



SUMMARY OF UPDATES TO THE BYLAWS AND CC&Rs OF THE SUMMIT PARK HOMEOWNERS ASSOCIATION

Summit Park Subdivision, Summit County, Utah

This document provide additional background information and a summary of key differences between the existing and the draft the corporate bylaws (the “**Bylaws**”) and the covenants, conditions and restrictions (the “**CC&Rs**”) of the Summit Park Homeowners Association (the **SPHOA**).

WHY THE CHANGES?

Homeowners association are frequently faced with the question of whether or not to periodically update its **Bylaws** and **CC&Rs**. Like all too many government laws, bylaws and CC&Rs of HOAs can also become stale and not fully reflective of the community and its needs over time. Whereas there is no legal requirement to periodically update either of these documents, not doing so can often be worse than avoiding the inevitable that results from continually relying on stale and out-of-date documents. For that reason alone, many legal professionals recommend that a full review be conducted on an HOA’s bylaws and CC&Rs at least every five years. Reasons for an update typically include the following:

- They are no longer fully reflective of current government statutes and provisions on how an HOA needs to be operated and managed.
- They contain misleading information or provisions that are no longer relevant or observed.
- They contain language that can be ambiguous, cumbersome, awkward, and are written in a way that is heavy in “legalize” that can make them difficult-to-understand by laypersons not versed in legal language.
- The duties and responsibilities of its Board of Directors and its Officers have changed over time.
- They contain procedural gaps, omissions, and inconsistencies that often fail to address all relevant and necessary operational and managerial issues necessary for the successful operation of the current HOA.

The Bylaws. The **Bylaws** were last updated in 2018 from the original 1957 version. The current Board of Directors of the **SPHOA** (the “**Board**”) recognized that even that most recent version contained several relatively major issues, including: 1) it retained a fair amount of the original clauses from the 1957 version that remained out-of-step with the way the current **SPHOA** is operated and run, 2) it was split into two separate documents consisting of a corporate Constitution and corporate Bylaws, and 3) it restricted itself to being aligned with a specific list of lots rather than being aligned with *all* properties located within the legal boundaries of the Summit Park Subdivision.

The CC&Rs. The **CC&Rs** of Summit Park consist of an almost unmanageable 13 separate documents that average 55 years old. The CC&Rs are not aligned with each other and each one imposes a separate set of “rules” on the lots in which the CC&Rs covers (depending on which plat the property is located). Compounding the problem is that the majority of the **CC&Rs** were created using typewriters and originals were long ago lost or misplaced. Over the years, these old **CC&Rs** have been copied multiple times, which today render many of them nearly unreadable in their present state.

For these and other reasons, the **SPHOA** undertook the arduous task of a complete rewrite of its **Bylaws** and **CC&Rs** to address how the **SPHOA** is currently operated and set out to streamline the **CC&Rs** into one unifying document that both documents are reflective of the needs and desires of the majority of its members in terms of what its membership expect from their HOA.



FINAL THOUGHTS...

When the **SPHOA** was first created back in 1957, Summit Park existed as a small community that at that time was experiencing substantial growth, and many residents back then supported the then fledging HOA as a means to provide some degree of protection against development activities that were not in line with what a majority of the residents wanted. One could argue that not a lot has changed over the years, with this one exception: Summit Park is no longer a sleepy little community of relatively modest residences. It has grown substantially over the years, and is now considered a highly desirable place to live due to its unique setting in the mountains, the close availability to outdoor recreational activities, and its proximity to both Park City and the greater Salt Lake Valley. Because of that, property values in Summit Park have skyrocketed in recent years and the need to help preserve those values and our investments requires a certain degree of conformance and the means to protect our investments from eroding.

The **SPHOA** is about as minimalist an organization as you can find among HOAs, and even with a nearly unheard of amount it asks for in an annual dues payment (\$50.00), it manages to do quite a bit with what it takes in. Nearly 100% of what the **SPHOA** receives through dues or grants is returned to the community through efforts which impact each and every one of us that call Summit Park home. These efforts include such important matters as reducing the threat of wildfire impacting our community, helping to clean up the neighborhood through trash and refuse collection, and having a unified voice with government officials on matters that are important to those that live or own property in Summit Park. No historic or present efforts by the **SPHOA** are ever devoted to any type of CC&R enforcement action, nor is that ever expected to change. The **SPHOA's** directive remains resolute in never being heavy-handed in telling residents what they can, or cannot, do. The **SPHOA** furthermore has no intention of growing and becoming a burden to its members as many other HOA's have done as their own community grows.

So thank you – our neighbors – for all the support you provide the Summit Park Homeowners Association!

The Board of the SPHOA



REVISIONS TO THE CC&Rs

One of the first things that you will notice when you take a look at the draft **CC&Rs** is that they are titled the **Neighborhood Code of Conduct**. Legally (as required by state statute), they must continue to be titled the Covenants, Conditions and Restrictions, but referring to them as the **Neighborhood Code of Conduct** is more in line with what they are about. The following table is a summary of changes to the existing **CC&Rs**. Summarizing the changes against 13 existing and separate CC&Rs is not possible in the available space, so the following summary contains only summarized and generalized material. **The actual wording found in the existing and proposed CC&Rs remains the final word.**

Existing Matter	Existing CC&Rs	Draft CC&Rs
Table of contents	None present.	Included for ease of finding relevant information.
CC&Rs review period	Not defined.	Must occur at least once every five years to ensure that they are in step with current regulations and that they are in-step with a majority of its eligible members.
Existing structures	Grandfathering of existing structures and improvements prior to enacting any new or revised CC&Rs is allowed. <i>(not defined except for those living in Plats A and B)</i>	Inclusive to all properties in Summit Park, clearly states that “any revised changes from previous versions of the CC&Rs are intended to apply only to new or altered land uses.”
Regulatory & zoning compliance	All lot occupied or used must be consistent with applicable municipal zoning regulations and ordinances. <i>(not defined except for those living in Plats A and B)</i>	Inclusive to all properties in Summit Park, clearly states that “all <i>new</i> building requirements and improvements must comply to current and applicable zoning and building code requirements of Summit County.”
Building height	No dwelling shall exceed two stories or 36 ft above finished grade. <i>(defined for those living in Plats C through M2)</i>	Any such language on building height restrictions is removed.
Dwelling square footage	Single story dwelling must have a ground floor greater than at least 900 sf, and if a second story, ground floor must be at least 500 sf. <i>(varies by CC&Rs)</i>	Any such language on dwelling square footage removed.
“Guest” house	Any guest house located on the property must be 250 sf or larger. No guest house shall, under any circumstances, be used as a rental unit and must conform to all relevant CC&Rs. <i>(defined for those living in Plats L and M2)</i>	Any such language on guest house restrictions removed.
Setbacks	Front yard set-backs determined by site conditions, side yards require a minimum of 8 feet each side, and rear yard 25 feet unless site conditions justify a reduction at the discretion of the Architectural Committee. <i>(varies by CC&Rs)</i>	Any such language on setbacks removed.



Garage / carports	All dwellings must have a minimum of a two-car garage, but no more than a 4-car garage (either attached or separate). Carports can be constructed in addition to a garage but no larger than for two vehicles. <i>(varies by CC&Rs)</i>	Any such language on garage and/or carport size is removed.
Driveway pavement	All dwellings must have a paved driveway that can accommodate a minimum of two vehicles. (Plats A & B) <i>or</i> all ingress and egress from the existing street to the property line shall be paved with similar material as the street <i>(Plat K)</i> .	Any such language on driveway pavement is removed.
Accessory buildings	Greenhouses, swimming pools and houses, sport courts, arbors, pergolas, and storage sheds are allowed with prior approval by the Architectural Committee. <i>(Plats A and B)</i>	NO prior approval is required by the Architectural Committee for any of these permitted buildings. Outdoor temporary garages or similar type structures are prohibited unless they are otherwise made reasonably inconspicuous to neighboring properties or from the street.
Property use (including nightly rentals)	Lots may only be used for single family/non-commercial/ residential purposes, never commercial or business purposes. Dwellings may be rented from time to time, but nightly rentals are prohibited. <i>(Plats A and B)</i> . No rentals allowed in “guest house” <i>(Plats L and M2)</i> .	Any such language on property use is removed.
Short-term rentals	“Nightly rentals” are prohibited. <i>(Plats A and B)</i> .	Short-term rentals (those rented out for a period not exceeding 30 days) are allowed. The SPHOA require that those that rent their residence as a short-term rental provide renters with a copy of the SPHOAs CC&Rs prior to occupation and that the rental agreement includes a section that renters maintain adherence to applicable sections of the CC&Rs regarding allowable activities. It is also expected that those that provide for nightly rentals adhere to all non-licensing requirements described in Section 4-5-3, or equivalent, of Park City’s Municipal Code governing nightly rentals (see section 2.7 of the draft CC&Rs for complete details).
Abandoned properties	Not addressed.	A property owner must address unsafe property conditions and/or abandoned structures on the property due to a current or former residence being abandoned, demolished, or no longer livable, in a timely fashion and in accordance with applicable law.



Landscaping/revegetation plan	Landscaping and/or revegetation plan must be approved by the Architectural Committee and completed within one year.	Any such language on landscaping and revegetation plans is removed.
Cut and Fill restoration	Cut and fill restoration must be completed within one year from the beginning of construction. <i>(Plats A and B)</i>	Any such language on cut and fill restoration is removed.
Building completion time frame	All exterior construction must be completed within one year from the date construction started. <i>(Plats A and B)</i>	Any such language on building completion time frame is removed.
Completion before occupancy	No building shall be occupied until a Certificate of Occupancy has been issued by the County. <i>(Plats A and B)</i>	Any such language on occupancy completion is removed.
Notification of construction activity	Neighbors must be notified 2 days prior to any proposed dangerous construction activities. No blasting can occur unless approved by the Architectural Committee. <i>(Plats A and B)</i>	Any such language on construction notifications is removed.
Construction maintenance	The property owner shall regularly inspect their site and access road and perform cleanup and maintenance as necessary. A portable toilet must be at the site for the duration of construction activities. <i>(Plats A and B)</i>	The property owner and/or their contractor is responsible to ensure that the property that is under construction is reasonable maintained, orderly, and maintained so as not to create unsightly conditions. For property under construction, a regularly serviced portable toilet must be on-site for the duration of new home construction or renovations where other accommodations are not provided.
Construction activity time	All construction activities must be conducted between 7 AM and 7 PM. <i>(Plats A and B)</i>	Any such language on construction activity time is removed.
Construction traffic flow	During construction, traffic must not be obstructed. Must maintain a minimum of two on-site parking spaces must be available during construction. <i>(Plats A and B)</i>	The property owner and/or their contractor is responsible to ensure that construction activities do not obstruct or impede the flow of residential traffic. If activities require temporary road restrictions, nearby residents must be notified at least two days in advance and appropriate road signage put in place to let residents know of the restricted access.
Construction plan approval	Prior to construction or alteration, a construction plan must be approved by the Architectural Committee. <i>(Plats A and B)</i>	Any such language on construction plan approval is removed; however, advice provided by the HOA is always available to those thinking of building in Summit Park.
Property maintenance	Each owner must maintain their lot in a safe manner, in good repair, and free of refuse and fire hazards, including dead and diseased trees. <i>(all Plats)</i>	Property owners are expected to reasonably maintain their lots in a manner consistent with others that occupy lots in the Summit Park



		community. This includes reducing potential fire hazards on their property, which includes the timely removal of dead and diseased trees and underbrush. Please contact the SPHOA regarding removal of these items, as the SPHOA may be able to offer financial assistance to defray the cost of such activities.
Animals and livestock	No animals, livestock or poultry of any kind, including, horses, cattle, sheep, chickens, etc, shall be raised or kept. <i>(all Plats)</i>	With the exception of livestock used to actively reduce brush and undergrowth, no livestock, including, but not limited to, horses, cattle, sheep, and pigs, shall be raised or kept on a property. Chickens are permissible if kept in reasonable numbers and do not become a nuisance to nearby residents.
Pets	Small birds or animals as pets are allowed. No more than one cat or one dog is allowed. Housing for such pets must not be unsightly and the number of birds and pets and the housing for them shall be approved by the Architectural Committee. <i>(most Plats)</i>	Any such language on pets is removed.
Leash law	All dogs must be leashed whenever the dog is outside the property of its owner. <i>(Plats A and B)</i>	Any such language on having dogs on leash when off-property is removed.
Fences	No fences, walls or hedges shall be allowed on any Lot in excess of a height of 6 feet without prior approval by the Architectural Committee. <i>(varies by Plat)</i>	Any such language on fencing is removed.
Fire and fireworks	No open fires, or fireworks are allowed. <i>(Plats A and B)</i>	Due to the high fire danger in Summit Park, and unless otherwise permitted by government regulations, statutes, orders or directives, all open fires and fireworks are prohibited at all times of the year, with the exception of permitted burning activities or when outdoor conditions allow and when all necessary safety precautions are taken to mitigate the potential for fire spreading outside of the controlled area. Firepits with at least 10 feet of defensible space (defined as a landscaped area void of trees, shrubs, and grass, created around the firepit) are permissible.
Duplicate building plans	No two dwellings may have substantially identical exterior designs and/or appearances. <i>(Plats A and B)</i>	Any such language on duplicate building plans is removed.
Certified land survey:	A copy of the certified survey for a lot must be submitted to the Architectural Committee prior to excavation or construction and all lot	Any such language on submission of a certified land survey is removed.



	corners must be staked. <i>(Plats A and B)</i>	
Exterior lighting	Any light used to illuminate a lot shall be so arranged as to reflect light away from adjacent residences and away from the vision of passing motorists. <i>(Plats A and B)</i>	Light fixtures used to illuminate garages, patios, parking area, or similar areas on all properties should be arranged to reflect light away from adjacent residences and from the vision of passing motorists. It is recommended that exterior lights adhere to <i>dark sky</i> friendly outdoor <i>lighting</i> – these are fixtures that are fully shielded and have low color temperature.
Specifications of exterior finish	Specifications of exterior finish materials and colors must be submitted to and approved in writing in advance of use by the Architectural Committee. All exterior material shall be new and, except for the roof, shall be made of natural wood, stone, brick, used brick, or stucco. The use of cinder block and T-111 siding as exterior finishing is prohibited. <i>(Plats A and B)</i>	Any such language on specifications of exterior finish is removed.
Roofing	Metal or fire retardant shingles are recommended having at least a 30 year guarantee may be used. Wood shake shingles and galvanized steel roofing is prohibited. <i>(Plats A and B)</i>	Any such language on specifications of roofing is removed.
Disturbance fencing:	Whenever a dwelling or other structure is to be constructed upon any lot, prior to the commencement of any construction activity an orange construction fence shall be erected that clearly identifies the limits of disturbance to the lot resulting from the construction. <i>(Plats A and B)</i>	For the protection of people and wildlife, temporary fencing must be erected around potentially unsafe ground conditions or structures until such time that the Property is cleared of its unsafe conditions.
Long-term rentals	Not addressed.	Any property owner, or authorized agent, may rent or lease a property provided the renters or leasees provide that party with a copy of the SPHOAs CC&Rs prior to occupation and that the rental agreement includes a section that stipulates that any renter or leasee maintain adherence to the CC&Rs regarding allowable activities.
Trees	Trees shall not be removed without prior approval of the Architectural Committee.	To help maintain the natural environment in which Summit Park resides, no trees considered of mature status (generally considered to be 8 inches in diameter when measured two feet above its base) shall be removed unless necessary for property ingress and egress, reasonable construction activities, and to maintain safe conditions of the property and surrounding areas.



REVISIONS TO THE CORPORATE BYLAWS

Summarized in the following table are significant changes between the existing and the proposed corporate bylaws of the SPHOA. As with the summary of CC&R changes, **the actual wording found in the existing and proposed Bylaws remains the final word.**

Existing Matter	Existing Bylaws	Draft Bylaws
Table of contents	None present.	Included for ease of finding relevant information.
Interpretation and conflicts found within the Bylaws	Not defined.	The order of resolution: 1) government regulations, 2) the Articles of Incorporation, 3) the Bylaws, 4) the CC&Rs, and 5) any separate rules and regulations that fall outside of those documents.
Amendments to Bylaws	Not defined.	The Board requires the governing documents be formally reviewed a minimum of once every five years, but sooner if the situation so dictates, from the time that they were last formally approved and include a detailed assessment on the appropriateness of any proposed changes, as well as a review on the financial or legal criteria under which the SPHOA operates. Any amendments require the approval of a quorum of all Board members.
Membership eligibility	“Open to any adult person or persons who own, rent, or lease a home or own and undeveloped lot in Summit Park.”	“All current owners of property located within Summit Park who are current on paying annual SPHOA dues and have no outstanding debts to the SPHOA, are automatically provided membership in the SPHOA.”
Membership voting	Each household shall have one membership vote. If a rental, then the tenant holds one membership vote. Both the owner and tenant have a vote.	“All eligible members of the SPHOA are entitled to vote on matters where the Bylaws requires that a vote is necessary by its eligible members. For those that rent or lease property in Summit Park, or those that resigned their membership, or those whose SPHOA membership is terminated, are ineligible to vote on SPHOA-related matters that require membership voting.”
Association dues	\$50.00 per annum (mandatory for those living in Plats A and B, voluntary otherwise).	\$50.00 per eligible member per calendar year, beginning January 1, 2023. Any reference to the words “mandatory” or “voluntary” are removed in reference to dues.



Officers	Consist of a Board President, Vice President, Secretary, Treasurer, and “other officers,” as assigned by the Board (<i>unclear what that means in execution</i>). Designating a President and Secretary are required. Any two or more offices may be held by the same person, except that of President.	The titles of President and Vice President will be done away with, with the Board consisting minimally of a Board Chair, Secretary, and Treasurer. The Board must have all three officer positions filled; however, an officer may hold two or more officer positions at any one time, but it is only expected to be temporary until the open position is filled.
Officer and Board member election	President and Vice President elected by the Board, and the Secretary and Treasurer appointed by Board President. Board positions are elected or appointed by the Board and reconfirmed on an annual basis.	All officers on the Board and Board members are voted on by majority vote of Board members present at a meeting in which the matter is discussed, excluding the individual being voted on to fill a position.
Officer / Board member compensation	None.	None, with the exception of the Treasurer, who is paid \$50.00 a month for the inordinate amount of responsibilities and time spent on addressing financial issues associated with the SPHOA incurred by that individual who carries the title of Treasurer (especially in regard to property title transfer activities).
Officer duties	Duties are defined in detail.	Defined in <i>general</i> detail, but allows for duties to be taken on between any officer’s “official” roles (<i>for example, the Chair or any other Board members can take Board minutes, that in the existing Bylaws, can only be performed by the Secretary</i>).
Board service term	Three years.	Positions are automatically renewed but are expected to serve a minimum of one year.
Notice of general meetings	Announced 30 days in advance of meeting.	Announced in advance of the meeting to allow adequate time for interested individuals and guests to attend.
Notice of annual meeting	No timeline included, other than “fair and reasonable” notice.	Announced approximately 3 to 7 days in advance of meeting.
Board members needed to form Board	Five members, who must also be HOA members.	Four.
Minimum number of Board members needed to conduct business	Five (as stipulated in the Constitution).	Four.
Maximum number of Board members on Board.	No limit.	Eight.
Call for special meetings	By Board or by 20% of members.	By Board or by 33% of eligible members.



Time needed in advance to nominate new Board members	60 days.	No such requirement.
Elections to fill Board vacancies	Once a year and only voted on at the annual membership meeting.	When position opens and voted on by majority vote by Board members present at a meeting in which the vacancy position is discussed.
Board meeting attendance by membership	Open to all members of the Association.	Open to all <i>eligible</i> members of the Association and any invitees or guests of the Board.
Bylaws review period	Not defined.	Must occur at least once every five years to ensure that they are in step with current regulations and that they meet current regulatory, business, and management needs of the HOA.
Proxy voting	Not defined.	Not allowed.
Voting technique	Not defined.	Eligible members by show of hands at a meeting, mail, door-to-door collection, or remote computer online voting (depending on the matter being voted on).
Quorum voting	Not defined.	Defined for both Board and membership voting rights.
Remote communications by the Board	Not defined.	Defined to include remote attendance other than in person (ie, by alternative electronic means).
Expenditure limits	Not defined.	Lump sum expenditures totaling more than \$300 requires Board approval, not including those expenditures necessary and required by the corporation.
Board members expense limit	Not defined	Any expense in excess of \$300 by a member of the Board requires Board approval.
Reserve funding	Not defined.	Defined when necessary and applied.
Collecting debts from property closings	Not defined.	Assessed fee of \$100 to process, in addition to the debt owed. Also defines the time period to process as up to ten working days to process the request.
Association dissolution (ie, going out of business)	Not defined.	Authorization and process is defined.