

Appendix C: Rules for Fences, Privacy Screens, Pools, and Landscaping.

This Appendix provides information needed when planning to build Fences, Privacy Screens, Swimming Pools and certain landscape features, each of which requires ACC approval. A checklist of documents needed to submit an Application is provided under each type of project. Capitalized terms used herein are defined in Section D of the ACC Rules & Procedures.

As always, an Owner is encouraged to consult with:

- the City of Madison for zoning, building, and permitting information and requirements.
- the ACC Chair for guidance, input, and assistance prior to assembling and submitting an Application.
- Neighboring Lot Owners to gauge support and hear and proactively address any concerns.

A. FENCES. The ACC wishes to emphasize that one of the finest features of Walnut Grove is the pleasant sense of open spaces. In keeping with this advantageous feature, the ACC strongly discourages the use of fencing and continuous hedges to partition the neighborhood. Owners are urged to carefully consider Fence alternatives prior to submitting an Application for a Fence.

- 1) **Covenants.** No Fence over three (3) feet in height will be allowed without the written approval of the ACC obtained prior to the commencement of any construction. Complete visual screening of the front, rear, and side boundaries of a Lot is prohibited.
- 2) **Criteria for a Height Exemption.** The ACC may grant an exemption to the three (3) foot height restriction set forth in the Covenants under one or more of the following circumstances:
 - a. A Fence is required by City Ordinance (Swimming Pool or operation of a home-based business such as a licensed daycare).
 - b. The Owner is seeking to repair or replace an existing Fence that was approved by the original developer or ACC under prior versions of the Covenants or ACC Guidelines.
 - c. The Owner intends to adjoin a new Fence to an existing Fence that was granted exemption to the three (3) foot height restriction.
 - d. The Lot directly borders land outside the perimeter of the Walnut Grove neighborhood, and the placement of the Fence would not impair sightlines to any undeveloped land. The term “Walnut Grove neighborhood” includes all the Common Property areas of the plats.
- 3) **Height.** No Fence shall exceed 4’ in height, except when required by City Ordinance or when the Lot abuts a property outside of Walnut Grove. Fences required by City Ordinance will be restricted to minimum height required to comply with the ordinance. Whenever a Retaining Wall is present, the height of the Fence will include the height of the Retaining Wall unless the Fence is set back a minimum of four (4) feet from the Retaining Wall.
- 4) **Placement.** The following guidelines shall be considered when reviewing the placement of a Fence:

- a. A perimeter Fence must be set back a minimum of six (6) inches from the Lot line, except when adjoining to an existing fence; see 4)b. below.
 - b. ACC shall not approve parallel Fences on adjoining properties if both Fences extend beyond the side plane of the Residence. To adjoin to a neighboring Fence, the builder must relocate the existing Fence to the lot line or the Applicant must secure written permission from the neighboring Owner to abut to the existing Fence.
 - c. Placement of the Fence should minimize the Fence’s visibility from the street and, where present, the sidewalk or greenway. When possible, Fences should extend directly back from the side planes of the Residence or Garage. Hedges, shrubs or other landscaping should be planted to shield the view of the Fence in situations where a Fence extends into a side yard or is constructed on a lot adjoining a greenway (see Landscaping below).
 - d. When a Fence is required to enclose a Swimming Pool, the fence shall not be a perimeter Fence, but shall simply enclose the pool area.
 - e. ACC shall not approve any portion of a Fence to extend into the front yard, or, in the case of a corner lot, side yard. A Fence that is located behind the rear plane of the Residence may be permitted within a corner side yard.
- 5) **Materials.** Fences must be constructed of materials such as wood, ornamental metal, vinyl-coated chain link, brick, or stone. Fence design and materials chosen should complement the house.
- 6) **Orientation.** The most aesthetically pleasing side of the Fence must face the neighboring properties. Structural elements such as posts, rails, channels and lesser details shall face the Owner's Lot.
- 7) **Temporary Fencing.** A temporary wood or plastic “snow” Fence shall be allowed between November 1st and April 1st without need for a waiver provided that the Owner obtains Neighbors’ Support from all adjacent Lot Owners, and the Fence is removed and stored out of sight between April 1st and November 1st each year.

Documentation Needed for Application - Fences	
	a. Completed ACC Application Form. Review will not begin until the Application is submitted and deemed complete by the ACC. For more information, see paragraphs G-I of the ACC Rules and Procedures.
	b. Site Plan. The Site Plan should be drawn close to scale (City of Madison zoning recommends 1”=20’), and show the locations and measurements of the Lot, Residence, and any Retaining Walls or other site improvements. It should also indicate the position of any relevant structures on neighboring Lots. An aerial image overlaid with this information may be sufficient.
	c. Description of Materials, Height, and Orientation. An Elevation Drawing or image showing the proposed design with measurements should satisfy these criteria. If the grade on the property changes more than two (2) feet in elevation, such grade changes should be shown on the documentation submitted.
	d. Documentation of Awareness of Project or Neighbors’ Support. A statement indicating that you have discussed the proposed project with each neighbor abutting the Lot should be included. Any support for the project by the Neighbors should be documented.

B. PRIVACY SCREENS. The ACC makes every effort to strike a balance between individual freedoms, such as a right to privacy, and upholding the Covenant restrictions governing the height of Fences. Though ACC encourages use of shrubs strategically planted in clusters rather than the use of built structures to create privacy where desired, the Committee will review Applications to install short sections of fencing that is to be designated as a Privacy Screen under the definition in paragraph D of the ACC Rules and Procedures.

- 1) **Covenants.** No construction of a Fence over three (3) feet in height may be commenced without the prior written approval of the ACC. Complete visual screening of the front, rear, and side boundaries is prohibited.
- 2) **Criteria for a Height Exemption.** The ACC may grant an exemption to the three (3) foot Fence height restriction set out in the Covenants under circumstances where the Fence sections function as a Privacy Screen that does not fully enclose or partition the property. A common example would be the installation of one or two sections of taller Fence to screen a hot tub on a Deck or Patio.
- 3) **Height.** No Privacy Screen shall exceed six (6) feet in height. Whenever a Retaining Wall is present, the height of the Privacy Screen will be calculated to include the height of the Retaining Wall unless the Privacy Screen is set back a minimum of four (4) feet from the Retaining Wall.
- 4) **Placement.** The following guidelines shall be considered when reviewing the placement of a Privacy Screen:
 - a. A Privacy Screen must be set back a minimum of four (4) feet from the interior Lot line.
 - b. The Privacy Screen must be as close to the Residence as possible. It is recommended that the Privacy Screen be attached to an existing structure such as a Deck or Patio when appropriate.
 - c. **Front Yards.** ACC shall not approve any portion of a Privacy Screen to extend into the front yard.
 - d. **Side Yards.** A Privacy Screen in the side yard must be screened by hedges, shrubs or other landscaping to minimize visibility from the street.
- 5) **Materials.** A Privacy Screen must be constructed of materials such as wood, brick, or stone. The design and materials chosen should complement the Residence.
- 6) **Orientation.** The most aesthetically pleasing side of the Privacy Screen must face the neighboring Lot. Thus, structural elements such as posts, rails, channels and lesser details shall face the Owner's Lot.

Documentation Needed for Application – Privacy Screens	
	a. Completed ACC Application Form. Review will not begin until the Application is submitted and deemed complete by the ACC. For more information, see paragraphs G-I of the ACC Rules and Procedures.
	a. Site Plan. The Site Plan should be drawn close to scale (City of Madison zoning recommends 1"=20'), and show the locations and measurements of the Lot, Residence, and any Retaining Walls or other site improvements. It should also

	indicate the position of any relevant structures on neighboring Lots. An aerial image overlaid with this information may be sufficient.
a.	Description of Materials, Height, and Orientation. An Elevation Drawing or image showing the proposed design with measurements should satisfy these criteria. If the grade on the property changes more than two (2) feet in elevation, such grade changes should be shown on the documentation submitted.
a.	Documentation of Awareness of Project or Neighbors' Support. A statement indicating that you have discussed the proposed project with each neighbor abutting the Lot should be included. Any support for the project by the Neighbors should be documented.

C. PET RUNS. The ACC would like to express the neighborhood's preference for the use of an invisible fence system for keeping pets contained within a property and would also like to encourage use of the Dog Park at Walnut Grove Park to exercise dogs and allow them to run freely in a larger space. Prior to the development of invisible fencing and construction of the Dog Park, the preferred solution to exercising pets was the installation and use of a Pet Run, the rules and guidelines for which, based on previous recommendations, are included herein:

- 1) **Covenants.**
 - a. No Fence over three (3) feet in height will be allowed without the written approval of the ACC. Complete visual screening of the front, rear, and side boundaries is prohibited.
 - b. Domestic animals must be housed within the principal structure.
 - c. Commercial animal boarding, kenneling, or treatment is expressly prohibited whether for fee or not. Keeping of livestock is similarly prohibited.
- 2) **Criteria for a Height Exemption.** The ACC may grant an exemption to the 3' height restriction set in the Covenants for the purposes of a Pet Run as long as the structure meets all of the requirements in C.3) through C.7). The ACC reserves the right to add a Condition that the Pet Run be removed if no longer in use, or prior to sale.
- 3) **Height.** Pet Run enclosures shall not exceed five (5) feet in height. The maximum height should be set to the minimum height required to contain the pet.
- 4) **Size.** The enclosure shall not be more than 100 square feet in total area.
- 5) **Placement.**
 - a. The enclosure must be at least eight (8) feet from an interior lot line.
 - b. The enclosure must be within six (6) inches of the house, with the longest side parallel to the house.
 - c. **Front Yards.** ACC shall not approve any portion of a Pet Run to extend into the front yard.
 - d. **Side Yards.** Any Pet Run located in the side yard must be screened by hedges, shrubs or other landscaping to minimize visibility from the street.
- 6) **Materials.** Pet Run enclosures must be made of materials such as wood, ornamental metal, vinyl-coated chain link, brick, stone, or other materials consistent with the Residence's materials in order to ensure the Pet Run complements the Residence's design.

- 7) **Orientation.** The most aesthetically pleasing side of any fencing used in the construction of a Pet Run must face the neighboring Lots. Structural elements such as posts, rails, channels and lesser details shall face the Owner's Lot.

Documentation Needed for Application – Pet Runs	
a.	Completed ACC Application Form. Review will not begin until the Application is submitted and deemed complete by the ACC. For more information, see paragraphs G-I of the ACC Rules and Procedures.
b.	Site Plan. The Site Plan should be drawn close to scale (City of Madison zoning recommends 1"=20'), and show the locations and measurements of the Lot, Residence, and any Retaining Walls or other site improvements. It should also indicate the position of any relevant structures on neighboring Lots. An aerial image overlaid with this information may be sufficient.
c.	Description of Materials, Height, and Orientation. An elevation drawing or image showing the proposed design with measurements should satisfy these criteria.
d.	Documentation of Awareness of Project or Neighbors' Support. A statement indicating that you have discussed the proposed project with each neighbor abutting the Lot should be included. Any support for the project by the Neighbors should be documented.
e.	Description of the pets intended to use the Pet Run. This should include height, weight and breed of each pet for which the Pet Run is intended.

D. SWIMMING POOLS. For purposes of ACC review, a Swimming Pool is defined as a permanent in-ground structure containing at least 600 gallons of water and used for recreational swimming, or other leisure activities, as described in Madison General Ordinance 29.30(1).

- 1) **Covenants.** ACC approval is required for any Deck, Fence, or Outbuildings that might be proposed in conjunction with a Swimming Pool.
- 2) **Criteria for Approval.** The proposed Swimming Pool must be in-ground and comply with all associated Madison City Ordinances.
- 3) **Pool Fence.** A Fence enclosing a Swimming Pool will be granted a height exception by ACC for the minimum height required by Madison City Ordinance. The Fence shall not be a perimeter Fence, but instead should enclose the Swimming Pool area. The ACC reserves the right to add a Condition that the Fence be removed if the Swimming Pool is ever filled in or otherwise removed.
- 4) **Placement.** The Swimming Pool and paved apron surrounding the Swimming Pool shall be a minimum of eight (8) feet from the lot line. Pools must be located wholly behind the Residence.

Documentation Needed for Application – Swimming Pools	
a.	Completed ACC Application Form. Review will not begin until the Application is submitted and deemed complete by the ACC. For more information, see paragraphs G-I of the ACC Rules and Procedures.

	<p>b. Site Plan. The Site Plan should be drawn close to scale (City of Madison zoning recommends 1"=20'), and show the locations and measurements of the lot, house, and any existing retaining walls or other site improvements. It should also indicate the position of any relevant structures on neighboring properties. An aerial image overlaid with the information above may be sufficient.</p>
	<p>c. Elevation Drawing(s): Elevation drawing(s) should be included if the swimming pool includes any elements above the apron's surface such as a deck, or outbuilding</p>
	<p>d. Description of Materials, Height, and Orientation. A description or images of the materials to be used for the pool, apron, deck, fence, and/or any outbuildings should accompany the Application.</p>

E. LANDSCAPING & OTHER SITE IMPROVEMENTS. Though the ACC encourages Owners to use landscaping elements for the purposes of privacy and the screening of site improvements whenever possible, ACC does not need to review information on cultivated plants, shrubs, trees, or turf type grasses to be planted on Owner's Lots. ACC approval is, however, required when contemplating installation of certain landscape features. Additionally, the Covenants specifically prohibit natural or prairie lawns, and complete screening of the property by hedges, shrubs, trees, or other landscape elements.

- 1) **Covenants.**
 - a. All areas of Lots not used as a building site or lawn or under cultivation as a family garden shall have cover crop or be cultivated or tended to keep it free of noxious weeds. The Owner shall be responsible for maintaining the Lot in a neat appearance.
 - b. Complete visual screening of the front, rear, and side boundaries is prohibited.
 - c. Changes in grade or elevation must be approved by the ACC.
- 2) **Criteria for Approval.** Grading and finished landscaping should not adversely impact drainage to adjacent Lots, and every Lot should absorb its own moisture whenever possible.
- 3) **Natural Lawns or Prairies.** ACC shall not grant permission for a natural or prairie lawn based on the specification in the Covenants requiring a lawn or cultivated cover crop.
- 4) **Screening Landscape.** Any shrubs, trees or other landscape elements planted for privacy or screening shall not completely screen the entire property.
- 5) **Garden Structures.** Installation of flower gardens, vegetable gardens and other cultivated areas that do not require construction of any features or physical structures taller than three (3) feet do not require ACC review.
 - a. Raised garden beds shall be placed a minimum of two (2) feet from an interior Lot line to allow for access and maintenance of the bed without trespass onto any neighboring Lot.
 - b. For any garden structures taller than three (3) feet, such as an arbor, pergola, or raised bed greater than three (3) feet in height, an Application should be submitted to ACC for review.
- 6) **Grade Changes.**

- a. Finished grade is to be compatible with the finished grade of adjacent Lots and must not divert water to or adversely impact drainage on adjacent Lots.
 - b. Changes in Grade to a utility easement that are greater than six (6) inches also require the permission from any utility companies affected.
- 7) **Retaining Walls.** Because of the complexity of Retaining Wall design, and the adverse impacts a failed retaining wall can impart, it is recommended that all Retaining Walls be designed by a structural engineer and installed by a licensed builder.
- a. **Height.** Total height of a Retaining Wall shall not exceed four (4) feet measured from the bottom of finished grade to the top of the retaining wall. This measurement does not include the footing below finished grade.
 - b. **Materials.** Preferred materials for retaining walls are brick, decorative block or concrete, stone, or wood beams.
 - c. **Structural and Soil Stability.** Walls should have sufficient support to prevent heaving or leaning, and must not adversely impact drainage on adjacent lots.
- 8) **Driveways.**
- a. **Width.** The width of a driveway shall be able to accommodate no more than three (3) vehicles side by side.
 - b. **Materials.** Driveway paving must be a hard surface material.
- 9) **Sports Courts & Play Structures**
- a. **Placement.**
 - i. Shall be a minimum of eight (8) feet from the lot line.
 - ii. Shall not extend forward past the rear plane of the Residence.
 - iii. Installation of a pre-fabricated play structure (such as a swing set or jungle gym), or a pole or Residence-mounted basketball hoop positioned to use the driveway as a Sports Court does not require ACC permission, but play structures must comply with E. 9) i. and ii of this appendix.
 - iv. For installation of a Treehouse or other custom play structure, an Application should be submitted to ACC for review.
 - v. ACC reserves the right to add a Condition that these features be removed if no longer in use, or prior to sale.
 - b. **Materials.** Sports courts must use a surface that is permeable and does not allow for water runoff. Play Structures should be of suitable workmanship, building materials, and architectural design so as to preserve architectural and visual harmony with the existing structures.

Documentation Needed for Application – Garden Structures, Grade Changes, Retaining Walls, Driveways, Sports Courts & Play Structures	
	a. Completed ACC Application Form. Review will not begin until the Application is submitted and deemed complete by the ACC. For more information, see paragraphs G-I of the ACC Rules and Procedures.
	b. Site Plan. The Site Plan should be drawn close to scale (City of Madison zoning recommends 1"=20'), and show the locations and measurements of the Lot, Residence, and any Retaining Walls or other site improvements. It should also

	<p>indicate the position of any relevant structures on neighboring properties. An aerial image overlaid with the information above may be sufficient.</p>
c.	<p>Description of Materials, Height, and Orientation. A drawing or one or more images with measurements showing the proposed design should satisfy these criteria. If the grade on the property changes more than two (2) feet in elevation, such grade changes should be shown on the documentation submitted.</p>
d.	<p>Landscaping Plan. When a Retaining Wall or other changes to grade are proposed, a landscape plan for the affected area(s) shall be submitted and include the following: Plant names and locations, Irrigation details, Hard surface materials, Labeling of mulching, edging and curbing, lawn areas.</p> <ul style="list-style-type: none"> i. Plants and trees shall be depicted at their size at sixty percent (60%) of growth. ii. Site grading plan, showing changes to elevation and details on drainage and any other stormwater management measures.