

**REQUIREMENTS AND GUIDELINES FOR BUILDING,  
CONSTRUCTION AND IMPROVEMENTS**

**FOR**

**CERTIFIED SURVEY MAP # 10635**

**("The Subdivision")**

The Subdivision is an innovative plan for a high quality residential community that blends with the countryside while preserving the natural character of the land. It is the intention of Three Siblings LLC ("Developer") to assist lot owners in achieving a compatible arrangement of quality homes. To this end, this document (i) summarizes for lot owners the restrictions and covenants concerning building, construction and improvements provided in the Declaration of Restrictions and Covenants for The Subdivision (the "Declaration"), and (ii) sets forth additional Guidelines for Plan Approval (the "Guidelines") adopted by the Developer.

**I. Restrictions and Covenants in the Declaration.**

The Declaration has been recorded with the Register of Deeds for Waukesha County and a copy has been provided to each lot owner. The Declaration **must** be followed by all lot owners in The Subdivision. Of particular importance to owners of lots in The Subdivision ("Owners" or, singularly, "Owner"), is the process of designing and constructing a residence and other permitted improvements on their lots. The Declaration contains restrictions and covenants concerning building restrictions (Declaration, Section II); construction (Declaration, Section III); and improvements and owner maintenance (Declaration, Section IV).

Below is a summary of the building restrictions, construction requirements and restrictions relating to improvements and owner maintenance found in the Declaration. Each Owner should refer separately to the Declaration and consider the following list as merely a summary of those provisions. In the event any of the terms or provisions below are different from or conflict with the terms or provisions of the Declaration, the terms or provisions of the Declaration are binding and will control.

**A. Building Restrictions (See Declaration, Section II)**

1. All lots in The Subdivision are restricted to the erection of a single one story, story and one-half, or two story single family residence building with a minimum square footage of living space (excluding basement level areas) of three thousand (3,000) square feet and a maximum living space of ten thousand (10,000) square feet.

2. Each single-family residence in The Subdivision must have a garage that accommodates at least 3 cars, that is attached to the residence directly or by breezeway or is located in the basement of the residence, and that is constructed at the same time as the residence; or an attached garage that accommodates at least 2 cars and a detached garage which will also accommodate at least 2 cars and that is constructed at the same time as the Building (such single-family residence and attached garage together shall be referred to herein as the "Building"). The maximum size of garages shall conform to City of Delafield (hereinafter referred to as the "City") ordinances.

3. The exterior walls and fascia of the Building and any permitted improvements must be constructed of brick, stone, stucco, solid wood siding, or Hardiplank siding or its equivalent. Trim boards may also be made of Azek Trim, Miratec Trim or equivalents. Siding materials such as aluminum, vinyl, steel, pressed board, Masonite or plywood will not be permitted on the exterior of the Building or any permitted improvements, except on soffits. Soffits (but not fascia) may be made of aluminum, vinyl or the siding materials permitted above for exterior walls. Fascia may only be made of the siding materials permitted above for exterior walls (not aluminum or vinyl). Any exposed basement or foundation wall must be covered with full-sized brick, natural stone or stucco.

4. All two story and story and one-half Building roofs shall have a minimum pitch of eight feet in height for each twelve feet in length (8/12), except for a porch roof, a shed-style roof or rear dormers on story

and one-half Buildings. All one-story Building roofs shall have a minimum pitch of ten feet in height for each twelve feet in length (10/12). All roofs shall be covered with either wood shakes, wood shingles or dimensional 40 year fiberglass shingles of the type and quality of GAF Elk Prestique, Landmark 40 or their equivalents; provided, however, Developer shall have the right to approve other roofing materials if they are of comparable quality or better suited to the approved building design.

5. The exposed exterior portion of all chimneys below the level of the first floor shall be covered with full-sized brick, natural stone or stucco.

6. The minimum setback and offsets shall conform to the building envelopes depicted on the certified survey map of The Subdivision as recorded in the office of the Register of Deeds for Waukesha County as well as those setbacks and offsets required by government regulatory authorities as are in effect at the time of construction, in the event that those are more restrictive.

7. Each Owner must obtain the **prior written approval** of Developer of all of the design and layout plans listed in subparagraph (a) below prior to application for a building permit. **Each Owner must submit preliminary plans for review by Developer before submitting final plans.** The final plans shall incorporate the plan changes, if any required by Developer, as noted in its review of the preliminary plans. (2 full-size sets and 1 11" x 17" reduction)

(a) Each Owner must submit to Developer in connection with its application for approval of the design/layout plan three complete sets of the following final plans:

- Exterior elevations drawn to scale (1/4" = 1' minimum)
- Floor plans drawn to scale (1/4" = 1' minimum)
- Identification of all exterior building materials;
- Stake-out survey showing the proposed location of the Building, existing and proposed yard grades and location of silt fences.
- Statement of square footage of living area by floor.
- Other things that may be required from time to time as set forth in the Guidelines (Section III, below).

(b) Approval of the design/layout plan shall be based upon the restrictions contained in the Declaration and The Subdivision Guidelines for Plan Approval (Section II, below), as may be adopted from time to time by Developer.

(c) Design/layout plan approval may be withheld if the design is too similar in appearance to other Buildings in close proximity.

(d) If in the opinion of Developer the submitted plans do not comply with The Subdivision Requirements and Guidelines and the Declaration Developer may, at its option, but only with Owner's consent, refer the plans to a professional home designer for redesign so that the plans will comply with The Subdivision Requirements and Guidelines and Declaration. The Owner will be responsible for the payment of any fees charged by such professional.

## **B. Construction (See Declaration, Section III)**

1. The Building must be constructed in accordance with the design and layout plan which has been approved by Developer be completed within twelve (12) months of the date the building permit is issued by the City. Developer may, in its sole discretion, grant an extension of said period of time of not more than twelve (12) months. A sodded or seeded lawn and a driveway paved with concrete, stamped concrete, asphalt or brick must be installed within six (6) months of the date that the occupancy permit is issued by the City.

2. Developer and/or the City and/or their agents, employees or independent contractors shall have the right to enter upon any lot, at any time, for the purpose of inspection, maintenance and correction of any drainage condition and the Owner is responsible for the cost of the same. Each Owner, at the time of construction of

the Building, shall also be responsible for grading its lot so as to direct drainage toward the street, rain garden or drainageway and to prevent an increase in drainage onto neighboring property or into Upper Nashotah Lake. This shall be accomplished by creating swales along common lot lines wherever practical. Drainage ways shall be kept free of any obstructions. No plantings other than grass shall be permitted within 3 feet of side or rear lot lines without prior written approval of the Developer. Each Owner must consult with the adjacent lot Owner to agree upon compatible grading of their common lot lines. Due to the varying terrain and drainage conditions on each lot following construction, neither Developer nor the City shall be responsible for establishing lot line grades. The services of a professional engineer may be required to design a proper grading plan for any lot, the cost of which shall be paid by the lot Owner(s). Final grading of the lot shall be completed within two months after the date that an occupancy permit has been issued for the Building (subject to delays caused by adverse weather conditions).

3. Electric transformers, cable TV and telephone equipment boxes have been placed by Developer to serve each lot. Any subsequent relocation, either horizontally or vertically, or modification of these equipment boxes shall require written authorization from the appropriate utility company or service provider and Developer. The lot Owner shall pay all costs of such relocation or modification.

4. Each Owner shall be responsible for installing and maintaining erosion control measures from the commencement of grading until such time as a lawn or other plantings sufficient to prevent erosion has been established on the Owner's lot. These measures include, but are not limited to: installation of silt fence, hay/straw bales and/or ditch checks; street cleaning following precipitation events or tracking of mud on streets by any vehicle leaving the lot; and sodding or seeding and mulching lawn areas. Steep slopes may require installation of straw mat, jute mat or other materials designed to stabilize steep and highly erodable areas. Any areas where erosion control measures have been compromised by weather, construction or any other event shall be repaired within 7 days of damage. After every rainfall exceeding ½ inch and at least once per week, erosion control measures must be inspected by the Owner or the Owner's contractor, and any necessary maintenance or repairs made. Failure to comply with these requirements may result in sanctions against the Owner by the City, the Wisconsin Department of Commerce, and/or the Wisconsin Department of Natural Resources. All erosion control measures shall be installed and maintained according to the then current standards and specifications set forth in Wisconsin Department of Natural Resources Conservation Practice Standard and local ordinances.

5. All construction-related activity shall be confined to the Owner's lot unless the adjoining Owners have given permission to use their respective lots. In the event that landscaping on adjacent lots is disturbed during construction or grading, all disturbed areas shall be immediately restored with vegetation of like kind. In the event that eroded material is deposited onto a street or neighboring property, the Owner of the lot from which the material came shall be responsible for removing the material and restoring the street or neighboring property to its original condition.

6. No tree that is in excess of four inches in diameter and that is located outside of the footprint of an Approved Building or Approved permitted improvement on any lot of The Subdivision may be cut down or removed, without Approval.

7. There shall be no development activity that significantly alters the presently existing natural vegetation outside of the building envelopes depicted on the recorded certified survey map of The Subdivision, including, but not limited to, the removal of presently existing native grasses, flowers, shrubs or trees (of greater than four (4) inches in diameter) or natural aquatic vegetation near the water's edge. The foregoing notwithstanding, each Owner shall have the right to (a) erect one (1) pier per lot at the lakeshore, including the clearing of a reasonable access path to such pier and the removal of aquatic vegetation within a limited area near the pier for swimming and/or boat docking, (b) construct one (1) boathouse and one (1) gazebo per lot, including the clearing of a reasonable area near the same, (c) selectively remove non-native plants, (d) remove trees of four (4) inches or less in diameter, and (e) remove trees of any diameter within a view corridor that extends between the residence and the lakeshore and that shall be limited to a width of thirty (30) feet and (f) construct one driveway per lot.

8. As part of the development of each lot, the Owner shall be required to incorporate into each lot a rain garden or infiltration system, defined as a system designed to absorb rain water and slow storm water runoff flowing from rooftop(s) during rain events. The rain garden shall be designed by a qualified landscape architect and sized appropriately to detain and absorb rain water from the rooftop on the parcel for a 2-year storm

event, and shall be subject to Approval. Where topography allows, rooftop runoff water shall be directed to the rain garden via either a drainage swale (preferably vegetated) or a pipe, as appropriate, with a minimum slope of 1 percent. The rain garden normally consists of a landscaped area planted with native vegetation, containing a depression that will fill with several inches of water during storm events, thus allowing the water to slowly filter into the ground. Where slopes are too steep to allow for the design and locating of a depression-type rain garden, an infiltration system shall be designed consisting of a downspout pipe routing rainwater runoff directly from the rooftop into a piping system (typically, polyvinyl chloride (PVC) pipe cut in half lengthwise and placed face down in a trench or a series of trenches; buried several inches beneath the ground surface on a bed of gravel; and oriented parallel to the natural contours of the land (or an equivalent design). Preferably, one or more pipes are connected to the piping system, in order to outlet water to the surface in the event that the volume of rainfall exceeds a 2-year storm event. The best location for the system will be determined by an on-site soil assessment by the landscape architect. The location of the rain garden will be chosen based on natural characteristics of each lot, utilizing a naturally occurring depression, if possible, or if that is not possible, giving preference to a location near to the building envelope. Each Owner shall construct and perpetually maintain the rain garden, at its sole expense.

**C. Improvements/Owner Maintenance (See Declaration, Section IV)**

1. No buildings, outbuildings or other structures will be permitted on the Property except the Building, and **except the following exclusive list of permitted improvements, which are subject to the Guidelines and require developer's prior written approval:**

- (a) Fences of a decorative style. Chain link fences, privacy fences or fences which enclose an entire yard will not be allowed.
- (b) Deck structures constructed of wood or certain artificial wood products.
- (c) Gazebos.
- (d) Pool houses, not to exceed 200 square feet in area.
- (e) In-ground swimming pools. Above-ground swimming pools are not permitted. All swimming pool related pump, heater, filter and other equipment must be concealed in an enclosure located next to the Building to minimize the noise and visibility to neighboring properties. A different location for such pool equipment (with proper screening) may be allowed in special circumstances with Developer's prior written approval.
- (f) Retaining walls and decorative walls constructed of natural stone.
- (g) Berms.
- (h) Detached garages in accordance with paragraph I.A.2, above.
- (i) The enclosed portion of any children's outdoor playground equipment and play structures. Playground equipment and play structures without enclosures do not require approval.
- (j) Boathouses. The maximum size and the location of the boathouse shall be as permitted by City ordinance.

2. There shall be no outside parking or storage of boats, trailers, buses, commercial trucks, recreational vehicles or other vehicles or items deemed to be unsightly by Developer.

3. The design and location of each mailbox/newspaper box shall be uniform throughout The Subdivision and installed in the location designated by the postmaster.

4. Satellite dish antennas may not exceed 6 square feet in area. No antenna or satellite dish shall be mounted or installed on any roof. Any antenna or satellite dish should, if possible without interfering with reception, be placed and screened so as to minimize its visibility from roadways and neighboring lots.

5. Each Owner shall perform such periodic maintenance of the Owner's lot, as may be necessary to keep the lot neat and clean in appearance, including, without limitation, the mowing of grass and removal of weeds and debris. This requirement applies to vacant lots as well as to lots where Buildings have been constructed.

## **II. The Subdivision Guidelines for Plan Approval.**

The Declaration provides that the Developer may establish from time to time Guidelines for Plan Approval. In furtherance of its goals for the development of a high quality residential community, Developer adopts the following Guidelines, which it may amend or revise at its own discretion:

**1. Windows:** Shutters, window casings, window grids and other trim features that are used on the front of the residence and garage must also be used on appropriate windows on the sides and rear. In non-masonry openings casings of at least four inches in width must be used on all windows without shutters, attic vents and on all doors. Windows, doors and attic vents in masonry openings must have stone or brick sills and stone or brick soldier courses or corbels at the top, or other similar appropriate detail. Developer will require the placement of windows or other design features in walls that would otherwise be blank or without architectural feature. (Chimneys, bays, or other projections on a wall are not, by themselves, an architectural feature.) Developer may require grids or muntin bars in all windows. An attractive, balanced exterior design will usually take precedence over concerns about furniture arrangement. Windows may be vinyl or aluminum clad.

**2. Doors:** Garage and service doors may be wood, steel or fiberglass and must have a raised panel or other decorative design.

**3. Masonry:** There is no minimum brick or stone requirement. If masonry material is used on the exterior walls, it should, if possible, terminate only at an inside corner. In the event it is not possible to terminate these materials at an inside corner, the materials must then terminate at a corner board at least six inches in width. If quoins or similar details are used at outside corners it will be acceptable to terminate the masonry by extending it around the corner the full width of the quoin. If stone (not brick) is used on exterior walls it will also be acceptable to terminate the stone by extending it around a corner for a distance of at least one foot. Other exterior materials such as lap siding must also terminate at an inside corner or at a corner board at least six inches in width.

**4. Bay, Boxed-out Windows and Chimney Chases:** Any bays, bay windows, boxed-out windows and other projections which extend down to the top of the foundation level must have a foundation beneath. "Hung bays" which are at least 12" above the foundation are permitted, supported by brackets if appropriate. All chimney chases must have a foundation beneath.

**5. Sloped Lots:** Developer may require on sloping lots that certain basement walls be exposed to minimize the impact on trees, vegetation and drainage as well as allow for a more natural transition between homes. Attached garages must be constructed on the high side of the lot unless a special exception is approved by Developer.

**6. Materials and Colors:** The variety of exterior materials should be kept to a minimum and must be used consistently on all elevations. The number of exterior colors should be kept to a minimum. It is recommended that a maximum of two colors be used on the walls and trim and one color for such items as shutters and doors.

**7. Fences:** Fences must be of a decorative style, no more than 5' high and at least 75% open. Chainlink fences, privacy fences and fences which enclose any other part of a yard or lot are not allowed. Other styles of fence may be allowed if specifically approved by Developer. The area enclosed by the fence shall be no larger than the area that would be devoted to a typical back yard in-ground swimming pool, regardless of whether or not the home has a pool. All fences must be at least 3' from any lot line and the finished side of the fence must face the abutting property. Garden fences that are less than 75% open will be allowed provided that their design and materials are comparable to those of the house and provided that they conform to these guidelines in all other respects. If the municipality has more restrictive fence ordinances, those shall control.

**8. Landscape Features:** Landscape features must not obstruct or interfere with construction of lot line drainage swales.

**9. Storage:** Lot Owners must make sufficient provisions for storage within the perimeter of the Building. Firewood may be stored in the Owner's rear yard provided it is screened from view of neighboring lots by landscape materials.

**10. Professional Home Designer/Architect:** In order to properly evaluate a design, Developer may require that design/layout plans submitted for plan approval be drawn by a professional home designer or architect. Submittal of a preliminary plan for review prior to preparation of final plans is required.

Revised 11/17/09