements;
- (2) The exterior design;

- (3) The exterior color scheme;
  - (4) The exact location of the improvement on the lot; and
  - (5) The location of the driveways, parking areas and landscaping (including location and construction of all utilities).
- (d) Such plans and specifications have been approved in writing by the Committee.

Approval of preliminary sketches and detailed plans and specifications may be withheld, not only because of the non-compliance with any of the restrictions and conditions contained herein, but also because of the reasonable dissatisfaction of the Committee as to the location of the structure on the lot, color scheme, finish, design, proportions, shape, height, type or appropriateness of the proposed improvement or alteration, the materials used therein, the kind, shape or type of roof proposed to be placed thereon, or because of its reasonable dissatisfaction with any matters or things which, in the reasonable judgement of the Committee, would render the proposed improvement inharmonious or out of the keeping with the objectives of the developer or with the improvements erected in the immediate vicinity of the lot or unit.

2.3 In the event that a lot or unit owner wishes to change the exterior color scheme of any improvement, he shall submit to the Committee such information with respect to this proposed change as the Committee shall require and to make this change only after receiving written approval from the Committee.

2.4 If at any time a lot or unit owner shall have submitted to the Committee plans and specifications in accordance with this section for a structure or alteration, and the Committee has neither approved such plans and specifications within the thirty (30) days from the date of submission or notified the lot or unit owner of its objection within such thirty (30) day period, then such plans and specifications shall be deemed to have been approved by the Committee. In the event that a lot or unit owner shall file revised plans and specifications for a structure or alteration with the Committee after receiving objections from the Committee with respect to original plans and specifications, and the Committee has neither approved them nor notified the lot or unit owner of further objections within thirty (30) days from the date of submission, then such revised plans and specifications shall be deemed to have been approved by the Committee.

Section 3. Except with the approval of the Committee or as may be necessary in connection with the construction of an approved improvement, no excavation shall be made on any lot nor shall any dirt be removed therefrom.

Section 4. Except with the approval of the Committee, the natural drainage on any lot shall not be changed.

Section 5. The exterior of any improvement shall not remain incomplete for a period of longer than six months from the date upon which construction of the improvement was commenced without the prior approval of the Committee and all construction shall be pursued diligently to completion.

Section 6. Any and all landscaping must be completed within six months after the date of completion of construction of a residence and must be approved by the Committee per the guidelines set forth. All stumps, trees and brush, cut or cleared to provide for dwelling and/or driveway construction, must be removed from the premises, except timber cut and saved for firewood; firewood shall not be stored within the setbacks or in the front of any lots.

Section 7. No statues or similar structures shall be permitted on any lot without the approval of the Committee. All mailboxes shall be approved by the Committee. No perimeter fencing will be permitted to be installed on any lot or unit, except wooden decorative, split rail fencing of the standard two rail variety, with rail lengths of ten feet and heights not to exceed thirty-eight (38) inches, which shall be permitted along lot or unit boundaries. For the purpose of uniformity, the distance from the roadways to any such perimeter fencing shall be determined by the Committee. Before any such fencing may be installed, the design, texture, and color must first be submitted and approved for installation by the Committee. No chain link fences will be permitted on any lot or unit for any purpose or reason.

Section 8. All garages and outbuildings/storage structures must be architecturally related to the dwelling and constructed only of materials permitted for the construction of residences. Garages and outbuildings must match the overall color scheme of the buildings and may not have metal exteriors. All garages and other outbuildings shall comply with all applicable municipal zoning regulations and building codes.

Section 9. No exposed concrete or concrete blocks shall be permitted on any exterior except for foundation walls which may be exposed to a maximum height of eighteen (18) inches above the finished ground level (grade). Any concrete or concrete block wall which exceeds eighteen (18) inches in height above finished grades, must be covered with an approved exterior finish material.

Section 10. Carports are specifically prohibited.

Section 11. All utilities such as telephone and electric service shall be underground from the hookup source to all structures. Overhead utility service is not permitted in any lot or home site. No television antennae, satellite dishes greater than eighteen (18) inches in diameter, or clothes lines shall be allowed.

Section 12. All driveways or areas used for vehicular traffic or parking shall be paved with a minimum of two inches bituminous paving materials, concrete or approved equal, to the road.

Section 13. Below grade swimming pools will be permitted subject to prior Committee written approval. Each lot owner shall be solely responsible to insure limited access to any pool, hot tub or whirlpool and shall be solely responsible for constructing or installing all necessary (or required) safety measures; the placement and/or construction of any such pool or tub is subject to the prior approval by the Committee as to their drainage characteristics.

Section 14. Each residence shall be constructed so as to conform with the requirements of **Peninsula Township**, provided the Committee may, in its discretion, vary the setback restrictions to accommodate unique lot configurations.

Section 15. Playground equipment, slides, swing sets, and the like, including dog houses, dog runs, and other such auxiliary structures and equipment shall be subject to approval by the Architectural Control Committee.

Section 16. Special Topographical and Terrain Considerations. Due to the terrain within the **Hidden Ridge** project, unit owners must be aware of the design requirements and limitations that exist so as to prevent erosion and to allow the natural drainage to occur within the development. The Grand Traverse County Drain Commissioner's office requires that all unit owners comply with the following, as well as all other requirements as may be established by the Grand Traverse County Drain Commissioner: All owners of units within **Hidden Ridge** are required to maintain the natural drainage routes throughout the development. The natural drainage may not be blocked or diverted in such a manner which will divert the drainage upon an adjacent unit in an unnatural manner. Any diversion of the natural drainage must be so designed so as to provide that the natural drainage will thereafter be allowed to continue throughout the development. All grading and drainage plans must be approved by the Architectural Control Committee and the office of the Grand Traverse County Drain Commissioner.

B. Restrictions

Section 1. The purpose of these restrictions is the protection of the physical and economic value of **Hidden Ridge**, the preservation of the natural beauty of the environment, and the promotion of the high standards of land development and architecture.

Section 2. No unit in the Condominium shall be used for other than single family residential purposes and the common elements shall be used only for purposes consistent with the use of single family residences and not more than one single family dwelling shall be permitted on each unit.

Section 3. No immoral, improper, unlawful or offensive activity shall be carried out or on any lot or upon the common elements, limited or general, nor shall anything be done which is or becomes an annoyance or a nuisance to neighboring property owners, nor shall any unreasonably noisy activity be carried out on any lot or on the common elements. No co-owner shall do or permit anything to be done or keep or permit to be kept on his lot or on the common elements anything that will increase the rate of insurance on the Condominium without the prior written approval of the Association.

Section 4. The common elements, limited or general, shall not be used for storage of supplies, materials, personal property or trash or refuse of any kind, except as provided in duly adopted rules and regulations of the Association. Trash receptacles shall be maintained in garage areas at all times, and shall not be permitted to remain elsewhere on the common elements except for short periods of time as may be reasonably necessary to permit periodic collection of trash. The common elements shall not be used in any way for the drying, shaking or airing of clothing or other fabrics. In general, no activity shall be carried on nor condition maintained by a co-owner either on his lot or upon the common elements, which spoils the appearance of the condominium. Each lot owner whose lot borders a common element shall be responsible for maintenance and upkeep of his lot to the actual location of the common element notwithstanding a contrary depiction on

Exhibit "B" to the Master Deed.

Section 5. No travel trailers, motorcycles, commercial vehicles, boat trailers, boats, camping vehicles, all-terrain vehicles, camping trailers, snowmobiles, snowmobile trailers, or vehicles other than automobiles may be parked or stored outdoors for extended periods of time (extended period of time shall mean greater than forty-eight (48) hours), unless the Committee has waived compliance with this restriction for a particular purpose in advance. No vehicles shall be parked overnight on any street in the **Hidden Ridge** development. If vehicles are parked overnight, the Association may have the offending vehicle towed at the owner's expense. Garage doors shall be completely closed at all times unless opened for access purposes.

Section 6. No co-owner shall use, or permit the use by any occupant, agent, employee, invitee, guest or member of his family of any firearms or other similar dangerous weapons, projectiles, fireworks or devices anywhere on or about the condominium premises.

Section 7. No emblem, sign or billboard whatsoever (including, but not limited to, commercial, political and similar signs) which are visible from neighboring property shall be erected or maintained on any unit or common area except:

- (a) Signs required by legal proceedings.
- (b) Not more than two identification signs for individual residences, each with a face area of twenty-two (22) square inches or less.
- (c) Reasonable sign use by declarant, its successors or assigns, to advertise the lots or living units thereon for sale.

Section 8. No animals of any kind shall be raised, kept or permitted upon the property or any part thereof other than dogs, cats and birds. Such animals are not to be kept, bred or raised for commercial purposes or in unreasonable numbers, and are to be reasonably controlled to avoid their being a nuisance to other lot owners. Pets shall not be allowed to run free. All animals shall be subject to such rules and regulations as the Association shall from time to time adopt.

Section 9. Reasonable regulations consistent with the Act, the Master Deed and these By-laws, concerning the use of common elements may be made and amended from time to time by any Board of Directors of the Association, including the First Board of Directors (or its successors elected by the owners) prior to the First Annual Meeting of the entire Association held as provided in Article 1, Section 8 of these By-laws. Copies of all such regulations and amendments thereto shall be furnished to all co-owners and shall become effective thirty (30) days after mailing or delivery thereof to the designated voting representative or each co-owner. Any such regulation or amendment may be revoked at any time by the affirmative vote of more than fifty (50%) percent of all co-owners in number and in value except that the co-owners may not revoke any regulation or amendment prior to said First Annual Meeting of the entire Association.

Section 10. The Association or its duly authorized agents shall have access to each unit (but not the residence constructed thereon) and any limited common elements appurtenant thereto from time to time, during reasonable working hours, upon notice to the co-owner thereof, as may be necessary for the maintenance, repair or replacement of any of the common elements. The Association or its agents shall also have access to each lot and any limited common elements

appurtenant thereto at all times without notice as may be necessary to make emergency repairs to prevent damage to the common elements or to another lot. It shall be the responsibility of each co-owner to provide the Association means of access to his lot and any limited common elements appurtenant thereto during all periods of absence and in the event of the failure of such co-owner to provide means of access, the Association may gain access in such manner as may be reasonable under the circumstances and shall not be liable to such co-owner for any necessary damage to his lot and any limited common element appurtenant thereto caused thereby or for repair or replacement of any doors or windows damaged in gaining such access.

Section 11. Each co-owner shall maintain his unit and any limited common elements appurtenant thereto for which he has maintenance responsibility in a safe, clean and sanitary condition. Each co-owner shall also use due care to avoid damaging any of the common elements, including, but not limited to, the telephone, water, gas, plumbing, electrical or other utility conduits and systems and any other elements in any lot which are appurtenant to or which may affect any other lot. Each co-owner shall be responsible for damages or costs to the Association resulting from negligent damage to or misuse of any of the common elements by him, or his family, guests, agents or invitees, unless such damages or costs are covered by insurance carried by the Association in which case there shall be no such responsibility (unless reimbursement to the Association is excluded by virtue of a deductible provision, in which case the responsible co-owner shall bear the expense to the extent of the deductible amount). Any costs or damages to the Association may be assessed to and collected from the responsible co-owner in the manner provided in Article II hereof.

Section 12. None of the restrictions contained in this Article VI shall apply to the commercial activities or signs, if any, of the owners or the developer or their agents during the development and sales period as defined hereinafter, or of the Association in furtherance of its powers and purposes set forth herein and in its Articles of Incorporation and Bylaws as the same may be amended from time to time. For the purposes of this Section, the development and sales period shall be deemed to continue so long as the owners own any lot which they offer for sale. Until all lots in the entire condominium project are sold by the owners, developer shall have the right to maintain a sales office, a business office, a construction office, storage areas, reasonable parking incident to the foregoing and such access to, from and over the project as may be reasonable to enable development and sale of the entire project by the owners. Developer shall restore the areas so utilized to habitable status upon termination of use.

Section 13. No laundry shall be hung for drying in such a way as to be visible from the street on which the dwelling fronts and/or sides.

Section 14. No lot owner will be permitted to conduct more than two garage/yard sales per calendar year without the express written permission of the Committee.

Section 15. No outdoor property night lights of any kind shall be permitted to cast its rays beyond any of the boundary lot lines of the lot in which it is installed or maintained; mercury vapor/sodium vapor lights are prohibited.

Section 16. Each unit owner shall minimize the risk of environmental contamination or hazards to his unit and common elements.

(a) No person shall use their unit or any common element as a dump or landfill or as a facility for waste treatment, storage or disposal except as may otherwise be permitted by the County Health Department.

(b) No person shall cause or permit the release or disposal of any petroleum products or hazardous substance on his unit.

(c) No person will conduct any operations or activity on the property in violation of any federal, state or local environmental law.

(d) Each unit owner shall not permit any condition to exist on his unit in violation of any federal, state or local environmental law.

(e) Each unit owner shall immediately notify all appropriate governmental agencies of any release or threatened release of hazardous substances or petroleum products on his lot or any common element of the project.

(f) Each unit owner shall immediately notify the developer of any communication from any governmental agency regarding any release or threatened release of hazardous substances or petroleum products on or relating to his unit or any common element and upon request of the developer, each unit owner shall provide the developer with copies of all documents relating to such communications.

Section 17. The Committee shall have the right to waive or vary any of the restrictions contained herein in such cases as the Committee, in its sole discretion, shall deem to be in the best interest of those owning property in **Hidden Ridge**. Any variance or waiver of any condition contained herein may require the approval of Peninsula Township.

Section 18. Limited Common Areas - Beach Access

(a) The development owns 120 feet of beach frontage on East Bay of Grand Traverse Bay, as shown on Exhibit B, the Condominium Subdivision Plan and labeled thereon as a limited common area.

(b) The zoning ordinance of Peninsula Township provides that only fifteen (15) units within **Hidden Ridge** Condominium may use and access the beach which is owned by the project. Said regulations further allow one dock and three shore stations/lifts.

(c) To the extent beach rights are still available, the purchasers of units within **Hidden Ridge** may also purchase rights to the use of said beach area - limited common area.

(d) Those units owners who purchase rights in the beach area will automatically become members of the **Hidden Ridge** Beach Association.

(e) The **Hidden Ridge** Beach Association shall be governed by the **Hidden Ridge** Beach Association By-laws as required by the Michigan Non-Profit Corporation Act. In addition, the **Hidden Ridge** Beach Association may enact rules and regulations pertaining to the



beach area (limited common area). Said rules and regulations will govern the maintenance, rules of use and other matters pertaining exclusively to the beach area. All boat dockage, mooring, etc., shall be subject to the regulations of Peninsula Township.

(f) Unit owners of **Hidden Ridge** who also own rights to the beach area (limited common area) are allowed to sell said unit owner's rights in said limited common area provided, that said sale of beach access rights is in conjunction with the sale of a unit within **Hidden Ridge** Condominium. In the event a unit owner wishes to sell his limited common area rights in the beach area separate from his unit, said sale must be to another unit owner within **Hidden Ridge** Condominium Association. All beach access rights must be owned in conjunction with the ownership of a unit at **Hidden Ridge** Condominium. The Board of Directors of the **Hidden Ridge** Co-owners Association must approve any transfer, sale or assignment of rights in the limited common area (beach access), when said sale is contemplated separate from the sale of the unit for which said beach access rights attach. The seller of beach access rights separate from a unit will be responsible for all costs in amending the Condominium Master Deed.

(g) The limited common areas and facilities (beach access) as described, located and shown on the Condominium Subdivision Plan, shall be allocated for the restricted use of the respective units as shown on attached Exhibit 1 to these By-laws.

#### ARTICLE VI Requirements of Peninsula Township

Section 19. It is the intent of both the Developer and Peninsula Township that Hidden Ridge Development maintain the existing natural character of the site so as to promote the character of the neighborhood and protect the physical and natural beauty of the environment. These restrictions may not be changed or waived without the consent of Peninsula Township.

(a) Limited Building Envelope for Each Unit. A maximum area of 6,400 square feet has been established for each unit to place the proposed residential structures. Although the building envelope for each unit may be moved within the setbacks of said unit, the residential structure footprint must be built within the building envelope. Driveways and utilities will be allowed outside the building envelopes to make the proper connections to the street and utility services. The specific dimension of the no-build areas shall be noted on the subdivision site plan and include at least the area within the required minimum rear setbacks. The exception is the area along the rear of Lots 1 through 5 where a 15-foot no cut area is shown and a 20-foot utility easement is adjacent to it.

(b) Perimeter Buffer of Trees, No-Cut Zone. A no-cut zone shall be included along the eastern, northern, western and southern boundary of the development as shown on the landscape master plan attached to the Master Deed hereto. Forest management practices will be allowed within the no-cut zone, but only to remove dead or diseased trees or to allow for the placement of service utilities or drainage easements. Removal of live plants from the no-cut zone is not allowed for any reason without the express approval of the Peninsula Township Board. Transplanted trees as shown on the site plan will come from areas that will be disturbed by roads, driveways, building envelopes and drainage structures.

(c) Grading, Soil Sedimentation and Erosion Control Plan. Each unit owner shall employ a registered engineer or landscape architect to design the grading and erosion control plans for review by the Architectural Control Committee. These documents shall be submitted to the Architectural Control Committee for approval prior to applying for a land use permit from the Township. Said grading and erosion control plan shall provide a grading plan for each unit and shall illustrate the proposed best management practices for sedimentation and erosion control in accordance with the Grand Traverse County Soil Erosion Control Ordinance. Construction sequence will first involve creation of the drainage basins and temporary erosion control measures, followed by road construction, with cutting of major driveways (those requiring substantial cuts and fills, as in Lots 8 through 18) occurring last. No grading of the property shall take place other than within the identified building envelopes and for driveway construction and roads outside the building envelope as shown on the subdivision site plan, said grading to also include that needed for utility installation.

(d) Landscape Plan for Each Unit. Selective thinning and pruning for view windows from structures located upon each unit will be allowed, provided that trees over eight inches in diameter shall not be removed, nor shall there be the complete removal of branches on any tree above six feet from the ground. It is not the intent of this restriction to allow broad 180 degree openings for view purposes. The landscape plan shall be presented to the Architectural Control Committee and shall identify the types, locations and sizes of all proposed plantings around the residence structure, identify any proposed native plantings proposed in the undisturbed natural areas of the unit, and identify limited lawn areas which may be maintained, fertilized, mowed and irrigated. The limited lawn areas shall be within the building envelope and up to 15% of the lot area to allow for a 15-foot wide lawn area along the driveway, if desired. The selection and placement of plantings will be evaluated by the Committee for potential impact on views from adjoining lots.

(e) Undisturbed Natural Areas. The areas beyond the building envelope within each unit are to be left in a natural meadow or wooded condition; the areas disturbed for construction of the road, storm water drainage, driveways or utility service connections shall be stabilized and landscaped with natural vegetation, tall grasses and native plants to maintain the existing character of the site.

(f) Common Areas. Areas outside of the units will be common areas that will retain the existing natural character of the site and shall include the waterfront, wetlands, uplands, and wood chip and grass walkways for access to the waterfront and areas designated for possible future playground or tot lot use. The Co-owners Association shall be responsible for the establishment of the future playground or tot lot areas, if they choose to build and maintain these facilities in their own discretion. All trails shown on the subdivision site plan and landscape master plan shall be marked and surfaced with wood chips where practical. The wood chips created by chipping vegetation that is removed from the site during the construction process may be used to surface the trails.

(g) Port Mission Road. The roads servicing the development are private roads and shall be maintained by the Co-owners Association. The private road will connect with Port Mission Road, which services the Port of Old Mission development. The connection between both developments shall remain open and shall be maintained for emergency or official business use. The Hidden Ridge Co-Owners Association may erect signs indicating that trespassing upon the

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private road is prohibited and said signs may be erected at the East Shore entrance, as well as the intersection with the Port of Old Mission.

(h) The restrictions contained within this section may not be amended without the approval of Peninsula Township.