

Summary of ACC Rules & Procedures

This Summary provides an overview of the ACC Rules & Procedures, and Appendices, issued by the Walnut Grove Homes Association (WGHA) Board of Directors. For more detailed information, consult the appropriate section(s) of the new ACC Rules & Procedures, and Appendices. Nothing in this summary modifies or supersedes the Rules themselves.

What is the ACC?

The Walnut Grove Homes Association's Architectural Control Committee (ACC) is a group of Owner-volunteers charged by the WGHA Board of Directors and recorded plat Covenants with the responsibility for overseeing improvements or alterations to lots in Walnut Grove.

The ACC Rules & Procedures details the ACC's responsibilities and procedures. It also lists specific policies and restrictions stated in the Covenants as they relate to potential alterations and improvements to Lots. It contains Appendices, each of which provide more detailed guidance for applying for approval for specific types of improvements or alterations an Owner may be contemplating. In interpreting and applying the Covenants, the Committee seeks to strike a balance between individual freedom and upholding Covenant restrictions that help to maintain the desirability of the neighborhood. Owners must secure ACC approval of alterations or improvements covered by these rules prior to commencing any work on them.

Summary of Committee Procedures and Application & Appeals Processes

Committee Size: The Committee is comprised of at least 3 Owners appointed by the Board, including the Chair. These members form Review Panels to review and act on Applications submitted by an Owner.

Application Process: An Owner wishing to undertake certain construction projects or make alterations to existing improvements should complete and submit an Application and accompanying documentation listed within the Appendices, which also outline which projects do and do not require approval. Any doubt as to whether a project requires ACC approval should be addressed by communicating with the Chair, whose contact information is on the WGHA website.

Completion Timeframe: The Chair has seven (7) Calendar Days to review the Application and information submitted and notify the Owner that it is "complete" or request additional information.

Approval Timeframe: Once the Chair has deemed the Application "complete," a Panel reviews the Application and accompanying documentation to make a Determination as to whether the Application is Approved, Approved with Conditions, or Denied. This Determination is relayed to the Owner in writing within fifteen (15) Calendar Days of the Application being deemed complete.

Appealing a Determination: Upon receiving any Conditions or Denials, the Owner has the right to appeal or commence informally negotiating the Determination with the ACC within five (5) Working Days (weekends and holidays excluded). Once either party terminates negotiations, the Owner has an additional five Working Days to file an appeal with the Board using the ACC Appeal Form.

**Rules and Procedures
of the Architectural Control Committee
of the
Walnut Grove Homes Association, Inc.**

Adopted by the Walnut Grove Homes Association, Inc. Board of Directors on January 25, 2021

A. Introduction. The Walnut Grove Homes Association, Inc. (“Association”) is responsible for enforcing covenants and restrictions that apply to the eight plats of Walnut Grove. Much of this enforcement is done by the Association’s Architectural Control Committee (“ACC”). The ACC, which reports to the Association’s Board of Directors (“Board”), is comprised of homeowners in Walnut Grove, and is charged under the plats’ covenants with overseeing certain construction, landscaping, installations and alterations that occur on Lots in the eight plats. The ACC does so by reviewing Applications by homeowners for approval for their intended changes to their Lots and residences. All homeowners in Walnut Grove purchased their Lots subject to their plat’s covenants. In interpreting and enforcing the covenants and restrictions under the plats, the ACC acknowledges that there are competing considerations: (a) the freedom of homeowners to make improvements they desire, (b) the impacts of these improvements on their neighbors, and (c) the importance of the restrictions applicable to all homeowners in Walnut Grove which are intended to maintain the aesthetic quality and safety of the neighborhood, thus protecting the property value of all Lots.

B. The Association’s By-laws. The Association, in Article XI of its By-laws, requires the ACC to submit proposed rules and procedures for its operations to the Board, which shall review, approve, and promulgate them. The Board approved rules and procedures of the ACC shall be available on the Association’s website and to all Owners upon request. The following definitions, rules and procedures apply to the operations and decisions of the ACC.

C. Prior ACC Rules, Procedures and Guidelines Superseded. This document supersedes all prior written rules, procedures, and guidelines of the ACC but is subordinate to any rules and procedures set forth in the Covenants. Owners in Walnut Grove can find all necessary information for seeking approval of a change or addition to their Lot or Residence in the rules, procedures and guidelines set forth below.

D. Definitions. The following definitions apply to these rules, procedures and guidelines of the ACC:

- 1) **ACC:** the Architectural Control Committee of the Association.
- 2) **Appeal Board:** the panel of Board members acting to hear and decide an appeal under the provisions of paragraph K, below.

- 3) **Appellant:** used herein in the singular and plural form and shall mean the Owner of a Lot who appeals an adverse decision by the ACC under the provisions of paragraph K, below.
- 4) **Applicant:** used herein in the singular and plural form and shall mean the Owner of a Lot seeking ACC approval for some physical change to their Lot or Residence according to paragraph G, below.
- 5) **Application:** the formal application to the ACC for permission to: (a) make some physical change to the exterior of a Residence; (b) construct, erect or place an addition to a Residence; or (c) make some physical change to a Lot, except as otherwise permitted to be made without ACC approval under the rules which follow.
- 6) **Association:** the Walnut Grove Homes Association, Inc.
- 7) **Board:** the Board of Directors of the Association.
- 8) **Calendar Days:** Throughout these rules, there are time limits and time frames for action expressed in "Calendar Days." The computation of calendar days includes all weekends and federal or state holidays. The day of the event which commences the computation of the time frame or time limit shall not be counted.
- 9) **Chair or ACC Chair:** the Chairperson of the ACC, appointed from time to time by the Board from among its members, to oversee the rules and procedures herein.
- 10) **Covenants:** used herein in the singular and plural form and shall mean the Covenants recorded for all eight plats of Walnut Grove, as amended from time-to-time.
- 11) **Deck:** an open-sided, roofless, elevated platform, typically constructed of wood or composite material, and typically supported by wood or metal posts on concrete piers or footings
- 12) **Decision:** the written decision of the Board of Appeal, acting pursuant to subsection K.9. below.
- 13) **Determination:** the ACC's written decision to approve an Application, approve an Application under conditions, or deny approval of an Application.
- 14) **Elevation Drawing:** a detailed drawing that shows one side of a Residence, the purpose of which is to show the finished appearance of a given side of the Residence, including the roof or roof line, doors, windows, materials and trim. It also illustrates the vertical height dimension of the overall building, and the exterior details and other elements visible on that side.
- 15) **Fence:** any barrier or other upright structure, constructed or installed, to enclose an area, control access, and/or mark a boundary. A fence may be intended to separate portions of a Lot from other portions of the same Lot, or to separate one owner's Lot from an adjoining Lot, and whether intended to be permanent or temporary, shall include, without limitation by express mention: perimeter fences, pool fences, decorative fences (e.g. a split rail fence), and snow fences.

- 16) **Floor Elevation:** the height, measured as the distance above sea level, of the finished floor; typically calculated by the architect, builder, or engineer during the development of construction drawings using a professionally completed land survey, and functioning as the reference plane used as a “zero” point to establish other vertical dimensions above and below this floor.
- 17) **Garage:** a building or space designed for the purpose of providing fully-enclosed parking for one or more vehicles
- 18) **Lot:** any of the real estate parcels described in any of the eight plats of Walnut Grove except the parcels of Common Property described in said plats.
- 19) **Neighbors’ Consent:** written communication from an adjoining neighbor of an Applicant by which the neighbor indicates no opposition to the proposed improvements or alterations.
- 20) **New Construction:** the construction or erection of a Residence on a previously unimproved Lot.
- 21) **Outbuilding:** a freestanding structure not attached to the Residence.
- 22) **Owner:** used herein in the singular and plural form to mean the record title owner of a Lot in Walnut Grove. No person or entity other than an Owner shall be entitled to seek ACC approval of an Application.
- 23) **Patio:** any paved or hardscape outdoor living area.
- 24) **Pet House:** a structure erected or placed on a Lot to provide temporary shelter for an Owner’s pets.
- 25) **Pet Run:** a fenced enclosure attached or abutted to one side of a Residence for the temporary containment or exercising of an Owner’s pets
- 26) **Porch:** an open-sided, screened, or partially-screened roofed platform attached to a Residence.
- 27) **Privacy Screen:** any barrier or other upright structure, constructed, installed, or planted with the intent to create privacy for a Lot. This barrier, structure, or planting group must not fully enclose or separate a portion of the same Lot, or fully separate one Owner’s Lot from an adjoining Lot. It also may not be part of, attached to or otherwise incorporated into an existing or proposed perimeter fence.
- 28) **Residence:** a house, duplex or condominium built on a Lot in Walnut Grove.
- 29) **Retaining Wall:** a structure designed and constructed to hold back the soil when there is a change in ground elevation that exceeds the natural grade of the soil.
- 30) **Review Panel:** a panel of three members of the ACC who shall act on a completed Application by an Owner by issuing a Determination.
- 31) **Review Coordinator:** the member of the Review Panel who oversees the rules and procedures of the Review Panel during the process of issuing a Determination.
- 32) **Screened Porch:** see Porch.
- 33) **Sports Court:** a hard, flat surface designed for athletic purposes such as playing basketball, or tennis.

- 34) **Storage Shed:** an Outbuilding built, in whole or in part, for the purpose of storing personal property.
- 35) **Street Elevation:** the height, measured as the distance above sea level, of the street immediately in front of a Lot; typically shown on a professionally completed land survey.
- 36) **Swimming Pool:** 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).
- 37) **Working Days:** Throughout these rules, there are time limits and time frames for action expressed in "Working Days." The computation of working days excludes all weekends and federal or state holidays. The day of the event which commences the computation of the time frame or time limit shall not be counted.

E. Composition of the ACC. The ACC shall be a standing committee of the Association, with its members appointed by the Board, to administer and enforce the Covenants of the eight plats of Walnut Grove. The ACC shall be comprised of no fewer than three and no more than six members, all of whom shall be Owners. If, at any time, the ACC does not have three members, the Board shall immediately appoint as many members of the Board to serve on the ACC as shall be necessary to restore the committee to no less than three members.

F. Composition of an ACC Review Panel. An Application submitted by an Owner shall be reviewed and acted on by a Review Panel comprised of three members of the ACC. If the ACC has more than three members when a completed Application is received from an Owner, the ACC Chair shall randomly draw from among all the ACC members three of its members to be the Review Panel on the Application. If the ACC Chair is not randomly drawn for such a Review Panel, the ACC Chair shall appoint a member of the Review Panel to serve as its Review Coordinator to coordinate action on the Application. If, at any time, a member of the Review Panel is unable to serve or believes it is inappropriate to serve or continue to serve on a Review Panel considering a particular Application, that ACC member shall immediately ask to be removed from (or not considered for) the Review Panel and a new member of the ACC shall then be appointed. If this recusal of the member causes the ACC to have less than three members on a Review Panel to act on an Application, the naming of additional ACC members under paragraph E above shall immediately occur.

G. Submitting an Application for ACC Approval. An Application to the ACC shall be submitted, in full, on the Application Form available on the Association website or from the ACC Chair. The identity and contact information for the ACC Chair is available on the Association website. Any questions an Applicant may have regarding the proper submission of an Application Form can be directed to the ACC Chair. The Application must be accompanied by the information and supporting documents set forth in the Appendix section below that is appropriate for the Application category or as specified in writing by the ACC Chair. The guidelines and

documentation requirements for ACC interpretation of Covenants are detailed in the following Appendices:

Appendix A: Rules for Houses, Additions, Exterior Modifications.

Appendix B: Rules for Decks, Porches, Patios.

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

Appendix D: Rules for Other Structures and Fixtures.

H. No Construction or Alterations to be Commenced Without ACC Approval. No construction or alteration on any Residence or Lot in Walnut Grove required to be approved by the ACC under the Covenants shall commence until such approval or approval under conditions is issued in writing by the ACC. Such approval shall be evidenced by stamp and signature of the ACC Chair on the ACC Application Form.

I. ACC Action on an Application. The ACC shall act in accordance with the following procedures when making a Determination.

- 1) **Initial Notifications by ACC.** The ACC shall notify the Applicant within seven (7) Calendar Days of the initial submission of an Application whether the Application is considered complete enough for the ACC to issue a Determination. An initial notification that the Application is deemed incomplete shall be accompanied by sufficient information to inform the Applicant of the deficiencies in the Application requiring supplementation or correction. This initial notification to the Owner shall be deemed delivered as of the time when an email is posted to the email address(es) appearing on the Application, or when posted with the United States Postal Service in a stamped envelope addressed to the Applicant at the mailing address on the Application.
- 2) **Effect of Incomplete Application.** If the Applicant is given notice that the Application is deemed incomplete, the Application is considered rejected, and the ACC shall not take action thereafter on the Application until all such deficiencies are cured or the ACC waives them in writing.
- 3) **Timelines Suspended as to Applications Deemed Incomplete.** All timelines for ACC action on an Application are suspended until the Application is complete or deemed to be complete.
- 4) **Application Deemed Complete.** If no notice is timely made under subparagraph I. 1. that an Application is deemed complete or incomplete, the ACC shall act on the Application based on the materials contained in and accompanying it. The Application is deemed complete under this subparagraph I.4. upon the expiration of the seven (7) Calendar Days from its initial submission. Otherwise, an Application is

deemed complete as of the date of the ACC's initial notification under subparagraph I.1. that the Application is complete. *(Example A: Owner Smith's Application is submitted to the ACC on April 15, and no initial notification is given by April 22 that it was deemed by the ACC to be incomplete. Owner Smith's Application is deemed to be complete as of April 22. Example B: Owner Jones' Application is submitted to the ACC on June 1. An initial notification is delivered to Owner Jones on June 5 that the Application is deemed to be complete. Owner Jones' Application is complete for ACC action as of June 5.)*

- 5) **Approval or Disapproval of an Application.** The ACC shall, within fifteen Calendar (15) Days from the date the Application is deemed complete hereunder, notify the Applicant as to whether the Application is approved, approved with conditions, or denied. If the ACC does not notify the Applicant within this fifteen (15) Calendar Day period, the Application shall be deemed approved without conditions. Any approval, whether expressed by a formal notification, or resulting from the expiration of the fifteen (15) Calendar Day deadline under this subparagraph, shall only be binding on the ACC and Association as to work and materials strictly conforming to the information supplied in the Application. Any changes in work or material must thereafter be approved in writing by the ACC.

J. Negotiating an Adverse Decision by the ACC. The ACC's Determination may be appealed as set forth in paragraph K below. However, prior to the expiration of the five (5) Working Days appeal deadline set forth in subparagraph K.1., the Applicant may give the ACC Chair notice in writing that the Applicant wishes to conduct informal negotiations with the Review Panel over modifications to the Application, including possible conditions placed on the Application's approval. If this notice in writing is timely delivered to the ACC Chair, the notice shall suspend the running of the deadline for an Appeal until such time as either the Applicant or the ACC gives notice to the other party in writing that the negotiations are terminated. After such notice of termination of negotiations is delivered, the Applicant may have an additional five (5) Working Days after its delivery to commence an appeal under paragraph K. By undertaking to negotiate under this paragraph J, the Appellant and Association, including its ACC, agree that the negotiations will be strictly confidential. Thus, any oral statements or written representations made for the first time during the course of the negotiations may not be used in an appeal under paragraph K, or in any court proceeding thereafter.

K. Appeal Rights. An Applicant has the right to appeal the ACC's Determination. An appeal may only be taken from the formal Determination of the ACC as to the original Application. Subject to subparagraph K. 8. g., below, modifications to the Application that may have been offered or discussed orally or in writing by either side in the process of negotiations under paragraph J shall not be considered in the appeal. The following procedures apply to an appeal:

- 1) **Commencing the Appeal.** The appeal must be commenced within five (5) Working Days following the date of delivery to the Applicant of the ACC's Determination. The appeal must be hand-delivered in person to the ACC Chair, or, alternatively, delivered by email to the following: ACC Chair and President of the Association, copied to all members of the Review Panel listed in the Determination. Unless extended under paragraph J above, the appeal must be delivered or emailed no later than 8:00 p.m., Central time, on the fifth Working Day after the delivery of the Determination.
- 2) **Improper Attempts to Reinstate the Running of an Appeal Deadline.** An Applicant may not attempt to cure a failure to timely file an Appeal by submitting a later Application identical or substantially similar to the Application for which the Appeal deadline was missed. The provision in this subparagraph K.2. applies only to such subsequent Application(s) submitted to the ACC within twelve months of the original Application. If the ACC Chair determines that this subparagraph K.2. is applicable, and the new Application is denied or approved with conditions, the ACC Chair will notify the Applicant that the Determination may not be appealed under paragraph K.
- 3) **Form and Contents of Appeal.** The appeal shall be delivered in the form of a formal request for appeal on the ACC Appeal Form. This form shall be available from the ACC Chair and on the Association's website. The ACC Appeal Form shall have as attachments the Application including the formal Determination by the ACC, and all additional documents that the Applicant wishes the Board to consider as part of the appeal. Other than the Application and Determination, all the attachments to the appeal must be information presented by the Applicant to the ACC in support of the original Application.
- 4) **ACC's Response to the Applicant's Appeal.** Within ten (10) Calendar Days of the commencement of the appeal, the ACC shall deliver to the Board: (a) the ACC Appeal Form and all its attachments delivered to the ACC by the Applicant (hereafter, "Appellant"); and (b) any standards, policies, documents or photographs the ACC relied upon in reaching its Determination, to the extent these were not set forth or attached to the Determination.
- 5) **Exchange of Filed Documents.** The ACC's response under subparagraph K.4. shall be delivered to the Appellant contemporaneously to its delivery to the Board. If no ACC response is being filed with the Board, the ACC shall notify the Board and the Appellant of this fact within the ten (10) Calendar Day period for delivering a response to the Board.

- 6) **Composition of the Appeal Board.** The appeal shall be heard by the members of the Board acting as the Appeal Board. The following members of the Board shall not be members of the Appeal Board but may appear and be heard in the appeal hearing as set forth below in subparagraph K.8.: the ACC Chair and any member of the Board that participated in the ACC's Determination.
- 7) **Investigations by the Appeal Board.** Prior to the Appeal hearing, the Appeal Board members shall be entitled to conduct an on-site inspection of the Applicant's Lot. Any such inspection shall be coordinated with the Appellant by the Appeal Board so that it is done simultaneously by all Appeal Board members who desire to inspect. Members of the Appeal Board may take photographs and measurements of the Lot and use the photographs and measurements for any purpose related to the appeal, including the questioning of participants in the appeal hearing allowed under subparagraph K.8.i. below.
- 8) **Conducting the Appeal Hearing.** The following rules shall apply to hearing the appeal:
 - a. The appeal will be heard within thirty (30) Calendar Days of the commencement of the appeal.
 - b. If a regular meeting of the Board is not scheduled within thirty (30) Calendar Days of the commencement of the appeal, the appeal hearing shall be heard at a special meeting of the Board, sitting as an Appeal Board, conducted under the By-laws of the Association.
 - c. The Board shall appoint one of its members to chair the meeting of the Appeal Board.
 - d. Once a quorum of at least five (5) members of the Appeal Board has assembled, the appeal shall be conducted. Proxies are not permitted to establish a quorum or for any purpose in connection with the appeal.
 - e. If for any reason a quorum of five (5) members of the Appeal Board is unavailable to hear the appeal as initially scheduled, the Applicant can agree to a quorum of less than five (5) members, or the hearing of the appeal shall be adjourned for not more than thirty (30) Calendar Days in order for the Chair of the Appeal Board, in his or her sole discretion, to appoint one or more homeowners in Walnut Grove, who agree to serve impartially, to be members of the Appeal Board.
 - f. At the date, time and place set for the appeal, and a quorum being present, the acting Chair shall call the hearing to order and introduce the parties to the appeal, and all members of the Appeal Board.
 - g. The acting Chair will then invite the Appellant to present the Appellant's position for reversing or modifying the Determination. The Appellant may do

so individually, or by any representative or attorney they desire. Only one (1) person may speak for the Appellant in the initial presentation. During this initial presentation, the Appellant may argue in support of the Appeal Board reversing the Determination or in support of the Appeal Board modifying the Determination by imposing conditions on the Application in their Decision. However, the Appellant shall not attempt to discuss or reveal oral or written statements or representations made during any negotiations under paragraph J.

- h. The Appellant shall be afforded no more than twenty (20) minutes for this initial presentation.
- i. At the conclusion of the Appellant's initial presentation the acting Chair shall invite the ACC to present its position for confirming the Determination. The ACC may do so by any member of the ACC, including Board members not on the Appeal Board, or by any representative or attorney the ACC desires. If the Appellant has argued for the Appeal Board to consider modifying the Determination, the ACC representative may argue for or against any such modifications.
- j. The ACC shall be afforded no more than twenty (20) minutes for its presentation. Only one person may speak for the ACC in this presentation.
- k. At the conclusion of the ACC's presentation, the Appellant shall be afforded no more than five (5) minutes to respond to the ACC's presentation. Only one (1) person may speak for the Appellant in this responsive presentation. However, this person may be a person other than the one who made the initial presentation. This responsive presentation shall be strictly limited to responding to the ACC's presentation. No new arguments unrelated to the ACC presentation may be advanced in this responsive presentation.
- l. During any of the three presentations, members of the Appeal Board may ask questions of the persons presenting the parties' positions.
- m. If the Chair, in his or her sole discretion, concludes that the Appeal Board's questioning impacted on the continuity of or time allotted to presentations, the Chair may allot up to three (3) additional minutes to be added to any of the three presentations. Any party may ask for this additional allotment of time.
- n. At the conclusion of the Appellant's second presentation the Chair shall declare the hearing closed.

9) **Decision of the Appeal Board.** A written Decision on the appeal shall be issued and delivered by email to the Appellant within ten (10) Working Days of the hearing being closed. The Decision shall be signed by the Chair of the Appeal Board and list all the members of the Appeal Board who agreed with the Decision. The Decision may affirm, reverse, or modify the ACC's Determination. Modifying the

Determination may entail adding or deleting conditions found in the Determination. Any outright reversal of the Determination shall serve as an approval by the Association of the Appellant's original ACC Application based explicitly on the materials, methods and appearance of the improvements represented in the Application. In the sole discretion of the Appeal Board, the members agreeing to the Decision may set forth a brief statement of their rationales underlying the Decision. No rationales shall be issued by members of the Appeal Board who dissented from the Decision. A tie vote by the Appeal Board shall mean that the ACC's Determination is approved by the Appeal Board and shall be fully enforceable thereafter by the Association. An Appeal Board's Decision modifying the Determination must be by majority vote of the Appeal Board. If the Appeal Board cannot reach a majority vote on every aspect of modifying the Determination, it must vote to either approve or reverse the Determination without any modifications thereto.

- 10) **Appeal Board Deliberations Agreed to be Privileged and Inadmissible.** By utilizing this Appeal process, Appellants agree that the deliberations of the Appeal Board after the close of the hearing are privileged and cannot be the subject of any form of discovery, examination, testimony, document production or document introduction in any judicial proceeding that either the Appellants or the Association may bring as to the enforcement or enforceability of the Determination or the Appeal Board Decision. These ACC Rules and the Appeal Board Decision itself may be used in any such judicial proceeding.
- 11) **Only Applicants may Appeal.** No appeal of a Determination may be brought by any person or persons other than the Applicant involved in the Application matter as to which the appeal was brought.
- 12) **Finality of Appeal as to the ACC and Association.** The Appeal Board will make a Decision regarding the appeal in accordance with subparagraph K.9. above. If the Determination is reversed, the Decision of the Appeal Board will constitute an approval of the Application as originally submitted to the ACC and become binding on the Association. In such event the Association may not seek further review by a court. If the Determination is affirmed or modified by the Appeal Board, the Association is entitled to seek judicial enforcement of the Determination as affirmed or modified by the Appeal Board. Any Decision of the Appeal Board shall be binding as to the ACC and Association only as to the specific Application at issue in the Appeal. This limitation is based on the following considerations:
 - a. Each ACC application presents unique facts as to the Applicant's intended alterations, installations or construction, and unique facts concerning their

- impacts on (or protective effects from) neighbors and others areas in proximity to the Applicant's Lot, including Common Property of the Association, and areas outside the plats of Walnut Grove Association. These unique facts or considerations can include, but are not limited to, such matters as: (a) varying visual impacts of a proposed action by an Applicant; (b) the number of neighbors impacted by the proposed action; (c) impacts as to drainage; (d) the extent of the temporary disruptions caused by the efforts to construct the proposed changes; (e) the composition of the families of neighbors of the Applicant; (f) the composition of the Applicant's family; (g) impacts on the Common Property owned by the Association; and, (h) the aggregate impact of future actions of the same nature by other Owners.
- b. The prevailing attitudes of members of the Association as to aesthetics, alterations, installations or construction by individual Owners are subject to change over time, particularly including attitudes on how these matters impact optimizing property values for the benefit of all Owners in Walnut Grove.
 - c. Under the Association's By-laws, the Rules, Procedures and Guidelines of the ACC are promulgated by the Board, and subject to modification from time-to-time by the Association.
 - d. The Covenants are subject to modification by the Owners in Walnut Grove in accordance with the Covenants.
 - e. The ACC and the Association Board are voluntary positions, and their compositions are subject to change from time-to-time based on elections held by the members of the Association and its Board. Just as changes in municipal, state and federal administrations may cause changes in rulemaking, interpretation of existing rules and the stringency of enforcement of existing rules, so can the changes in the composition of such organizations as the ACC and the Association Board.

13) Finality of Appeal as to the Appellant. By the filing of an appeal, the Applicant agrees that it shall treat the Decision of the Appeal Board as binding on the Applicant until such time as a final order has been issued by a court of competent jurisdiction reversing or otherwise modifying the Decision by the Appeal Board.

14) Indemnification of Appeal Board. By the filing of an appeal, the Applicant agrees to indemnify and hold harmless all members of the Appeal Board for any and all of their actions as members of the Appeal Board with respect to claims, losses, damages, expenses, including reasonable attorney's fees, based on any claims asserted by the Applicant.

L. ACC Interpretation of the Covenants. The ACC, when taking action on Applications, shall follow the express provisions of the Covenants where the Covenants are clearly defined. As to matters where clear guidance or ascertainable standards are not set out in the Covenants, the ACC will apply the policies and guidelines contained in the relevant appendices below. No ACC policy or guideline shall override the express restrictions, covenants, conditions, and easements defined in the Covenants.

M. Support of a Project by Neighbors. The ACC may consider the support or adverse reaction of neighbors to a proposed project as one factor among many in its Determination to approve, approve with conditions, or reject an Application. Neighbors’ Consent to an addition, improvement or modification to an Owners’ Lot, including consent of all adjoining neighbors, shall not be determinative of approval of any given Application. Nevertheless, in a neighborhood like Walnut Grove, prior consultation with neighbors about contemplated improvement projects is strongly encouraged to maintain cordial relationships.

N. Approval with Conditions. The ACC may elect to attach conditions to the approval of a project. For example, if a Pool Fence is approved, a condition may be included that the Pool Fence be removed if the Swimming Pool is removed in the future. As another example, these types of conditions of future removal may also be imposed as part of granting some variance from the three-foot fence height requirement found in the Covenants. If the ACC requires removal or alteration of an improvement in the future based on changed conditions or otherwise, it will likely insist on recording the condition with the Dane County Register of Deeds in order to put future buyers of the Lot on notice. In such event the Applicant shall be responsible for paying all the expenses of recording such notice.

O. Quick Reference Table. The following table is provided as a non-inclusive list of projects that require ACC review and approval in advance of construction. Inclusion on this table does not necessarily indicate that a project will be approved by the ACC. The list references the specific Appendix found below that provides more detailed guidance on ACC review of the specific project listed.

Projects Requiring ACC Approval	City Permit Required*	Appendix
Addition	Yes	A
Deck	Yes	B
Fence (in excess of 3')	No	C
Garage Extension	Yes	A
Landscaping	No**	C
New Construction	Yes	A
Outbuilding	Yes	D
Patio	No**	B

Pergola	Yes	C
Pet House	No**	D
Pet Run	No	C
Play Structure	No	C
Privacy Screen	No	C
Raised Garden Bed	No	C
Rebuild/Reconstruction	Yes	A
Retaining Wall	No**	C
Satellite Dish	No**	D
Screen Porch	Yes	B
Solar Panels	Yes	D
Storage Shed	Yes	D
Swimming Pool	Yes	C
Three- or Four-Season Room	Yes	A

* As permitting requirements are subject to change, the ACC recommends consulting with the City of Madison with regards to what does and does not require a building permit.

**May require approval/input from City Zoning

Appendix A: Rules for Residences, Additions, Exterior Modifications.

This Appendix provides information needed when planning to build a new Residence, construct an addition to an existing Residence or make other exterior modifications to an existing Residence. 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.

NEW CONSTRUCTION/REPLACEMENT RESIDENCE. All lots in the original Walnut Grove plat and all subsequent Additions shall primarily be used for residential purposes only. Except where noted in the original covenants, each lot is zoned for the construction of a single-family dwelling having one garage with the capacity for two or three vehicles that must be attached to the Residence. Plans for the construction of a new or replacement Residence must be reviewed and approved by the ACC prior to the commencement of any work.

ADDITIONS, EXTERIOR MODIFICATIONS. Any alteration or change to the original approved building footprint (such as the addition of one or more rooms or spaces with a new foundation or built as a cantilevered section, or the addition of a partial or full upper story) or alteration or change to the existing elevations (such as changes in siding or other building materials, addition or elimination of doors and/or windows) must be reviewed and approved by the ACC prior to the commencement of any work. For any Lot where alterations are extensive enough that the work might be considered a “tear down” refer to the rules guiding new construction/replacement Residences.

- 1) **Covenants.** No buildings or structures may be erected or placed on any Lot in Walnut Grove, nor shall any existing structure have its exterior dimensions or materials altered without approval by the ACC. No construction of a new or replacement Residence or addition or exterior modification may commence without prior approval by the ACC.
- 2) **Minimum Square Footage.** These requirements for minimum square footage for new construction/replacement Residences are listed specifically in the Covenants for the original Plat and Additions, as follows:

Plat/Addition	Lots	House Styles	Min Sq Ft*
Walnut Grove	1-58	Single story, raised ranch, or split level	1650

		Two story	2000 (1000)
Foxboro Addition	59-64	Single story, raised ranch, or split level	1450
		Two story	1900
	66-77 85-114	Single story or raised ranch	1650
		Two story	2000 (1000)
Oxwood Addition	121, 130-131 148-151	Single story or raised ranch	1500
		Two story	2000
	122-129 132-147	Single story or raised ranch	1650
		Two story	2000 (1000)
Harwood Addition	155-201	Single story or raised ranch	1650
		Two story	2000 (1000)
Farmington Addition	202-222	Single story, raised ranch, or split level	1650
		Two story	2000 (1000)
	223-241	Single story, raised ranch, or split level	1650 (1488)
		Two story	2000 (1000)
Park Addition	248-252	Single story, raised ranch, or split level	1650 (1488)
		Two story	2000 (1000)
South Park Addition	253-265	Single story or raised ranch	1450
		Two story	2000 (1000)
Westfield Addition	266-311	Single story or raised ranch	1450
		Two story	2000 (1000)

* Figures in Parentheses "()" indicate the minimum square footage requirement for the main level of the Residence.

3) **Side Yard Setbacks.** Residence, addition and attached Garage must be located a minimum of eight (8) feet from an interior lot line. Owners must consult with the City

of Madison for additional front and rear yard setbacks, as well as setback adjustments for corner lots or other unique conditions.

- 4) **Garages.** Garages must be attached and contain two or three vehicle spaces. Detached Garages are not permitted.
- 5) **Maximum Height.** Two and one-half story maximum height (35 feet), measured from the proposed finished grade adjacent to the first floor.
- 6) **Materials and Design.** No Residences with identical exterior elevations shall be built on adjacent Lots.

Documents Needed for Application – New Construction/Replacement Residences, Additions, Exterior Modifications	
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.	<p>Drawings. Construction of a new or replacement Residence, addition or certain exterior modifications requires a set of construction drawings for review and approval by the City. These drawings must also be reviewed by the ACC.</p> <ul style="list-style-type: none"> i. Plot Plan. A Site Plan drawn to scale (City of Madison recommends 1"=20' or 1"=16') should be provided and show the measurements of the Lot, Residence or addition and attached Garage, and any other site improvements to be constructed including driveways, decks, patios, porches, and retaining walls. It should also indicate the distance from the Residence or addition to the Lot lines, and the position of any relevant structures on neighboring Lots. Additionally, the Plot Plan for new Residences must show Floor Elevation of the Residence with respect to Street Elevation. ii. Elevation Drawing(s). At a minimum, for a new Residence an Elevation Drawing for any side of the Residence facing a street should be provided. For an addition or exterior modification, Elevation Drawings for any sides of the Residence impacted by the addition (i.e.: where the addition can be seen) should be provided. Drawings of other elevations may be required by the ACC for a given project. The drawings may also indicate the materials to be used to satisfy the materials requirement outlined under c. below. iii. Blueprints/Construction Drawings. In lieu of items b.i., b.ii. and c., a full set of blueprints/construction drawings may be submitted, either in hardcopy or in a commonly accessible digital format such as a PDF file.
c.	Materials. A description of the materials to be used including but not limited to information on the types of wall finishes, doors, windows, roof cover, and trim, if any, to be installed should be provided unless this information is indicated on the Elevation Drawings requested under b.ii. above.
d.	Builder. The name and contact information for the builder to be hired by the Owner.
e.	Timeline. The proposed start and completion dates for the construction.

Appendix B: Rules for Decks, Porches, & Patios.

This Appendix provides information needed when planning to build Decks, Porches, and/or Patios, each of which is considered an addition to a Residence and 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. DECKS. For the purposes of ACC review, a Deck is defined as an open-sided, roofless, elevated platform, typically constructed of wood or composite material, and typically supported by wood or metal posts on concrete piers or footings. Decks require ACC Approval.

- 1) **Covenants.** No buildings or structures may be erected or placed on any Lot in Walnut Grove, nor shall any existing structure have its exterior dimensions or materials altered without approval by the ACC. Thus, ACC approval is required prior to commencement of any construction for a Deck.
- 2) **Criteria for approval.** A proposed Deck must comply with city ordinance, city zoning requirements, and ACC requirements. A building permit is required, and all decks must comply with city building code with respect to structural stability (i.e. footings) and safety (i.e. handrails and guardrails).
- 3) **Placement.** Decks must be attached to or abut the Residence. Decks that are three (3) feet or higher may NOT extend closer than eight (8) feet to an interior Lot line. Decks that are less than three (3) feet high can extend closer than eight (8) feet to an interior Lot line with written permission from the adjoining Lot Owner and ACC approval. On streets where public sidewalks are installed, the minimum set back shall be twenty (20) feet from the Lot line.
- 4) **Materials.** Decks must use weather resistant materials such as treated or composite lumber. Materials used should be compatible with the Residence’s existing materials.
- 5) **Privacy.** Privacy Screens incorporated into a Deck design are subject to the ACC rules for Privacy Screens found in Appendix C.

Documentation Needed for Application – Decks	
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.	Drawings. All Decks require construction drawings showing the size, layout, post locations, beam sizes, and joist size and spacing.

	<p>i. Site Plan. The Site Plan should be drawn to scale (City of Madison recommends 1"=20' or 1"=16'), and show the measurements of the Lot, Residence, retaining walls, and any other site improvements. It must also indicate the measurements to the Lot lines and the position of any relevant structures on neighboring Lots.</p> <p>ii. Elevation(s). The Elevation Drawing(s) should show the height of the deck relative to the Residence and surrounding finished grade, as well as the height and placement of any handrails or guardrails.</p>
	<p>c. Description of Materials. A description or photos of the materials to be used should be included. Drawings, renderings or images showing the railing design and materials should also be included when applicable.</p>
	<p>d. Documentation of Neighbors' Support. If required, include a written letter of support from any neighbors on adjacent Lots impacted by Deck placement.</p>

B. PORCHES & SCREENED PORCHES. For the purposes of ACC review, a porch is defined as an open-sided, screened, or partially-screened, roofed platform attached to a Residence. Porches are considered an addition to a Residence and require ACC approval.

- 1) **Covenants.** No buildings or structures may be erected or placed on any Lot in Walnut Grove, nor shall any existing structure have its exterior dimensions or materials altered without approval by the ACC. Thus, ACC approval is required prior to commencement of any construction for a Porch.
- 2) **Criteria for approval.** Porches must comply with city ordinance, city zoning requirements, and ACC requirements. A building permit is required, and all Porches must comply with building code with respect to handrails and guardrails.
- 3) **Placement.** Porches must be attached to the Residence and may NOT extend closer than eight (8) feet to an interior lot line without the approval of the adjoining lot Owner. On streets where public sidewalks are installed, the minimum set back shall be twenty (20) feet from the Lot line.
- 4) **Design & Materials.** Roof lines and materials used must be compatible with the existing design and materials of the Residence.

Documentation needed for Application – Porches	
	<p>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>
	<p>b. Drawings. All porches require construction drawings showing the size, layout, elevation(s), foundation plans, and, when applicable, framing plans including beam sizes, and joist size and spacing.</p> <p>i. Site Plan. The Site Plan should be drawn to scale (City of Madison recommends 1"=20' or 1"=16'), and show the measurements of the lot, house, retaining walls, and any other site improvements. Also indicate the measurements to the lot lines and the position of any relevant structures on neighboring properties.</p>

	<p>ii. Elevation(s). The Elevation drawing(s) should show the height of the porch relative to the surrounding finished grade, as well as the roof line(s), and height and placement of any handrails, guardrails or walls enclosing the porch.</p>
	<p>c. Description of Materials. A description or images of the materials to be used should be included. Drawings, renderings or images showing the roof design and materials, and the railing/wall design and materials, when applicable, should also be included.</p>

C. PATIOS. For the purposes of ACC review, a patio is defined as any paved or hardscape outdoor living area. Patios require ACC approval and will be evaluated in context with an overall landscaping plan. Rules for landscaping are covered in Appendix C of the ACC Rules and Procedures.

- 1) **Covenants.** No buildings or structures may be erected or placed on any Lot in Walnut Grove, nor shall any existing structure have its exterior dimensions or materials altered without approval by the ACC. Thus, ACC approval is required prior to commencement of any construction for a Patio.
- 2) **Criteria for approval.** Patios must comply with city zoning and ACC requirements below. A building permit is NOT required.
- 3) **Placement.** Patios must be attached to the Residence or incorporated into a landscape design that extends the space from the Residence. Patios that are closer than eight (8) feet to an interior Lot line require written permission from the adjoining Lot Owner. On streets on which public sidewalks are installed, the minimum set back shall be twenty (20) feet from the Lot line.
- 4) **Design & Materials.** The Patio should be designed and sited in a way that does not direct runoff to any neighboring Lot. A permeable surface such as brick, pavers, or stone is desired. A drainage plan should be included whenever a non-permeable surface, such as concrete, will be used.
- 5) **Privacy.** Privacy Screens incorporated into a Patio design are subject to the ACC rules for Privacy Screens, found in Appendix C.

Documentation needed for Application - Patios	
	<p>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>
	<p>b. Drawings. All Patios require construction drawings showing the size, layout, and elevation</p> <p>i. Site Plan. The Site Plan should be drawn to scale (City of Madison recommends 1"=20' or 1"=16'), and show the measurements of the Lot, Residence, retaining walls, and any other site improvements. Also indicate the measurements to the Lot lines and the position of any relevant structures on neighboring Lots. A grading/drainage plan that includes stormwater</p>

	<p>management measures should also be included whenever a non-permeable material is used.</p> <p>ii. Elevation(s). Elevation Drawing(s) should be included if the patio includes any elements above the Patio's surface such as low walls or benches.</p>
	<p>c. Description of Materials. A description or photos of the materials to be used should accompany the Application.</p>
	<p>d. Documentation of Neighbors' Support. If required, include a written letter of support from any neighbors on adjacent Lots impacted by Patio placement.</p>

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.

Appendix D: Rules for Outbuildings and Fixtures.

This Appendix provides information needed when planning to build or install an Outbuilding such as a Storage Shed, Greenhouse, and Pet House (all other Outbuildings are prohibited) or install Solar Panels or a mast-mounted Satellite Dish, all of which require ACC approval. A Residence-mounted Satellite Dish does not require ACC review or 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. STORAGE SHEDS & GREENHOUSES. A Storage Shed is a structure not attached to the Residence and constructed with or without a permanent foundation, for storage use. ACC recognizes that many of the garages initially built in the neighborhood may not be sufficient to meet modern needs. A Greenhouse is a structure not attached to the Residence and constructed with or without a permanent foundation, for use cultivating plants in a controlled environment. We wish to emphasize that one of the finest features of the Walnut Grove neighborhood is the pleasant sense of open spaces. ACC strongly discourages construction of any additional structures that are not attached to the Residence.

- 1) **Covenants.** No buildings or structures may be erected or placed on any Lot in Walnut Grove, nor shall any existing structure have its exterior dimensions or materials altered without approval by the ACC. It is in the interest of all Lot Owners in Walnut Grove to have all existing or future buildings, and any additions, alterations or changes to such buildings, including any changes to exterior elevations, be of suitable workmanship, building materials, and architectural design so as to preserve architectural and visual harmony with the existing structures in Walnut Grove. ACC approval is required for an Outbuilding prior to the commencement of any construction.
- 2) **Criteria for Approval.** The Storage Shed or Greenhouse must comply with Madison City Ordinance and all ACC rules specified below.
- 3) **Size.** The Storage Shed or Greenhouse shall not be more than fifty (50) square feet in area.
- 4) **Height.** The Storage Shed or Greenhouse shall not exceed nine (9) feet in height, as measured from finished grade. Exceptions may be granted when an effort is being made to match the aesthetics of the Residence.
- 5) **Placement.** At minimum, the Storage Shed or Greenhouse shall be at least eight (8) feet from the Lot line and, whenever possible, shall be abutted to or within six (6) inches of the Residence. No Storage Shed or Greenhouse shall extend forward past the rear plane of the residence unless 1) abutting the Residence, 2) screened from the street, and 3) at least eight (8) feet from the lot line. It shall be placed so as to minimize

the overall aesthetic impact on adjoining Lots. The proposed Storage Shed or Greenhouse may not adversely affect stormwater drainage around the Residence or divert water to any neighboring Lot.

6) **Materials.** Materials must be compatible with the exterior aesthetic of the Residence.

Documentation Needed for Application – Storage Sheds & Greenhouses	
	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 recommends 1"=20' or 1"=16') and show the measurements of the Lot, Residence, Retaining Walls, and any other site improvements. It should also indicate the measurements to the Lot lines and the position of any relevant structures on neighboring Lots.
	c. Building Plans. Blueprints or drawings for, or photos of, the proposed Storage Shed or Greenhouse should be provided, and include measurements for the structure's length, width and height.
	d. Description of Materials. A description or photo(s) of the proposed design and materials should accompany the Application.
	e. 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 of the project by the Neighbors should be documented.

B. PET HOUSES. The ACC recognizes that a Pet House may be a desired structure that can provide temporary shelter for pets when not kept inside the Residence.

1. **Covenants.** No buildings or structures may be erected or placed on any Lot in Walnut Grove, nor shall any existing structure have its exterior dimensions or materials altered without approval by the ACC. It is in the interest of all Lot Owners in Walnut Grove to have all existing or future buildings, and any additions, alterations or changes to such buildings, including any changes to exterior elevations, be of suitable workmanship, building materials, and architectural design so as to preserve architectural and visual harmony with the existing structures in Walnut Grove. Domestic animals must be housed within the principal structure. Commercial animal boarding, kenneling, or treatment is expressly prohibited whether for fee or not. Keeping of livestock is similarly prohibited. ACC approval is required for an Outbuilding prior to the commencement of any construction.
2. **Criteria for Approval.** The Pet House must comply with Madison City Ordinance and all ACC rules specified below.
3. **Size.** The Pet House shall not be more than ten (10) square feet in area.
4. **Height.** The Pet House shall not exceed four (4) feet in height, as measured from finished grade.

5. **Placement.** The Pet House shall be a minimum of eight (8) feet from the lot line. If a Pet Run (see Appendix C) exists, then the Pet House must be placed inside this enclosure.
6. **Materials.** Materials must be consistent with the Residence.

Documentation Needed for Application – Pet Houses	
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 plans. The Site Plan should be drawn close to scale (City of Madison recommends 1"=20' or 1"=16') and show the measurements of the Lot, Residence, Retaining Walls, and any other site improvements. It should also indicate the measurements to the Lot lines and the position of any relevant structures on neighboring Lots.
c.	Building Plans. Blueprints or drawings for, or photos of, the proposed Pet House should be provided and include measurements for the structure's length, width and height.
d.	Description of Materials. A description or photo(s) of the proposed design and materials should accompany the Application.
e.	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 of the project by the Neighbors should be documented.

C. SOLAR PANELS & SATELLITE DISHES. ACC recognizes the need for utility services in addition to basic electricity, gas, water and sewer lines, such as Solar Panels and Satellite Dishes.

1. **Covenants.** No buildings or structures may be erected or placed on any Lot in Walnut Grove, nor shall any existing structure have its exterior dimensions or materials altered without approval by the ACC. It is in the interest of all Lot Owners to have all existing or future buildings, and any additions, alterations or changes to such buildings, including any changes to exterior elevations, be of suitable workmanship, building materials, and architectural design so as to preserve architectural and visual harmony with the existing structures.
2. **Criteria for Approval.** The proposed Solar Panel and house- or mast-mounted Satellite Dish installation must comply with Madison City Ordinance and all ACC rules specified below. Only Solar Panel and mast-mounted Satellite Dish installations require ACC review and approval.
3. **Placement.** The following criteria shall be considered when guiding the placement of Solar Panels and Satellite Dishes.
 - c. Panels must be attached to the Residence.
 - d. Panels and Dishes should be positioned so their visibility is minimized and, ideally, obscured from the street and neighboring Lots whenever possible.

- e. Panel placement should be compatible with the Residence’s design and should follow the roofline and have no exposed supports.
 - f. Any Satellite Dish that cannot be mounted to the Residence due to obstructed signal transmission lines may be mounted on a mast at ground level. Placement of a ground-mounted mast must be reviewed and approved by ACC prior to installation. Placement of a Residence-mounted Satellite Dish shall be done in conformity with these Rules but as noted above, does not require approval.
4. **Size.** Satellite dishes must be less than 1 meter in diameter.
5. **Materials.** Installations must conceal wiring and supports and minimize the visual impact to the residence and neighbors whenever possible.

Documentation Needed for Application – Solar Panels & Satellite Dishes	
	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. Drawings. i. Plans. The plans should be drawn close to scale (City of Madison recommends 1”=20’ or 1”=16’) showing the placement of the Panels on the Residence or mast-mounted Dish on the lot. ii. Elevation Drawing(s). An elevation drawing drawn close to scale showing the placement of the Panels on the roof, or the size and placement of the Dish and mast support on the property should be provided.
	c. Materials. A description of the materials used to support and attached the Panels or Dishes should be included