

# OAKBRIDGE COMMUNITY SERVICES ASSOCIATION, INC.

## Architectural Control Rules

Effective Date: February 3, 1986 • Amended and Restated: [month day, year]

### Section A: Policy Statement

A1. The Architectural Review Board (ARB) is required by the Declaration of Covenants and Restrictions (DCR) to regulate the external design, appearance, use, location, and maintenance of the properties and houses in such a manner as to preserve and enhance values and to maintain a harmonious relationship within the neighborhood.<sup>1</sup>

A2. The DCR provides that no improvements, alterations, repairs, change of paint colors, excavations, changes in grade, or other work which in any way alters the exterior of any house or property shall be made or done without the prior approval of the ARB. The DCR also provides that no other structure (including but not limited to additions, outbuildings, fences, and walls) shall be erected, maintained, improved, altered, made, or done without the prior approval of the ARB.<sup>2</sup> Items explicitly identified in these rules as “permitted” are considered to be pre-approved by the ARB.

A3. The DCR further provides that the owner shall submit to the ARB plans and specifications showing the nature, kind, shape, height, materials, and location of any proposed improvements, alterations, or changes.<sup>3</sup>

A4. The ARB is required to interpret the DCR and to adopt general rules to implement the purposes set forth in the DCR, including but not limited to rules to regulate animals, antennas, signs, storage and use of recreational vehicles, storage and use of machinery, use of outdoor drying lines, trash containers, planting, maintenance, and removal of vegetation on the properties.<sup>4</sup>

A5. In adopting these rules, the ARB seeks to strike a balance between individual freedom and upholding the restrictions of the DCR in order to maintain the quality of the neighborhood.

A6. Homeowners who have questions about whether a proposed change to their property is covered under these rules should contact the ARB for guidance.

A7. In addition to these rules, homeowners must also comply with all applicable laws and regulations, specifically including zoning codes. To minimize time and cost, obtaining ARB approval prior to seeking a city building permit is recommended.

**A8. Definitions.** Within this document:<sup>5</sup>

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<sup>1</sup> See DCR §6.2

<sup>2</sup> See DCR §6.3

<sup>3</sup> From DCR §6.4

<sup>4</sup> From DCR §7.1(b)

<sup>5</sup> The terms defined here may have different meanings in other sources (dictionaries and encyclopedias; laws, rules, and codes; usages by architects, engineers, and businesses; common parlance; etc.). Each term should be interpreted in the relevant context.

A8.1. A “structure” is any load-bearing or space-enclosing object more or less permanently located on the ground. The term does not include:

(a) minor objects, such as fences, trellises, lampposts, flagpoles, mailboxes, basketball stanchions, and playsets.

(b) surfaces, such as sidewalks, driveways, and patios.

(c) mobile or portable items, such as flowerpots, lawnmowers, wheelbarrows, wading pools, umbrellas, benches, and lawn chairs.

(d) natural features, such as grass, flowers, bushes, trees, and rocks.

A8.2. A “house” is the regular living-space portion of a structure intended as a single-family dwelling.<sup>6</sup>

A8.3. An “addition” is any structure which is attached to or incorporated into a house but not intended as primary living space, such as attached garages, sunrooms, porches, decks, and greenhouses.

A8.4. An “outbuilding” is any structure on the property not attached to or incorporated into a house, such as sheds, detached garages, hot tubs, housing for pets or livestock, and gazebos.

A8.5. “Construction” is the process whereby an existing structure or surface is enlarged, expanded, altered, or replaced or a new structure or surface is created or emplaced. “Installation” is the process whereby a minor object is created or emplaced.

A8.6. “Permitted” means that the item is allowed, within whatever constraints are specified, without the need to contact the ARB for approval.

## **Section B: General Rules**

### **B1. Compatibility**

Colors and designs of any changes shall be compatible with the existing property and surroundings.

### **B2. Construction**

No construction shall be commenced without prior written approval of the ARB. The owner shall submit to the ARB design plans and specifications showing the nature, kind, shape, height, materials, and location of the proposed construction. The external design, appearance, use, and location of the construction shall enhance values and maintain a harmonious relationship within the neighborhood.<sup>7</sup>

### **B3. Outbuildings**

Outbuildings are prohibited except:

(a) Outside hot tubs may be in back yards only, may not be rated for more than 8 people, and must have a child-proof protective cover in place when not in use.

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<sup>6</sup> Supplementary DCR §3.1 requires that all Oakbridge houses be single-family dwellings.

<sup>7</sup> See DCR §§6.3 and 6.4

(b) A utility or storage shed of no more than one hundred (100) square feet in area and eight (8) feet in height is permitted in back yards only. It must be at least ten (10) feet from any lot line and may house inanimate objects only.

#### **B4. Space and Sizing of Structures**

B4.1. No first-floor areas of single-family houses, including additions, shall occupy more than thirty-five percent (35%) of the lot area the house is sited on.<sup>8</sup>

B4.2. No house, including additions, shall be closer than three (3) feet to a side lot line or fifteen (15) feet to a rear lot line. On streets on which public sidewalks are installed the minimum setback of such structures shall be twenty (20) feet unless a lesser setback is approved by the traffic engineer or the traffic official designated by the City of Madison.<sup>8</sup>

B4.3. No houses, including additions, shall be closer than ten (10) feet to each other.<sup>8</sup>

B4.4. No house shall exceed the height of the lesser of two and one-half (2½) stories or thirty (30) feet above the adjoining street pavement grade.<sup>9</sup>

#### **B5. Maintenance**

Each owner shall keep his or her house and other structures, minor objects, and surfaces in good order and repair, clean, well maintained, and free of debris. This includes, but is not limited to, the painting or other appropriate external care of all structures.<sup>10</sup>

#### **B6. Vehicle Storage**

Parking or storage of any vehicle, including but not limited to boats, cars, and recreational vehicles, on areas other than the driveway is prohibited, except that not more than one (1) motorcycle may be parked on a paved area adjacent to a driveway. Parked vehicles may not obstruct the public sidewalk.

#### **B7. Landscaping**

B7.1. The part of any plants which overhang the public sidewalk must be trimmed to a height of at least eight (8) feet off the ground.

B7.2. The majority of each yard must be grass, neatly trimmed.

B7.3. Vegetable gardens are prohibited in front yards; those in side yards and back yards are permitted. Flower gardens are permitted anywhere on the property provided nothing from the garden obstructs or spills onto the public sidewalk.

B7.4. Hanging or potted plants are permitted anywhere on the property.

B7.5. Climbing plants such as ivy are permitted provided they do not adhere to exterior walls of the house.

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<sup>8</sup> From Supplementary DCR §3.4; see also Oakbridge Specific Implementation Plan §2

<sup>9</sup> From Oakbridge Specific Implementation Plan §3

<sup>10</sup> See DCR §7.2

B7.6. Each owner shall keep his or her lot and landscaping clean, well maintained, and free of debris, This includes, but is not limited to, the seeding, watering, and mowing of all lawns; the pruning and cutting of all trees and shrubbery; and other appropriate care of the grounds.

## **Section C: Specific Rules**

### **C1. Antennas**

Exterior dish antennas exceeding one (1) meter in their longest dimension are prohibited; those of 1 meter or less are permitted.<sup>11</sup>

### **C2. Awnings**

The ARB must approve the nature, kind, shape, height, materials, and location of any proposed awnings.

### **C3. Basketball Hoops**

Basketball hoops are permitted provided the area of intended use is entirely on the homeowner's property.

### **C4. Bird Feeders etc.**

Bird feeders, bird baths, and bird houses are permitted.

### **C5. Decks**

Wooden deck trim must be painted or stained within one year of construction to match house trim, unless the deck is a treated wood which does not require painting or staining.

### **C6. Dog Kennels**

Dog kennels and pet runs are prohibited.

### **C7. Doors (Exterior and Garage)**

All exterior and garage doors must be paneled.

### **C8. Driveways and Driveway Expansion**

All driveways must be paved or hard surfaced. Any expansion must be contiguous to the existing driveway and match the existing material, except that pavers are permitted provided they expand the driveway width by no more than 20 inches.

### **C9. Exterior**

Pastel colors are required on the exterior of the houses and must be the same color for the entire house. The exterior siding must be either 4 inch or 5 inch. Corner trim must be provided on all outside walls and windows.

### **C10. Fences**

Perimeter, front-yard, and side-yard fences are prohibited, except for invisible (electric in-ground) fences. Metal and chain-link fences are prohibited. Back-yard privacy screens should

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<sup>11</sup> FCC rule (47 CFR §1.4000) prohibits restrictions that impair the installation, maintenance, or use of antennas used to receive video programming. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter in diameter, TV antennas, and wireless cable antennas.

be short as possible, as low as practicable but in no case any higher than six (6) feet, and as close to the house as possible. Either a neutral-color manufactured fence or a neutral- or natural-color wood fence, no more than five (5) feet high and at least half open space, may be in back yards only.

### **C11. Laundry Poles**

Laundry poles are permitted provided the laundry is removed daily.

### **C12. Little Libraries**

Little libraries are permitted provided they are not on the terrace and have an enclosed space not exceeding two (2) cubic feet.

### **C13. Mailboxes**

All mailboxes must be standard rural mailboxes approved by the US Postal Service and mounted on sturdy poles or posts, which may not be embedded in cement or concrete. Each mailbox or post shall display the house number using numbers no less than two (2) inches high by one (1) inch wide, in a contrasting color, on both traffic-facing sides.

### **C14. Patios and Porches**

Patios, screened porches, and sunrooms are prohibited except in side yards and back yards.

### **C15. Pools**

Pools are prohibited except small children's wading pools, which may not remain filled for more than 72 consecutive hours.

### **C16. Roofing**

The roof pitch of the house must be a minimum of 6/12 pitch. The color of the roof must be a dark gray or other muted color. These requirements do not apply to additions or outbuildings.

### **C17. Sandboxes**

Sandboxes are permitted in back yards.

### **C18. Swing Sets**

Swing sets are permitted in back yards.

## **Section D: Procedures**

### **D1. Designation**

In this section, "chairperson" also includes any ARB member designated by the ARB chairperson to perform chairperson duties in her or his absence.

### **D2. Application**

D2.1. An owner shall submit to the ARB plans and specifications showing the nature, kind, shape, height, materials, and location of any proposed construction, installation, or landscaping changes to her or his property, unless it is explicitly permitted under these rules.

D2.2. The preferred method of applying to the ARB is electronic submission. However, a paper application may be mailed to the ARB chairperson or hand-delivered in person to any ARB member.

D2.3. Applications should contain either a completed copy of the application form most recently approved and publicized by the ARB or the equivalent information and one (1) copy each of the plot plan, the landscaping plans, blueprints for additions and outbuildings, and plans for fences and privacy screens. The blueprints or plans should include dimensions and materials. Samples of the materials should be submitted if possible.

D2.4. Photographs or renderings of similar completed projects may be submitted to aid in the ARB's decision.

### **D3. Receipt of Applications**

D3.1. Within one week of receiving an application, the chairperson shall notify the applicant that her or his application has been successfully received, review it for completeness, and, if it is incomplete, notify the applicant of its deficiencies.

D3.2. The 30-day review period begins at the time an application is received.

### **D4. Review of Applications**

D4.1. The ARB shall review each application to determine if it complies with the DCR and the Architectural Control Rules (ACR).

D4.2. Action on an application requires a majority vote of the ARB.

D4.3. The ARB is specifically empowered to authorize reasonable exceptions to the ACR and to rule on items not specifically addressed in the ACR, provided it can show good cause and acts in accordance with adopted guidelines and procedures.<sup>12</sup>

### **D5. Timing**

The applicant must be given a response within 30 days after receipt of the completed application, or else the application is automatically approved.<sup>13</sup> Construction on an approved project must begin within one (1) year of approval and be completed within three (3) years of submission or else a new application must be filed.

### **D6. Notification of ARB Decisions**

D6.1. Notices to the applicant shall be in written or electronic form.

D6.2. If an application is approved, the ARB shall so notify the applicant.

D6.3. If an application is not approved, the ARB shall give the applicant prompt notice of the decision and the reasons for rejection.

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<sup>12</sup> See DCR §7.1(c)

<sup>13</sup> From DCR §6.4

### **D7. Appeal of an Adverse ARB Decision**

The applicant may appeal an adverse decision of the ARB to the Board of Directors, which may by a two-thirds ( $\frac{2}{3}$ ) vote reverse or modify the decision of the ARB.<sup>14</sup>

### **D8. Records**

The chairperson shall retain for three (3) years from the date each application was received a copy of the application and all accompanying documents, all relevant notes made by the ARB, a record of any action taken, and the date the applicant was notified of the decision.

## **NOTES FOR FUTURE REVISORS**

These Architectural Control Rules (ACR) are and must remain subsidiary to the Declaration of Covenants and Restrictions (DCR) and Supplementary DCR (SDCR). Some ACR provisions have been taken from those documents, and a change to one of them must be accompanied by a change to the other. Matching provisions are as follows:

ACR §A1 ← DCR §6.2	ACR §B2.1 ← DCR §§6.3 & 6.4	ACR §B7.6 ← DCR §7.2
ACR §A2 ← DCR §6.3	ACR §B4 ← SDCR §3.4	ACR §D4 ← DCR §6.4
ACR §A3 ← DCR §6.4	ACR §B5 ← DCR §7.2	ACR §D6 ← DCR §6.4
ACR §A4 ← DCR §7.1(b)		

ACR §C1 complies with the FCC rule (47 CFR §1.4000) that prohibits restrictions that impair the installation, maintenance, or use of antennas used to receive video programming. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter in diameter, TV antennas, and wireless cable antennas.

ACR §B3 recognizes that Wisconsin Statute 236.292(2) prohibits restrictions on solar collectors.

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<sup>14</sup> See DCR §6.4