

TARTAN WEST

— Rules and Guidelines —

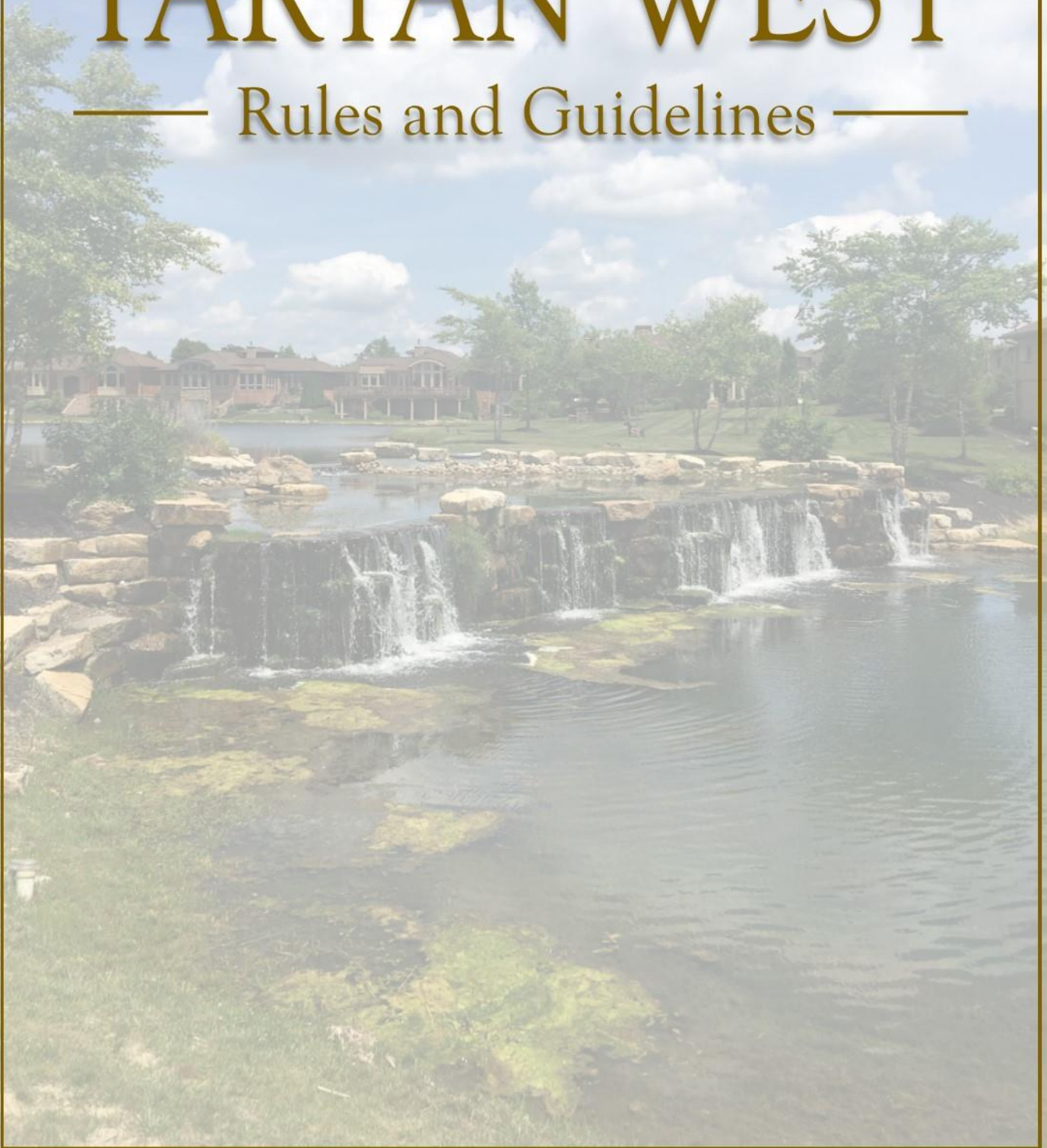


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TARTAN WEST COMMUNITY ASSOCIATION
RULES GUIDELINES
January 2009

The following rules and guidelines for Tartan West Community Association have been set forth to expand upon and clarify the information found in the Declaration and Bylaws under which the Tartan West Community Association operates. All residents are asked to support these Guidelines in order that the community will remain an attractive and harmonious place to live.

A. General: The purpose of the protective covenants and restrictions set forth in this Article IX is to establish a general set of restrictions applicable to all of Tartan West except Community Common Elements and Exempt Property. However, the purposes only of the application of various provisions of this Article IX, the term "Lot" shall not include parcels of land designed, zoned and intended to have future residential/condominium Units constructed thereon and created as condominium Units under the laws of the State of Ohio.

B. Uses

1. **Residential Uses:** Except as otherwise specifically provided in the Declaration, no Lot or Unit shall be used for any purpose other than that of a residence for individuals living together as a single housekeeping unit, and uses customarily incidental thereto, provided, however, that no residence may be used as a rooming house, group home, commercial foster home, fraternity or sorority house, or any similar type of lodging, care or treatment facility. Notwithstanding the foregoing: (i) an occupant maintaining a personal or professional library, keeping personal business, or professional records or accounts, conducting personal business, making professional telephone calls or corresponding in or from a residence, is engaging in a use expressly declared customarily incidental to residential use and is not in violation of these restrictions; and (ii) during the construction and initial sales period, Lots, Units and property on which residential condominium Units are being constructed may be used for construction and sales purposes and sales models by Declarant and by builders and developers as approved by Declarant, in its sole discretion.
2. **Temporary Structure Use:** No incomplete structure or structure of a temporary character, trailer, tent, shack, garage, barn or other outbuilding shall be used at any time as a residence, either temporary or permanently.
3. **Hobbies:** Hobbies or activities that tend to detract from the aesthetic character of Tartan West, and improvements used in connection with such hobbies or activities, shall not be permitted unless carried out or conducted as directed by the Board. This limitation has reference to, but is not limited to, such activities as automobile and boat repair.
4. **Offensive Activities:** No activity noxious or offensive in the reasonable judgment of the Board shall be carried on or permitted upon any part of Tartan West, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. Without limiting the generality of the foregoing:
 - a. **Waste:** Except for the reasonably necessary activities of Declarant and by builders during the active development of Tartan West, no rubbish or debris of any kind shall be placed or permitted to accumulate upon any portion of Tartan West.

- b. **Odors:** No odors shall be permitted to arise or to be emitted therefrom so as to render any portion of Tartan West unsanitary, unsightly, offensive or detrimental to any of the remainder of Tartan West or to any occupants thereof.
 - c. **Lighting:** No exterior lights, the principal beam of which shines upon portions of Tartan West other than the Lot or Unit upon which they are located, or otherwise carry unreasonable interference with the use and enjoyment of any Lot or Unit by the Occupants thereof, shall be permitted on any Lot or Unit provided that lighting of model homes and the Community Common Elements, including but not limited to lighting of subdivision entryway features, shall not be prohibited nor constitute an unreasonable interference with the use or enjoyment of any Lot or Unit or Occupant.
 - d. **Sound:** No speakers, horns, whistles, bells or other sound devices, shall be located, used or placed on any Lot or Unit, except security devices used exclusively for security purposes which are activated only in emergency situations or for testing thereof. Music, either live or by recording device, that is so loud as to disturb one's neighbors, is prohibited.
5. **Service Screening, Storage Areas:** Garbage and refuse shall be placed in containers, which shall be concealed and contained within buildings until 7:00 PM the day prior to the scheduled pick up and disposal date and placed within the buildings by 7:00 PM the day of the scheduled pick up and disposal date. Except during the active period of construction on any Lot or of a proposed Unit, no materials, supplies or equipment shall be stored in Tartan West except inside closed buildings.
6. **Machinery and Equipment:** No commercial machinery or equipment of any kind shall be placed, operated or maintained in Tartan West except such machinery or equipment reasonably necessary for use in connection with maintenance, or construction of Improvements approved by the Architectural Review Committee.
7. **Vehicles, Trailers, Boats, Commercial Vehicles and Motor Homes**
- a. The Board is granted the power and the authority to create and enforce reasonable Rules concerning placement and the parking of any vehicles permitted on or in Tartan West, so long as those Rules are consistent with, and do not amend, any of the terms hereof. In addition to its authority to levy Individual Lot/Unit Assessments as administrative charges for the violation of the Rules, the Board shall be authorized to cause the removal of any vehicle violating such Rules.
 - b. Except as specified below, no trucks, no prohibited commercial vehicles, no boats, no trailers, no campers and no mobile homes shall be parked or stored on any street or on any Lot or common elements in a condominium in Tartan West (except in an enclosed structure shielded from view) for any time period longer than forty-eight (48) hours in any thirty (30) day period, provided, however, that nothing contained herein shall prohibit the reasonable use of such vehicles as may be necessary during construction of residences.
 - c. For the purpose of this section, the terms "truck" and "prohibited commercial vehicle" shall include all vehicles that have a length of more than twenty-one (21) feet; all vehicles that include any visible exterior storage tools or materials except no more than two visible ladders. Dump trucks, low trucks, flat bed car hauling trucks, panel trucks and vans larger than one-ton capacity, pickup trucks larger than one-ton capacity, and semi type tractors and trailers shall in every instance be considered to be a prohibited commercial vehicle. For the purpose of this section, the word "trailer" shall include landscaping trailer,

open bed trailer, trailer coach, house trailer, mobile home, automobile trailer, camp car or any other vehicle, whether or not self-propelled, constructed or existing in such a manner as would permit use and occupancy thereof, or for storage or the conveyance of personal property, whether resting on wheels, jacks, tires or other foundation.

d. Furthermore, no automobile, truck or other motor-driven vehicle, or trailer, in a condition where it is unlicensed, unregistered, apparently inoperable, extensively damaged, disabled, dismantled, or otherwise not in a condition to be lawfully operated upon the public highway, or any vehicle component or part, shall be placed, parked or stored in any visible location on or in front of a Lot or on common elements of a condominium for a period of time longer than thirty (30) days. After this time the vehicle, trailer or part shall be deemed to be a nuisance, and shall be removed.

8. **Animals:** Except as hereinafter provided, no animals, livestock, birds, poultry or other fowl, snakes, reptiles, or species of insects, shall be raised, bred, kept, or maintained on any Lot or in any Unit, or any portion thereof. Notwithstanding the foregoing, household domestic pets, not bred or maintained for commercial purposes, may be maintained in a Unit or in a residence on a Lot or in a Unit provided that: (i) no more than two of any type of animal, other than fish, may be maintained in any residence (except when less than three months of age) (ii) the maintaining of animals shall be subject to such Rules as the Board may from time to time promulgate, including, without limitation, the right to place limitations on the size and type of such pets, and the right to levy enforcement charges against persons who do not clean up after such pets; and (iii) the right to maintain any particular animal or any particular breed or species of animal shall be subject to termination if the Board, in its full and complete discretion, determines that maintenance of such animal, breed or species constitutes a nuisance or creates a detrimental effect on other owners or Occupants, or Tartan West as a whole.

9. **Open Fires:** Open fires, leaf burning, trash burning, or the like, excepting only domestic use of indoor fireplaces and wood burning stoves, commercially made barbecue grills, and natural gas lights are prohibited.

C. **Building, Improvement and Other Limitations**

1. **Lot and Unit Splits:** No Lot and no Unit, once created, shall be split, divided, or subdivided for sale, resale, gift, transfer, or otherwise, unless approved by the Community Association and all governmental authorities having jurisdiction.

2. **Dwelling Size:** No Dwelling in Tartan West shall exceed two and one-half stories in height, or that, exclusive of basements, garages, attics, and open porches and patios, has a square foot floor area less than what is required by the applicable zoning and subdivision control ordinances of the City of Dublin.

3. **Garages:** Each single-family residence must have at least a two-car attached garage.

4. **Outbuildings, Temporary Improvements:** Except as hereinafter otherwise provided, no outbuildings, storage sheds or temporary building or structure shall be permitted; provided, however, trailers, temporary buildings, barricades and the like shall be permitted for construction purposes during the construction period of a permanent building and for sales purposes during the sale of a Lot or Lots or Unit or Units, provided, in addition, that the Board shall have therefore approved in writing the design, appearance, and location of the same. Any temporary structure shall be removed not later than fourteen (14) days after the date of completion of construction of the building(s) for which the temporary structure was intended, and temporary structures

shall be permitted for no longer than a period of one (1) year, unless a variance is granted by the Architectural Review Committee. Notwithstanding the foregoing, one or more Lots and Units may be used for model and sales purposes during the period of the initial sale of Lots or Units

5. **Antennas:** No antenna or dish for transmission or reception of television signals, radio signals, or any other form of electromagnetic radiation shall be erected, used or maintained outside any building, whether attached to an improvement or otherwise, including but not limited to satellite dishes, unless approved by the Architectural Review Committee, or unless required to be permitted by law, but subject to such lawful Rules as the Board may from time to time adopt, and the further limitation that satellite dishes may not exceed twenty-four (24) inches in diameter and must be erected or installed to minimize visibility from the street which the Dwelling fronts.
6. **Utility Service:** No lines, wires or other devices providing utility services, including telephone, television, data, and radio signals, or for transmission of electric current or energy, shall be constructed, placed or maintained anywhere in Tartan West unless the same shall be in or by conduits or cables constructed, placed and maintained underground or concealed in, under or on buildings, or other approved improvements; provided, above ground electrical transformers and other equipment may be permitted if currently existing or permitted pursuant to the provisions of existing easements, or if properly screened and approved by the Architectural Review Committee. In addition, all gas, water, sewer, oil and other pipes for gas or liquid transmission shall also be placed underground or within or under buildings. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved improvements.
7. **Improvement Location:** All improvements shall be placed so that the existing topography and landscape shall be disturbed as little as possible, and so that the maximum number of desirable trees and other natural features will be preserved, unless the Architectural Review Committee approves in writing some other placement. All Dwellings must be situated between the front and rear setback lines, as shown on a recorded plat or condominium drawing. For purposes hereof, eaves and steps shall not be considered part of a Dwelling, provided that this shall not be construed to permit any portion of any Dwelling to encroach on property other than on which the Dwelling is situated.
8. **Sight Distance at Intersections:** No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the public street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the public street property lines, or in the case of a rounded property corner, from the intersection of the public street property lines extended. The same sight-line limitations shall apply on any Lot or Unit within ten (10) feet from the intersection of a public street property line with the edge of a driveway. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of sight-lines.
9. **Storage Tanks:** No storage tanks, including, but not limited to, those used for storage of water, gasoline, oil, other liquid or any gas, shall be permitted in Tartan West outside a building, except (a) storage tanks used during the construction of residences; and (b) propane tanks having a capacity of thirty (30) pounds or less, for use to fuel a gas grill.
10. **Improvement Exteriors:** All windows, porches, balconies, decks, patios and the exteriors of buildings and other Improvements shall at all times be maintained in a neat, clean and orderly condition. No clotheslines or

other outside drying or airing facilities shall be permitted on the exterior of any Dwelling, and no clothing or any other household fabrics shall be hung in the open.

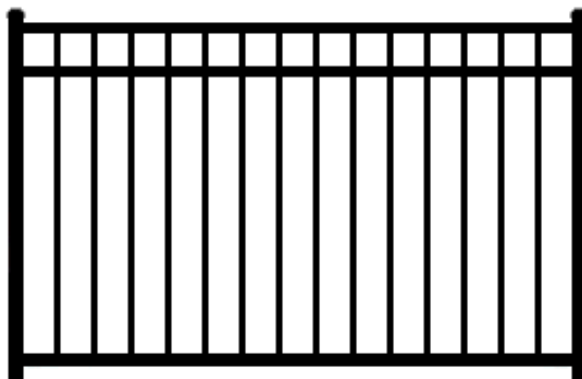
11. **Exterior Materials and Colors:** Finish building materials shall be applied to all sides of the exteriors of buildings. Colors shall be harmonious and compatible with colors of natural surrounding and other adjacent buildings. The Architectural Review Committee shall have the right to approve or disapprove exterior materials and colors.
12. **Signs:** No signs of any character shall be erected, posted or displayed in Tartan West except: (i) marketing signs installed by or with the consent of Declarant during the period of the initial sale of homes; (ii) street and identification signs installed by, or at the direction of, the Community Association, the Declarant or any governmental agency; and (iii) one temporary professional real estate sign on a Lot or Unit not to exceed five (5) square feet in area advertising that Lot or Unit is for sale or lease.

Policy Resolution No. 2010-01: "For Sale" signs Adopted/Effective: January 11, 2010

Each home/property for sale is entitled to the use of one sign only and it shall be placed in the front of the residence/property, parallel to the road. The sign must consist of a standard size black frame 18 x 24 or 20 x30 which may include a six-inch section on the top and/or the bottom for a sign insert(s), which may be used for the name and telephone number of the real estate agent or to indicate the status of the home/property sale only (i.e. in contract, sold, etc.). Prices of properties shall not be allowed to be displayed on the signs in any location. The color of all signs is to be as follows: the background shall be white; the lettering shall be Emerald Green and/or black only. Real estate companies are permitted to utilize their logos in the body of the sign but the logo must be in compliance with the allowable colors (i.e., white, emerald green, black).

13. **Landscaping:** All property in Tartan West shall be landscaped according to the plans approved by the Architectural Review Committee, and by the appropriate governmental authorities. All shrubs, trees, grass and plantings of every kind shall be kept well maintained, properly cultivated and free of trash and other unsightly material. Each Lot Owner shall remove dead and diseased trees and limbs from that owner's Lot and the association of each condominium in Tartan West shall remove dead and diseased trees and limbs from that condominium's common elements.
14. **Maintenance:** Subject to limitations on use and maintenance as shown and set forth on a plat of Tartan West, no property in Tartan West or improvements therein shall be permitted to become overgrown, unsightly or to fall into disrepair, and all buildings and Improvements shall at all times be kept in good condition and repair and adequately painted or otherwise finished in accordance with specifications established by the Architectural Review Committee.
15. **Drainage and Grading:** No drainage ditches, cuts, swales, impoundments, mounds, knobs, or hills and no other physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and drainage pattern, may be destroyed, altered or modified by or at the direction or with the consent of any Owner without prior consent of the Architectural Review Committee. No Improvement shall be made in any manner whatsoever that is inconsistent with the master grading plans established for Tartan West, or any part thereof, without the prior written consent of the Architectural Review Committee. The Community Association and its representatives shall have the right to enter upon any property in Tartan West and remedy or repair any such destruction, alteration, modification, or improvement without being guilty of trespass and without liability to any Owner with respect to the same or the consequences thereof.

16. **Soil Removal:** No soil shall be removed from any property in Tartan West for commercial purposes.
17. **Fences:** No fence, wall, or barrier of any kind not approved by the Architectural Review Committee in connection with its initial approval of Improvements in Tartan West may be erected in Tartan West, except as required by law or with the prior written approval of the Architectural Review Committee. By way of example, and not limitation, compliance with the following standards shall be considered by the Architectural Review Committee in reviewing fence applications:
- a. In no event shall chain link fencing be permitted
 - b. Unless otherwise approved in writing by the Architectural Review Committee, in its sole discretion, no fence or wall shall be constructed in excess of forty-eight (48') above grade.
 - c. The Design Review Board has established standards according to which fencing and walls may be permitted at the Property. Failure to use the approved fence and follow all design specs contained here will result in fines and required removal of unapproved structures. Separate specific fence requirements are set for perimeter yard fencing and specific pool enclosure fencing. The Tartan West CA Design Review Board, in writing, prior to the installation must approve all fence plans. Please refer to the Fence Specifications below:
 - i. The aluminum residential fencing, as available from Jerith Manufacturing Company, that will be permitted for any homeowner at Tartan West CA is as follows:
 - a. Jerith Regency Series, Windsor Style – 48" Height
 - b. Black aluminum material only
 - c. 60" height for pool enclosures
 - d. The Windsor model has a smooth top rail with no pickets extending below the bottom rail. The larger components give a regal look to this fence.
 - e. Landscape requirement – 75% of the fence must be screened to provide a buffer between lots.
 - f. Must meet all set back requirements > 10 feet on sides and 25 feet. from rear.



The Tartan West CA understands that there are many fence companies that use manufactures other than Jerith; therefore, the DRB may grant variances for fences similar in style that are not the exact Windsor model. If you are seeking a variance, all fence specifications (photos, heights, picket sizes, gaps, etc.) must be submitted with the application.

18. **Swimming Pools:** Above-ground swimming pools and portable swimming pools (other than hot tubs designed to hold more than eight (8) persons) are not permitted. Swimming pools permitted, if any, shall be visually screened.
19. **Solar Panels:** No solar panels shall be permitted.
20. **Window Air Conditioning Units:** Except as otherwise permitted by the Architectural Review Committee, no window air conditioning unit shall be permitted in any window in a Dwelling that faces a public street.
21. **Storage:** Except for the reasonably necessary activities of Declarant and builders during the original development of Tartan West, no open storage of any kind is permitted. No accessory building or storage shed, in addition to the actual Dwelling itself, shall be permitted on any Lot, for any purpose whatsoever.
22. **Governmental Regulations:** Each building site is subject to all present and future applicable laws, ordinances, rules, regulations and orders of the United States Government, the State of Ohio, Delaware and Union Counties, City of Dublin, and any other political subdivision and any administrative agency of any of the foregoing having jurisdiction thereof. Nothing herein shall be construed as permitting any action or condition prohibited by such applicable laws, ordinances, rule, regulations and orders. In the event of any conflict between any such applicable laws, ordinances, rules, regulations and order and these protective covenants, the most restrictive provisions shall govern and control.
23. **Pond Fishing:** Fishing is prohibited on the entire east side of the ponds located off of Hyland–Croy, as well as above the waterfall and within fifty (50) feet of the waterfall located on the west side of the ponds.
24. **Basketball Hoops:** The Tartan West Community Association will allow basketball hoops on all lots located within the Tartan West development as long as they meet the requirements that have been established herein:
 - a. Must be an approved basketball hoop as determined by the Tartan West Community Owners' Association and should look similar to the pictures on the below listed websites.
 - b. All basketball hoops are to be pole mounted.
 - c. Basketball hoops shall be purchased through one of the following suppliers:
 - i. Recreations Outlet (614) 792-3700 or www.recreationsoutlet.com
 - ii. Goalsetter Systems 800-362-GOAL or www.goalsettersystems.com
 - iii. Variances will be granted for hoops similar in quality.
 - d. No **portable** basketball hoops will be permitted on any lot.
25. **Playsets:** The Tartan West Master Association will allow play sets on lots as long as they meet the requirements that have been established herein:
 - a. Must be an approved play set as determined by the Tartan West Master Association.
 - b. Play sets are to be models from RAINBOW PLAY SYSTEMS, INC. or Backyard Adventures or WoodPlay Systems.
 - c. Examples of approved models include:

- i. The Sunshine Castle Series
 - ii. The Rainbow Clubhouse Series
 - iii. The Playhouse Series
 - iv. The Playhouse XL Series
 - v. The Outback Series
 - vi. The Outback XL Series
- d. All canopies for all lots are to be dark green and replaced as necessary due to weathering.
 - e. All slides are to be dark green. The ARC may grant variances for slide color depending on the system.

The nearest dealer of WOODPLAY PLAYSETS is located on Sawmill Road at Receptions Outlet. The Association requires for approval an all wood play set equal in quality to the average WoodPlay system. Variables that will be compared include but are not limited to support beam construction, climbing ring installation, weight restrictions, wood part warranty, and lumber treatment. The Association may require a redwood stain to be applied to Non-WoodPlay Play Sets.

26. Trampolines: Trampolines are not permitted in Tartan West.

27. Architectural Modification Requests: All requests for architectural modifications must be in writing and approved prior to the project starting.

- a. The following process is for Bella Verde and Sienna
 - i. Owner submits their Architectural Modification Form (AMF), their approval from Dublin, and a \$55.00 check made out to VondranDesignGroup to CPS.
 - ii. CPS forwards the check and forms to VondranDesignGroup.
 - iii. Upon approval from Vondran Design Group, the AMF is signed by CPS and returned to the owner.
- b. The following process is for Cortona, Savona, Toscana, Villas at Corazon, and Terrazza.
 - i. Owner submits their approved Sub-Association (AMF) to CPS.
 - ii. The AMF is reviewed and signed by CPS and returned to the owner.

This process may take up to 30 days for completion. Small projects that are already approved by the Board (Basketball Hoops, Playgrounds, Mailboxes, etc. will be approved by CPS without the need for anything except the AMF. Projects requiring approval include, but not limited to, driveway / paved areas, mailboxes, retaining walls, swimming pools / spas, detached structures, decks, patios, tennis courts, exterior lighting, utility and service lines, new homes, additions, and landscaping.