

Updated: January 14, 2024

# **Rules and Regulations - Tidewater Homeowner's Association**

The Tidewater community is designed to be a community of homes based on thoughtful land planning and sound architectural design. As years pass and as additions and improvements are made, it is very important to keep the entire community in mind and not merely the individual improvement. To uphold property values and ensure the architectural integrity of the community, the **Tidewater Architectural Review Committee (TARC)** was established.

The TARC consists of members who are appointed by the HOA Board and management company. The TARC has put together a series of guidelines to help community members maintain and beautify homes that add to the architectural design of the community.

These guidelines are intended to provide homeowners with direction regarding the types of improvements that may be approved by the TARC. These guidelines are provided for informational purposes only and are not to be construed as approval for any particular improvement. The TARC retains final authority to approve, approve with conditions, or deny any application. This document is a summary of all Rules and Regulations included in the Tidewater Homeowner's Association governing documents. If you have any questions or concerns regarding this document, please email [help@tidewater-hoa.com](mailto:help@tidewater-hoa.com) or visit [www.tidewater-hoa.com](http://www.tidewater-hoa.com).

Additional specific details relating to building and development standards are included in the **Tidewater Development Text** document.

Please note: All exterior modifications, additions and renovations of any kind require prior Architectural Review Board written approval.

Many exterior alterations may also require City approval:

- Residents or their subcontractors, must seek City approval on their own behalf
- City project approval does not constitute TARC approval, and vice versa

All approval related documentation must be maintained by the homeowner and transferred to subsequent homeowners.

## **Document Index**

1. Structural Improvements (pg 2)
2. Non-Structural Improvements (pg 7)
3. Landscaping (pg 11)
4. Amendments (pg 17)
5. Enforcement & Collection Policies (pg 20)

# 1. Structural Improvements

No building, fence, wall, sign or other structure will be commenced, erected, altered, modified, or remodeled on the Property, including the Lots, nor will any exterior addition to or change or alteration to a Lot be made, unless and until the plans and specifications showing the nature, kind, shape, height, materials, color and location of the same will have been submitted to and approved in writing by the Board or its designated representative, as to lawfulness and appropriateness, and as to harmony of external design, color, materials, size, and location in relation to surrounding structures and topography. In furtherance of the Board's architectural approval authority, the Board may adopt reasonable Rules in its business judgment discretion governing design and architectural standards for Lots. (Amendment E)

Prior TARC approval must be obtained for any and all proposed exterior structural improvements to your home and/or property, including but not limited to the items outlined below.

## **Roofs**

Roof shingles must be dimensional and have a 30-year warranty. While you still must submit an application, the Homeowner Association does have a list of pre-approved colors. Other manufacturers/colors and series will be considered. However, a specification sheet and sample must accompany your submission for review. Pitched roofs shall be required to have a greater than a 7:12 rise over run. Minor gables, dormers and porch pediments are permitted to have minimum pitches of 5:12 rise over run. When the primary pitched roof of a house is gabled roof with the pedimented end oriented toward the street, a minimum roof pitch of 5:12 shall be permitted. Flat roofs shall be permitted, but must integrate strong cornice lines. Roofs may be of natural or synthetic slate, wood shake or wood shingle, metal standing seam, or fiberglass asphalt shingle.

## **Siding**

Projects to replace or repair a partial re-siding of a house must use siding that matches the existing siding on the house. If it is not possible to match (or substantially match) the appearance of the new siding with the color, pattern, and materials of the existing siding, the TARC may require a full re-siding of the house or any portion thereof. Wall finish materials: Stone, cultured stone, stucco, brick, wood siding and cement fiber siding are approved exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited. Exposed concrete foundation walls are not permitted.

## **Shutters**

Shutters shall be used judiciously and not on every window. Exterior shutters shall be painted and may be solid paneled (raised panel) or louvered. When used, shutters must be sized to fully cover the adjacent window. All shutter replacements must be like-for-like and require TARC approval.

Shutter removal requires TARC approval prior to the removal project.

New shutter installations will be approved on a case-by-case basis per the following recommendations:

- Must be of a material that does not rot.
- Must be of an approved colorway.

### **Gutters and downspouts**

Traditional half round gutters and/or ogee gutters with downspouts shall be used. Exterior paint colors: Exterior paint colors for siding, doors, shutters, fascia's, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide of historic colors.

### **Chimneys**

All exposed exterior chimneys shall be masonry.

### **Skylights**

Skylights in the roof shall be permitted, provided they are appropriately screened from off-site views. Cupolas, dormers, lanterns, belvederes or window bays shall be permitted, provided they are consistent with the architectural theme of the house.

### **Solar Panels**

#### *General Guidelines*

Residents, or their contractors, must seek City of New Albany approval on their own behalf for any and all solar installations, City approval does not constitute or override the TARC approval.

All solar projects must be submitted and approved in writing by the TARC prior to installation.

It is strongly recommended that homeowners not sign any contracts and/or order any products related to the project prior to final approval by the City **AND** the TARC.

#### *Locations/ Designs*

Solar shingles are preferred over panels/ arrays.

Roof mounted installations are to be installed on or within the roof of the primary residential structure only.

Solar installations:

- Must be placed to the rear of the home wherever possible.
- Must be placed in a way that would not cause glare, nuisance, damage to adjacent homes.
- Must be located in a position least visible, and properly screened, from any neighboring properties, street views and common areas.

Installation of ground mounted solar installations will be considered for TARC approval only if...

- Ground mounted installation is designed to produce more than 10% more energy than a roof mounted installation, as calculated by a Professional Engineer.
- Solar installation would be in a position least visible, and properly screened, from any neighboring properties, street views and common areas.

All battery bank and/ or supporting equipment installations must be contained within the home.

Solar Installations must be installed in conformance with all applicable governmental rules, laws, regulations, and ordinances, including but not limited to applicable zoning, building, and fire codes.

### *Materials/Color/Size*

Solar shingles must follow the design guidelines for standard shingle installations.

Solar panel/array installations must have black framing, supports and hardware and must be a thin/ low profile design.

Solar panels must be black in color - No coverings, decorative or colored, are permitted.

All conduits, wiring and other transmission equipment must be at the rear of the house, blocked from street view.

Solar installations must not extend beyond the perimeter boundary of the roof section to which it is attached.

Solar installations must be installed as close to the roof surface as possible, not be greater than 6 inches above the roof surface.

Solar installations should be installed uniformly in either a portrait or landscape layout.

### *Maintenance*

Solar installation shall be maintained and kept in “new condition” at all times, any damage must be repaired/ replaced within 30 days of occurrence.

### *Removal*

Written TARC approval is required prior to the removal of approved solar installations.

Solar installations no longer in use must be completely removed from the property – removal must include all associated hardware, conduit, and wiring, etc. Property, including roof, siding and grounds, must be restored to condition prior to installation. After removal, any solar re-installation must follow all design guidelines listed above, including full re-submission and approval prior to installation.

## **Decks**

Decks are to be an extension of the home's architecture with attention to detail in railings and steps. Landscaping for all decks is required and must receive prior approval by the Architectural Review Board.

The following requirements must be met:

- All deck materials must be painted to match the color of the home, or stained neutral.
- Homeowners must ensure that painted deck materials are repainted or re-stained when significant paint/stain discoloration, fading, peeling, or flaking occurs. The TARC retains the right to determine whether paint/stain discoloration, fading, peeling, or flaking is sufficiently significant to require re-painting/re-staining.

## **Porches and Patios**

The TARC retains the right to determine whether a proposed porch or patio is of the appropriate size and/or location. Each must adhere to the following guidelines:

Patios may be constructed using natural stone, concrete pavers, poured concrete, or brick.

- Brick patios must use the same or substantially similar brick to match the ones used on the house siding or plinth.
- Poured or stamped concrete patios will be considered on a case by case basis. Brick or paver borders are strongly encouraged. The brick used must be the same or substantially similar to the brick used on the house siding or plinth.

## **House Exterior and Trim**

The following color families are generally NOT acceptable and typically will NOT be approved for exterior use: Coastal Colorways, Pastels, Deep Yellows and Golds, Oranges and Rusts, Rose Pinks and Purples, Royal Blues and Turquoise.

Many other generally accepted colors can be found within the current Benjamin Moore "Historical Collection" and Sherwin Williams "America's Heritage" Collection.

Trim colors must match the window frame and muntin (grid) colors and all trim and windows must match throughout. Generally acceptable trim and window colors are in the tan and white families.

Homeowners must ensure that house trim is repainted when significant discoloration, fading, peeling, or flaking occurs. The TARC retains the right to determine whether discoloration, fading, peeling, or flaking is sufficiently significant to require painting or repainting.

PVC exterior trim and fascia may be used, but must closely match the color, texture, and style of the replaced material.

Prior TARC approval must be obtained only for any trim painting or re-painting that would change the existing color of the house trim. Otherwise, TARC approval for house trim painting or re-painting is not required.

## **Driveways**

Driveways must be maintained in good condition. The resealing of the asphalt surface does not require TARC approval. Any new, additional, revised, or replaced driveway construction must be approved for placement and materials.

The following are required of all driveways:

- The driveway must be pavers, brick, natural stone or consistent with the community and surrounding resident driveways.
- All driveways must reach the street with the poured concrete sidewalk and apron.
- Width expansions without garage expansions will not be permitted.
- Depressed Driveways: Depressed driveways are hereby prohibited on all Lots.
- Black asphalt will be considered on a case by case basis.

## **Sidewalks**

The community policy is consistent with New Albany City Ordinance 521.06 that requires homeowners to keep sidewalks in repair and clean condition and to minimize hazards (crumbling, shifting slabs, heaving) wherever possible.

Homeowners will be solely responsible for the maintenance and repair of their sidewalks and must keep vegetation clear of the full width and >8' height of the walking path.

## 2. NONSTRUCTURAL IMPROVEMENTS

Prior **T**idewater **A**rchitectural **R**evision **C**ommittee (**TARC**) approval must be obtained for any and all proposed exterior nonstructural improvements to your home and/or property, including but not limited to the items below.

### Fencing

No fences or walls may be constructed on any part of a Lot unless prior written approval is obtained by the TARC. Details of fence restrictions are available in our **TIDEWATER AT NEW ALBANY DECLARATION OF COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS, ASSESSMENT LIENS AND TIDEWATER HOMEOWNER'S ASSOCIATION** document on page 7. Also, an Amendment to the same, recorded February 8, 2018.

1. No fence shall be constructed in excess of sixty (60") above finished grade.
2. Fences shall be constructed only of black painted aluminum per the Bylaw's.
3. Fences or walls shall not be located closer to the street than a line parallel to the street extending from the midpoint between the front and rear corners of the home building and in no event shall fences be located closer to any street than the building line shown on the Subdivision plat.
4. All fencing located upon any lot shall be maintained by the Owner of the Lot on which it is located, in a neat and orderly condition.
5. Nothing contained herein shall be interpreted or construed to permit the use of approved fencing material to accomplish a purpose or use otherwise prohibited hereunder.
6. Fencing is required for pools and hot tubs.
7. Dog runs and animal enclosures are not permitted.

### Trellises & Pergolas

A trellis or pergola must be made of wood to match the same color trim as the house. A pergola or trellis must have open slats and be latticed to allow sunlight to shine through. A pergola provides partial shelter and shade over a garden, pathway, or patio. Structures must be fully secured (concrete) into the ground.

1. Trellises and pergolas must be approved for materials, paint colors, design, and location. Metal structures are not permitted.
2. The TARC retains the right to determine whether maintenance is needed due to significant discoloration, fading, peeling or flaking.

## **Gazebos**

Gazebos or pavilions with full roofs and/or sides are not allowed. A definition of a gazebo or a pavilion is that it provides full coverage from the sun. The difference between a gazebo or pavilion and a pergola or trellis is the function of the roof.

## **Auxiliary Buildings & Storage**

Auxiliary buildings including, but not limited to, storage sheds, doghouses and greenhouses, are not permitted.

### *Equipment Storage*

Storage of all maintenance equipment shall be within garages or storage structures. Such items should not be visible from streets, common open space, adjacent lots, or adjacent developments.

### *Storage Standards*

**Ancillary Structures:** All exterior structures shall be attached to the main structure of the home or its garage by walls, fences or hedges. Structures will be one story and shall be constructed of the same materials of the home. Architectural Approval by the Association Board is required.

### *Fuel Storage*

No fuel storage facility or tank shall be allowed on any part of a Lot unless located below the surface of the ground or within the confines of the dwelling.

### *Clothes Lines*

No clothes lines or clothes hanging devices shall be permitted.

### *Temporary Residence*

No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence or storage unit, either temporarily or permanently.

### *Vehicle Storage/Parking*

No trucks, trailers, commercial vehicles, boats, campers, recreational vehicle or similar type vehicles shall be parked or stored for a period of more than 48 hours in a 30-day period on any Lot unless the same are in a garage or other vehicle enclosure and out of view. No un-drivable vehicles or parts of vehicles may be stored outside.

## **Antennas**

No radio antenna, television antenna, or other antenna shall be attached or affixed in any way to the exterior of any house, or garage, any part of any fence, pole or structure, or any tree, bush or other living thing. One satellite dish receptor not exceeding two (2) feet in diameter and placed only behind the Lot's building set back line may be affixed to house or garage; if located on the Lot and not attached to the house or garage, it must be shielded and landscaped from public view and view of neighboring homes and yards.

## Front Post Lights

All exterior front post lights are required to be working and illuminated each day from dusk to dawn on each lot located in the Tidewater at New Albany subdivision. This rule will be enforced with routine inspections and penalties assessed in line with current Enforcement Policies that can be modified from time to time. It is the responsibility of the homeowner to maintain all posts, fixtures and light bulbs.

## Signs

Only real estate and family signs are permitted. All other signs are prohibited.

### *Real Estate*

One professional real estate sign which conforms with the existing Zoning Regulations of the Village of New Albany, Franklin County, Ohio and is approved by the Committee is permitted. The TARC retains the right to determine what signs are of appropriate size, condition, and location, as well as what constitutes a reasonable period of time for displaying a sign, on a case by case basis.

Installation of real estate and for sale by owner signage must adhere to the following:

1. One sign regulated by the City of New Albany, advertising the property for sale shall be displayed to the public view on any lot. The standard color treatment for all builder and realtor signs is New Albany Blue with White lettering.
  - a) Main Sign Panel Size: 30" x 40"
  - b) Riders (small panels) Size: 30" x 9"
  - c) Post with Finial Size: 4" x 96"
2. Not be leaning or crooked.
3. Cannot be in the tree lawn, must be in property yard.
4. If installed using a ground spike, the spike portion should not be visible and the post holding portion must be painted white to match the post.

### *Temporary Family Signs*

Within an appropriate size, condition, and location supporting a family member (for example, a congratulatory sign for a high school graduation, or a sign announcing the birth of a child) are permitted for a total of 30 days and should be removed within one week after the event.

The Tidewater Homeowners' Association retains the right to determine what signs are of appropriate size, condition, and location, as well as what constitutes a reasonable period of time for displaying a sign, on a case-by-case basis.

## **Mailboxes**

The Tidewater Homeowners Association has adopted a new mailbox maintenance policy commencing in 2020. What does this mean for the homeowner? Over time, normal deterioration of flaking paint and/or rust occurs that causes an unsightly appearance to your property and the community. This was historically remedied by the homeowner's efforts and often at the urging of the HOA by means of a "friendly reminder letter". Now, due to the new policy, the Association will assist with wear and tear maintenance as determined by the Property Management Company. See mailbox specifics below:

### **Refurbishing / Normal Wear & Tear**

The Association will refurbish and/or repair mailboxes once a year, as needed due to normal wear and tear as determined by the Property Management Company. For all other repairs:  
Mailbox Doctor 614-746-2503

### **Replacement / Damaged**

If your mailbox is damaged (i.e. hit by a car or snow plow, etc.), which is the responsibility of the homeowner to remedy, please see the following choice of vendor to purchase a new mailbox: Capital Lighting, Columbus - cast aluminum Hanover model (M201).

## **Holiday Lights & Decorations**

TARC approval is not necessary for holiday decorations. However, TARC retains the right to require the immediate removal of inappropriate or excessive decorations.

### **Winter Rules**

- Holiday Lights and decorations should not go up prior to November 15th
- Lights should not be turned on prior to Nov 23rd
- Lights should be turned off by Jan 15th
- Lights and decorations should be taken down by Feb 15th

### **Other Season Lighting Rules**

- Lighting and decorations for other major, recognized holidays that do not fall between November and January can be used a maximum of 10 days prior to the holiday and lights must be turned off the day after the holiday. Lights and decorations must be removed within 10 days after the holiday.

# 3. LANDSCAPING

## Property & Yard

1. Each homeowner must ensure that their property and yard are appropriately landscaped and maintained. Owners must keep their grass and lawns no longer than 6 inches in height from grade level. The Tidewater Homeowners' Association retains the right to determine whether landscaping and yard maintenance complies with this requirement.
2. Landscaping changes or additions must be pre-approved for location and materials. This includes any landscaping that affects the grade of the lot, planting beds, retaining walls, etc. This is not meant to include typical additions to your landscaping such as annuals or perennials. Mulch: double or triple processed hardwood mulch that is black is approved. (No application is needed). No other type or color of mulch or mulch substitute/alternative is permitted without first submitting an application and receiving approval from the Architectural Review Board.
3. No vegetable or grains of the ordinary field variety shall be grown on Lots, and no weed, underbrush or other unsightly growths shall be permitted to grow or remain anywhere on the property. Small gardens are permitted as long as they are not visible from the street.
4. Tree Preservation -No tree larger than four (4) inches in diameter shall be removed from any Lot without the prior approval of the **Tidewater Architectural Review Committee (TARC)**. The cost shall be borne by the Lot Owner.

## Walls & Landscape Borders

1. Walls must be approved for height, location, color, and material.
2. Brick to match the home, natural stone and/or natural stone veneer preferred.
3. Other materials may be considered upon review.

## Playgrounds, Swing Sets, & Other Outdoor Recreational Equipment

All installations require prior written TARC approval and must include a proper landscape screening plan\*. All landscape screening must be installed within 10 days of equipment installation.

1. Playgrounds, swing sets, basketball hoops, trampolines, sandboxes, and all other outdoor recreational equipment require prior TARC approval and screening.
2. Swing sets are to be wooden and stained dark brown and should be properly maintained to meet the standards of the community. Slides, roofs and other elements should be dark green.

3. Basketball hoops are permitted and may be either permanent or portable, subject to the following restrictions and conditions:
  - All equipment and placement require prior Architectural Review Board approval.
    - Basketball hoops installed before August 23, 2021 must have an existing Architectural Review Board approval or apply for one by December 30, 2021.
    - Portable hoops not approved by December 30, 2021 or moved to a location different from that approved will be subject to a fine of \$500 for each occurrence.
  - Basketball hoops and all related equipment must be properly maintained in good condition.
    - The base of portable hoops must be installed according to the manufacturer's instructions and cannot be weighed down or covered with blocks or other objects.
  - Backboards must be tempered glass, a minimum of 50" and a maximum of 72" horizontal and be properly maintained in good condition.
  - Basketball hoops must be placed on the side of the driveway and as far up the driveway and away from disturbing any neighboring property as is practical and cannot be placed further than 1/3 down the driveway (2/3 distance from the street).
    - Basketball hoops cannot be attached to the house or have equipment placed at the top of the driveway in front of or in between garage doors.
    - Basketball hoops cannot be placed on or along sidewalks, curbs, or streets.
  - The pole and related structure must be black or dark green; any pole padding (and attachments) must be black or dark green and closely match the pole color.
  - Ball returns and lights are prohibited.
4. Playground equipment, i.e. trampolines, sandboxes, etc., must be appropriately screened, with sufficient landscaping, to receive an approval. Please see further detail on acceptable landscape screening under "Screening" of this section.
5. Consideration is also given to the amount of space that is available for this equipment so as not to overcrowd the yard.
6. Portable sports equipment must be stored out of view of street and neighbors when not in use.
7. Private sports courts will not be permitted.

### **Hot Tubs and Spas**

1. Hot tubs may be constructed as part of the house. Hot tubs may be permitted, provided they are completely screened from adjoining properties by fencing or landscaping.
2. Hot tubs must be approved for materials, location, design, and color. The TARC requires that hot tubs be placed in an appropriate location with the least visual impact on neighboring homes. All hot tubs must be appropriately screened.

## **Pools**

Above ground pools are prohibited. All pools must be in-ground construction.

Pools are considered on a case-by-case basis. All swimming pools/hot tubs shall be located in the rear yard, within the building line of the site, completely enclosed by fencing and screened from adjoining properties. The equipment shall be within an enclosure and completely screened from adjoining properties.

Screening solutions must be approved by the TARC. Please review the screening info.

When wading pools are not in use they are to be emptied and stored out of view of neighboring homes.

## **Furniture, Chairs, Etc.**

Furniture, unless a part of the landscaping scheme\*\*, should not be visible from streets, common open space, adjacent lots, or adjacent developments. This includes but is not limited to lawn chairs, Adirondack chairs, patio furniture and pop-up tents when not in use.

\*\*must be approved by TARC.

## **Screening**

1. All screening plans/solutions must be approved by the TARC.
2. It is permissible to utilize trees and/or shrubs for screening purposes, but the homeowner must ensure that HOA/TARC approval is obtained before planting any trees/shrubs on the property. The homeowner must also ensure that any trees and/or shrubs utilized for screening purposes will shield the screened object from view throughout the entire year. Evergreen trees and/or shrubs are most effective for this purpose. If deciduous vegetation is utilized for screening purposes, the homeowner must ensure that other appropriate steps are taken to shield the screened object from view during the winter months, when there are no leaves on the vegetation. The appropriateness of any required screening is to be determined by the TARC is its sole discretion.
3. Items that require screening include but are not limited to:
  - Screening solutions must be approved by the TARC.  
Playgrounds, trampolines, basketball hoops and other recreational equipment.  
Trampolines are highly discouraged and will therefore be subject to heightened screening requirements. To be considered for TARC approval, the trampoline must be screened so as to be completely invisible from the road in all seasons.
  - Hot Tubs and in ground pools.
  - Satellite Dishes.
  - Any other structure or item that may be aesthetically displeasing to neighboring properties, as determined by the TARC.

## Easements

Minimum front, side and rear yard setback distances: The minimum front, side and rear yard setback distances, required by the zoning district regulations in effect at the time of platting for each Lot in the Subdivision, are given in the following table:

### Setback Distances

- Front – (from street right of way line) – distance indicated by building line as shown on plat
- Side – 10 feet minimum
- Rear – 30 feet minimum

## Grading and Drainage

No construction, grading or other improvements shall be made to any Lot if such improvements would interfere with or otherwise alter the general grading and draining plan of the Subdivision or any existing swales, floodways or other drainage configuration.

## Obstructions

There shall be no obstruction of any pedestrian walkways nor interference with the free use thereof except as may be reasonably required in connection with repairs of such walkways.

## Tree Lawn & Street Trees

Each Lot Owner is responsible for street trees on their lot. Owner's shall care for and if necessary, replace street trees with like tree at owner's expense.

1. The Tree Lawn is defined as the area between the sidewalk and the street.
  - The city of New Albany retains a "right of way" and/or easement interest in said area.
2. Maintenance of trees in the Tree Lawn ("Street Trees") is handled in the following manner:
  - Property owner contacts their Homeowners Association to inform them of tree(s) of concern providing contact information, address, number of trees and location.
  - New Albany Public Service Department will evaluate tree(s) and respond via email within 30 days with recommended action to the HOA.
  - In the event tree removal is recommended, the city or selected contractor will remove the tree and provide stump grinding at no charge to the property owner or HOA.
  - Property owner will be responsible for a cost sharing payment of \$150.00 towards each new tree planted.
  - Property owner will be responsible for critical early care of newly planted trees including watering, mulching & fertilizing as needed; the city will provide information regarding the proper care of newly planted trees.

New Albany Street Tree Program - request dead tree removal and replacement.

[publicservice@newalbanyohio.org](mailto:publicservice@newalbanyohio.org)

## **Tree Preservation and No Build Zone**

Within those areas designated on the Subdivision plat as "Tree Preservation and No Build Zone", no accessory building, fences, walks, steps or improvements of any kind shall be constructed, except underground utility lines that may be necessary to serve a Lot or other uses in the area. Reasonable efforts shall be used to ensure that minimal vegetation disturbances or minimal topography alterations occur in these areas. No trees over four inches in diameter shall be removed in these designated areas excepting where utilities cross these designated areas. Dead plant material may be removed. Said zones shall be maintained by the Owners of the Lots upon which such zones are located. Said zones shall also be for the purpose of constructing, operating and maintaining major storm water drainage swales and/or other storm water drainage facilities.

## **Preservation Area Rules**

Stream and/or Wetland Preservation Zone Restrictions: The stream and/or Wetland Preservation Zone (Preservation Zone) indicated herein will run with the land in perpetuity so that the Preservation Zone shall forever be restricted from development with buildings, structures, and uses. It is also the intent and purpose of the Preservation Zone to restrict and forbid any activity or use which would as a natural consequence of such, impede or make more difficult the accomplishment of the purpose of which the Preservation Zone was created.

Additional restrictions include:

- No hunting or trapping.
- No dumping or burning of refuse.
- Natural resources shall remain undisturbed and no topsoil, sand, gravel or rock shall be excavated or removed.
- No erosion of land.
- No tree removal or cutting – exceptions: dead, diseased, noxious or decayed trees or vegetation which may be required for conservation of scenic purposes or for reasons of public safety.
- No private encroachment shall be permitted, such as, but not limited to, planting of flowers, shrubs, garden material, etc., dumping of trash or debris, or the installation of any type of recreation or other facility or convenience.
- No roadway or any facility of any public utility facilities or those outlined in the original plan shall be permitted to be constructed or installed in the premises.

## **Waste Disposal – Dumping & Trash**

- No Lot shall be used or maintained as a dumping ground for any rubbish.
- Trash, recycling containers, garbage, or other waste are required to be stored in the homeowners garage and not visible unless on the designated trash day.
- Trash containers may be placed at the curb no earlier than 7:00 pm the night prior to removal and removed no later than 7:00 pm the day of removal.

## **Nuisance**

No nuisance of any character shall be committed, suffered, or maintained on any Lot or Reserve, or any part thereof. All Lots or parts on which residences are constructed shall be graded and landscaped properly upon completion of such residences and shall be maintained neatly and in accordance with the description, plans and specifications thereof. If Lots are not kept in good order, TARC may abate such nuisance, restore such premises to good order, and the cost shall be a lien on the subject premises until paid.

## **Trade, Business or Commercial Activity Barred**

Lots shall be used for private residential purposes only. No activity shall be conducted on any Lot except those activities deemed to be customary home occupations as defined by the then existing Zoning Regulations of the Village of New Albany, Franklin County, Ohio. No trade, business or commercial activity shall be conducted upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to any of the Owners of any other Lot; provided, however, the construction upon or the sale of a Lot or a house by any Owner shall not be considered to be a commercial activity as defined herein.

## **Animals**

No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except that dogs, cats, or other household pets can be kept, if they are not kept, bred, or maintained for any commercial purposes.

## **Pet Guidelines**

- Pets are not permitted in common areas unattended.
- Pets are to be leashed at all times or restrained behind HOA approved fencing on homeowner property.
- No kennels or enclosures for animals shall be erected or maintained on any Lot (no dog houses).
- Homeowners may install invisible fencing. Chaining or roping pets to any type of restraint device attached to the home or property, either permanently or temporarily, for the purpose of leaving the pet unattended is not permitted.
- Homeowners are responsible for removing the excrement of their pets from Tidewater common areas. Throughout the neighborhood the association has provided pet waste stations with bags for the disposal of pet waste. Please use these facilities for their intended purpose. Any common area property damage caused by pets is the responsibility of their owners and assessments will be levied for any repairs and/or removal of pet waste.
- Homeowners must adhere to New Albany Municipal Code Section 505 and pertinent sections of the Ohio Revised Code related to animals and pets.

# 4. Amendments

## **Garage Sales**

Allowed as long as contained within garage. Homeowners cannot show items outside garage. HOA Rules for signage apply – signs are not permitted.

## **Association Dues**

As required by our governing documents, Association Dues are set by December 1 of each year for the upcoming year by the Board of Directors.

The annual assessment is due January 1.

## **New Homeowner Capital Contribution**

As required by our governing documents, Section VII B:

Requires new owners within Tidewater to make a capital contribution to the Association's reserve account upon purchasing a lot or home within the community. At the time such purchaser acquires title to a Lot, a one-time capital contribution to the Association in the amount of two times the Annual Assessment attributable to said Lot. The capital contribution to be paid hereunder is not an escrow or advance and is not refundable. Said capital contribution is due and collectible from the Owner at the time of transfer of record title of the Lot and will be used to fund a replacement reserve.

## **Rental**

Each homeowner can rent home for up to 2 years maximum. As a general matter, Tidewater HOA is an owner-occupied community; lots are not to be purchased and held for investment/leasing purposes. As such, the leasing of lots at Tidewater is prohibited with few exceptions.

The occupancy of an owner's lot by the owner's parent(s) or child(ren) is not considered a rental and is permitted.

In addition, every owner may lease their unit when faced with a hardship for up to a maximum total of 24 consecutive months; no extensions beyond the 24-month period are permitted for any reason.

## **Tier III sexual offenders for whom the County Sheriff must provide notice**

Are prohibited from living or residing on the property. Pursuant to Ohio Revised Code Section 2950.11, the sheriff must notify either the individual owners or the Association of a Tier III sexual offender. If the Management Company and/or Association receives such notification, the Association will photocopy the notice and distribute the notice to all residents. By informing the residents of the presence of a Tier III sexual offender, the Board is allowing residents to take individual precautions that they deem appropriate until the Association can initiate legal action to have the Tier III sexual offender removed from the property.

## **Board**

The Board may promulgate rules for the maintenance, conservation, and beautification of the property.

The Board has the authority to approve major exterior modifications on the lots and to establish guidelines for major renovation projects.

Any owner who provides the Board with the appropriate written notice may now receive any required notice, may accomplish any signature, vote, consent or approval, and may make a payment through electronic mail, electronic transmission, or any other technology so available in the future.

If the number of board members falls below three from a lack of volunteers, multiple owners or representatives from the same unit can be appointed until the next election cycle. For spouses to serve on the board together, they must both be listed on the title. If only one spouse is on the deed for the unit, then either the person named in the deed or their spouse, but not both, can serve on the board.

## **Electronic notices & Communications**

The Tidewater HOA and contracted management company can send notices and documents by mail, electronic mail for owners who opt in. If needed, the HOA Board can use virtual meetings such as Zoom to conduct business and/or hold quarterly board meetings in lieu of in-person meetings.

## **Insurance**

The Homeowner's Association shall maintain all of the following to the extent reasonably available and applicable:

- (1) Property insurance on the common elements;
- (2) Liability insurance pertaining to the common elements;
- (3) Directors and officers liability insurance;
- (4) Blanket fidelity, crime, or dishonesty insurance coverage for any person who controls or disburses association funds.

Fidelity insurance must name the specific individuals covered. If the association has a change to the persons covered, the association must notify the insurance company of the change within 10 days and provide the name(s) of the new board member(s) who are to be covered.

## **Standards Governing Documents**

Unless approved by the board of directors, an owner may not examine or copy any books, records, and or minutes that meet either of the following conditions:

- (1) Date back more than five years prior to the date of the request;
- (2) Contain any of the following:
  - (a) Information that pertains to property-related personnel matters;
  - (b) Communications with legal counsel or attorney work product pertaining to potential, threatened or pending litigation, or other property-related matters;
  - (c) Information that pertains to contracts or transactions currently under negotiation, or information

that is contained in a contract or other agreement containing confidentiality requirements and that is subject to those requirements;

(d) Information that relates to the enforcement of the declaration, bylaws, or rules of the owners association against other owners;

(e) Information, the disclosure of which is prohibited by state or federal law.

### **Social Budget**

Social events are open to all homeowners in good standing with the HOA. The HOA cannot use funds for alcohol. The Social Budget should not be more than 2% of the annual budget.

### **Pet Guidelines**

Pets must be leashed or restrained behind fencing at all times and are not permitted in common areas unattended. While invisible fencing may be installed, chaining or roping pets to a restraint device for the purpose of leaving the pet unattended is not permitted. Homeowners must remove pet excrement from common areas.

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# 5. Enforcement Policy

- A. Notwithstanding anything contained in these Rules, the Board has the right to proceed, immediately or otherwise, with legal action for any violation of the Declaration, Bylaws, or Rules (“Governing Documents”) as the HOA Board, in its sole discretion may determine. The entire cost of effectuating a legal remedy to impose compliance, including court costs and attorneys’ fees, will be assessed to the account of the responsible owner.
- B. The owner is responsible for any violation of the Governing Documents by the owner, or the guests, or occupants, including tenants, of the owner’s home.
- C. All costs, stemming from any violation, including enforcement assessments, cleaning, repairs, or removal, will be charged to the responsible owner’s account.
- D. In addition to any other action and if applicable, in accordance with the procedure adopted by the Board, the Board may: a) levy an enforcement for damages and/or cleaning of the common elements or other property, or b) levy an enforcement assessment per occurrence or if the violation is continuous and ongoing in nature, levy an enforcement per day, or c) levy an enforcement assessment for the approximate cost to physically remove the violation. For any violation of the Governing Documents that is continuous and uninterrupted for a period of more than 24 hours, each calendar day that the violation continues without interruption constitutes a new and separate violation.
- E. Prior to the imposition of an enforcement assessment for a violation, the following procedure will be followed.
  - 1. Written notice(s) will be served upon the alleged responsible owner specifying:
    - a. A description of the property damage or violation; and
    - b. The amount of the proposed charge (or, if unknown, a reasonable estimate of the proposed charge) or enforcement assessment; and
    - c. A statement that the owner has a right to, and the procedures to request a hearing before the Board to contest the proposed charge or enforcement assessment; and
    - d. If applicable, a reasonable date by which the owner must cure the violation to avoid the proposed charge or assessment.
  - 2. To request a hearing, the owner must mail or deliver a written “Request for Hearing” notice, which must be received by the Board not later than the tenth day after receiving the notice required by Item 1 above. Notices can be emailed to [tidewaterhoa@gmail.com](mailto:tidewaterhoa@gmail.com).
    - a. If an owner timely requests a hearing, at least seven days prior to the hearing the Board will provide the owner with a written notice that includes the date, time, and location of the hearing. If the owner fails to make a timely request for a hearing, the right to that hearing is waived, and the enforcement assessment will be immediately imposed; and
    - b. At the hearing, the Board and alleged responsible owner have the right to present any evidence. This hearing will be held in Executive Session and proof of hearing, evidence of written notice to the owner to abate action, and intent to impose an enforcement assessment will become a part of the hearing minutes. Within 30 calendar days of the hearing, the owner will be sent written notice of the Board’s decision.
    - c. In the event of an enforcement assessment hearing, or court hearing, copies of complaints and the complaining part identity will be made available to the alleged violator.
  - 3. The Association may file a lien for any enforcement that remains unpaid for more than 10 days.

## **Collection Policy**

1. All assessments are due on the 1<sup>st</sup> of January each year to be paid to the Property Management Company and are considered late if not received within thirty (30) days after the due date.
2. Any assessments not paid within thirty (30) days after the due date shall bear Interest from the due date at the rate of twelve (12%) per annum. The Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the Lot. No owner may waive or otherwise escape liability for the Assessment provided for herein by non-use of the Reserves or Association property, or abandonment of the Lot. An administrative late processing fee shall also be charged until the account is paid in full.
3. The Association will apply any payments in the following order:
  - a. Interest owed to the Association;
  - b. Administrative late fees owed the Association;
  - c. Collection costs, attorney's fees and paralegal fees the owner's Association incurred in collecting the assessment; and, finally,
  - d. Oldest principal amounts the owner owes for common expenses or penalty assessments charged to the account.
4. Any unpaid assessment may result in collection action, including letters, liens, updated liens, suits for money judgement, and foreclosure. Once judgement is obtained, the Association may proceed with post-judgement action, including bank attachment and wage garnishment. Any costs the Association incurs in the collection of unpaid assessments, including non-sufficient bank fees, attorney's fees, recording costs, title reports, and court costs, will be charged back to the account.
5. While a foreclosure case is pending, partial payments may not be accepted unless, through a formalized payment plan or Receiver, approved by the Court.
6. If any owner (either by their conduct or by the conduct of any occupant) fails to perform any other act required by the Declaration, the Bylaws, or the Rules and Regulations, the Association, after giving proper notice and an opportunity to request a hearing, may levy an enforcement assessment, undertake such performance, or cure such violation. Any costs the Association incurs in taking such action will be charged back to the Account.
7. If an owner is more than 30 days past due in the payment of any assessment, the Association may suspend privileges including the right to vote, the use of amenities, neighborhood activities and events and the ability to apply for architectural approval.
8. The Board has the power to waive penalties or collection fees at any time, with appropriate reason, by unanimous vote. Including hardship, billing issues or other extenuating circumstances.

Adopted by Resolution of the Board on January 14, 2024.