



# ARCHITECTURAL CONTROL COMMITTEE GUIDELINES AND REVIEW PROCESS

## GUIDELINES

These guidelines are intended to assist owners during construction of their home and are not a replacement for the “Declaration of Conditions, Covenants, Restrictions and Easements “DCCR&E”. Owners should verify their builder has a copy of the “DCCR&E” which can be found at [www.ashburycreek.com](http://www.ashburycreek.com).

General Purpose. The Property is subjected to this Declaration to insure the best use and the most appropriate development and improvement; to protect the Owners against such improper use of the Property as will depreciate the value thereof; to preserve, so far as practicable, the natural beauty of the Property; to provide for entrances to the Property; to guard against erection of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to guard against an excess of similar architectural styles and thereby avoid housing monotony, to obtain harmonious color schemes; to insure the highest and best development of the Property; to encourage and secure the erection of attractive, substantial homes, with appropriate location on Lots; to prevent haphazard and inharmonious improvement of Lots; to secure and maintain proper setbacks from street and adequate free space between structures; to encourage, secure and maintain attractive and harmonious landscaping of Lots and Common Areas; and in general to provide adequately for a high type and quality for improvement in the Property and thereby to enhance the value of investments made by purchasers of Lots.

Architectural Control. No building, fence, wall, swimming pool, playground set, driveway, deck, sidewalk, landscaping, or other structure or improvement of any type (including antennae of any size or shape, whether freestanding or attached to another structure) shall be commenced, erected, or maintained upon any Lot, nor shall any exterior addition or improvement to or change or alteration of any Lot (including without limitation, adding a deck, patio, gazebo, pergola, sport court, or sidewalk, repainting or landscaping changes on existing homes for which plans have previously been approved) be made until the plans, specifications and plot plan showing the nature, kind, shape, height, materials, color and location of the same and the

landscape layout described in Section 3.10 hereof shall have been submitted to and approved in writing as to quality, materials, harmony of exterior design and location in relation to other structures, topography and compliance with the provisions of this Declaration, by the Board of Directors of the Association, or by an ACC composed of three (3) representatives appointed by the Board (in either case hereinafter called the "Architectural Control Committee"). Owners must submit three (3) identical copies of all plans, specifications, surveys, plats and other required documents to the ACC. Owners shall submit a \$200.00 review fee payable to the Developer for the initial home construction. Notwithstanding anything to the contrary, as long as the Developer owns one or more Lots, the Developer reserves the right, but not the obligation, to carry out the functions of the ACC. No Owner shall request or obtain a building permit for a Lot from the Village without first obtaining the written approval of the plans and specifications from the ACC. In the event the ACC fails to approve or disapprove within thirty (30) days after the plans and specifications have been submitted to it, or in the event of disapproval, if no suit to enjoin the addition, alteration, or change or to require the removal thereof has been commenced before one (1) year from the date of completion thereof, then approval will not be required and this section will be deemed to have been fully complied with. The ACC shall have the right to waive minor infractions or deviations from these restrictions in cases of hardship or as otherwise determined by the ACC in its sole discretion. The ACC shall have the sole discretion to determine which of the dwelling size requirements of this Declaration applies to a particular proposed dwelling and whether the same has been met. The provisions of this Declaration are minimum requirements and the Developer, or ACC, may in its discretion, require stricter standards or, conversely, may relax standards on a case by case basis if it reasonably determines that such modified standards are required for the benefit of the entire Property, provided such variance is not in conflict with the dedications and restrictive covenants running with the land as described on the final plat or the obligations imposed by the Declaration on Owners or the requirements of the Village ordinances. Further, the Developer may require reasonable alterations to be made to any of the plans to be submitted under this Declaration and said requirements shall be binding upon each and every Owner. In the event of ACC approval, no plans shall be altered or changed prior to submittal to the Village without ACC re-approval.

Setbacks. The minimum setbacks are 30' Streetyard, 10' sideyard and 25' rearyard. Corner lots must be 30' setback from both streets.

Dwelling Size. No dwelling shall be erected on any Lot having a ground area within the perimeter of the main building, or at or above finish grade elevation (exclusive of garages, porches, patios, breezeways and similar additions), measured along the exterior walls, of less than the following areas:

- (a) Not less than 1800 square feet for a one-story dwelling;
- (b) Not less than 2000 square feet for a one and a half or two-story dwelling with a minimum first floor area of 1000 square feet;
- (c) With respect to all other types of dwellings, not less than such areas, determined by the ACC, as are consistent with the foregoing and with other provisions hereof.

Grading, Building, Location and Lot Area.

- (a) Any grading of a Lot must conform to the last approved Master Grading and Drainage Plans ("Grading Plans") on file with the Village Community Development Department. All Lots shall

have setbacks from the front lot line and from the interior lot lines of distances determined by the ACC but, in no event less than that set forth on the Final Plat and provided by applicable Village ordinance.

- (b) Within each set of building construction plans submitted to the ACC for approval, shall be a plat of survey showing the placement of the proposed dwelling with the existing and proposed ground grade elevation shown every twenty-five (25) feet at the property line together with all easements. The ACC reserves the right to make modifications as to the final first floor grade of the building. The landscaping and drainage of the Lot shall conform to Grading Plans.

#### Landscape Requirements.

- (a) All plans for dwellings shall include a landscape plan which shall be subject to the approval of the ACC, shall be submitted in three (3) copies for approval prior to submission to the Village Building Inspector of the building plans for the dwelling and shall conform to the Landscape Standards. Such landscape plan shall include driveway, deck, patio, walkways and plantings such that a pleasing park-like appearance shall ultimately be accomplished in the Property and a uniform line of planting is avoided. Landscape planting for any dwelling as approved by the ACC shall be completed within one (1) year from the date of issuance of a verbal occupancy permit by the Village, except as set forth herein, and shall be properly maintained thereafter. In the event the landscaping is not maintained properly, in the opinion of the ACC, upon notification, the Owner of the Lot shall take adequate measures to properly maintain the landscaping. Refusal to comply with the maintenance requirement shall be considered a violation of this Section 3.10 of this Declaration and shall be subject to penalties as provided in Section 8.3. Any alterations to the approved landscape plan for a Lot shall be subject to the approval of the ACC. No trees, landscaping, or other planting existing on a Lot, except those in the location of the proposed dwelling, patio, walks and driveways, shall be altered or removed without prior written approval of the ACC.
- (b) The Developer shall install parkway trees in the public road right-of-ways and warranty said trees for a period of (1) year from the date of planting provided the Owner of the Lot in which the trees adjoin takes reasonable precautions to maintain, foster and promote its growth; should a tree die within the warranty period and it is determined by the Developer that the tree was harmed due to construction activity, grading, damage, lightning, wind, negligence or neglect, the warranty is void and the Owner shall be responsible for replacement; upon expiration of the warranty, Village ordinance requires each Owner to maintain the trees that adjoin the Lot; should a tree(s) die, the Owner shall promptly replace the tree(s) with a similar species, minimum of 2 ½" in diameter at the base at the same approximate location.
- (c) Owners are responsible for maintaining the parkway, otherwise known as right of way or the area between the property line and the curb in front of each lot. In the event an Owner landscapes their Lot prior to the installation of curbs, any landscaping lying within the right of way will be destroyed during the installation and backfilling of the curbs and Owners are responsible for the cost of replacing or installing landscaping in the right of way after the curbs have been installed and properly backfilled.

Nuisances, Etc. No noxious or offensive activity shall be carried on upon any Lot nor shall anything be done thereon which may be or may become a nuisance to the neighborhood.

- (a) Trash, garbage, or other wastes shall not be kept except in sanitary containers and all such materials or other equipment for disposal of same shall be properly screened from public view. Outside incinerators are prohibited. Trash shall not be placed curbside earlier than the morning of the scheduled day of collection.
- (b) No vehicle, truck, trailer, tent, shack, garage, barn, or other outbuilding or living quarters of a temporary character shall be permitted on any Lot at any time except as provided for within this Declaration.
- (c) No external antennae, including satellite dishes, excepting satellite dishes of not greater than twenty four (24) inches in diameter, television antenna or radio towers of any type for any purpose, shall be permitted on any Lot at any time without the prior written approval of the Architectural Control Committee.
- (d) Basketball goals shall be permanently direct-buried within 3ft. of the driveway. No goals shall be installed on any portion of the main dwelling or garage structures nor shall any portable goals be permitted. Support poles shall be black and the backboards shall be transparent (plexi-glass or plastic). The use of such goals shall be limited to 8am to 10pm.
- (e) Solar panels and collecting equipment are prohibited on any Lot.
- (f) The installation, erection and use of clotheslines and similar devices and the placement or drying of clothing, linens, rugs or other items are prohibited outside the dwelling on any Lot.
- (g) Outdoor playground equipment including trampolines are prohibited except for swing sets, slides and similar apparatus constructed of primarily natural materials, with no bright or offensive colors and occupying no greater than 300 square feet of ground area are permitted.
- (h) No person shall kindle, start, maintain or conduct outdoor burning or open fires, including but not limited to, the burning of trash, paper, cardboard, leaves or items that emit noxious or hazardous smoke as determined by the ACC, except a fire for outdoor cooking or recreation. The fire for cooking or recreation shall be in a grill, fireplace or other equipment specifically designed for outdoor residential use.

Animals. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except that up to two (2) dogs and/or two (2) cats, or other small household pets (such as canaries or parakeets) or as otherwise approved by the ACC may be kept in a manner which will not disturb the type and quality of life and the environment of the Property. Dogs shall be kept on leashes at all times when outdoors and Owners shall immediately collect, remove and dispose of any dog waste from the Property. No animals shall be kept, bred, or maintained for any commercial purposes. Dog runs, dog houses or other shelters are prohibited. No dogs are permitted to remain outside overnight.

Yard Lights, Mailboxes and Public Street Lighting.

- (a) Owner's shall install at Owner's expense one (1) outdoor electric yard light and lamp post matching the dwellings other exterior lighting, with photo cell (to operate dusk to dawn) wired direct to the Owner's electrical panel, indoor light switches are prohibited. The light and post shall be installed at the front Lot line and near the proposed (or completed) driveway, as approved by the ACC.
- (b) Owner's shall purchase at Lot closing, and the Owner shall thereafter maintain, one (1) mailbox with newspaper box, which shall be installed at the street in clusters and at locations approved by the United States Postal Service. Individual newspaper boxes or other apparatus are prohibited in the parkway.
- (c) Public Street Lighting will be installed at entrances and other locations within the Property as determined by the Village and We Energies shall maintain, repair or replace the street lights. The Developer shall make an initial estimated cash deposit with the Village equal to the first years billing costs for the public street lighting. Thereafter, the payment for the costs of the public street lighting, which includes the electric energy costs, monthly facility maintenance fees and Village administrative billing fee will be invoiced to the Association for payment. The street lighting deposit held by the Village will be evaluated each year based upon the previous years billing and shall be increased, if necessary, by the Association within 30 days of the Village's invoice.

Garages; Parking, Concrete Driveway Approaches and Sidewalks.

- (a) Each Lot shall have a private, enclosed garage attached to the dwelling, having not less than 528 square feet total for onsite storage of not less than two (2) automobiles for each one (1) family dwelling built upon such Lot and shall be connected to the street by a properly surfaced concrete or brick driveway (such driveway shall be installed and completed within one (1) year from the date of issuance of a verbal occupancy permit) The use of asphalt paving is prohibited.
- (b) Garage doors shall not measure greater than 40% of the front elevation of the overall dwelling when facing the front street. When garage doors face the front street, the garage shall not project greater than 15 feet closer to the street beyond the main dwelling or covered porch. For corner Lots the front street is located at the elevation of the main front door. Owners shall endeavor to use decorative, architecturally correct garage doors that enhance appearance.
- (c) There shall be no outside parking of boats, snowmobiles, buses, trailers or recreational vehicles of any type, vehicles greater than 8' in height, vehicles with a gross vehicle weight rating exceeding 12,000 lbs., any vehicle not in regular use or not registered with the Department of Motor Vehicles; such personal property shall be stored in garages or off-site.
- (d) No mountable curb cuts shall be permitted for driveways.

- (e) The location of garage door(s), whether front or side entry shall be eight (8) feet in height. Driveways shall be located a minimum of five (5) feet from the sideyard property line and access on corner Lots shall be limited per the Subdivision Plat.
- (f) Sidewalks will be installed on the east side of 94<sup>th</sup> Avenue (only) in the right of way and Owners (or the Association for Outlots 3 and 4) are responsible for the continued maintenance, repair and replacement of the sidewalks in front of their Lot. Sidewalks shall be kept clear. The Owner shall promptly each day remove all snow and ice which may have fallen or accumulated upon the sidewalk in front of their Lot. When ice is so formed that it cannot be removed, the Owner shall keep the same sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians. When sidewalks deteriorate and become hazardous as a result of cracking or heaving, Owner's shall promptly repair or if not repairable, replace the section(s) of sidewalk to Village specifications.

#### Roofing Material and Construction.

- (a) All dwellings proposed to be erected, altered, or modified shall specify on the construction plans roofing materials acceptable in quality to the ACC and the construction shall be carried out with such roofing material as approved by the ACC.
- (b) All dwellings shall have minimum roof pitches of 6:12 or as approved by the ACC.

#### Exterior Building Materials and Dwelling Quality.

- (a) All dwellings proposed to be erected, altered or modified shall, on the construction plans, denote natural exterior material(s), i.e. brick, stone, and EIFS, stucco, composite cement board or other similar materials acceptable to the ACC and the construction shall be carried out in accordance with the material as approved by the ACC. T-111, vinyl, wood, and aluminum are prohibited for use as the primary exterior surface. Aluminum, steel, wood or vinyl are permitted for soffits, windows and doors only.
- (b) The design, layout and exterior appearance of each dwelling proposed to be erected, altered, or modified shall be such that, in the opinion of the ACC at the time of approving of the building plans, the dwelling will be of a high quality and will have no substantial adverse effect upon property values. The ACC reserves the right to deny a building plan within 500 feet of where the same or similar plan was previously approved on the Property.
- (c) The proposed color schemes for a dwelling to be erected, altered, modified, or repainted with a new color scheme shall be submitted to the ACC for approval. It shall be the aim of the ACC to harmonize colors for not only the dwelling proposed, but to consider the effect of these colors and materials as they relate to other dwellings.
- (d) All color schemes, including the color of siding, roof, brick, or stone samples must be submitted for approval before construction commences.

Fences. Only fences decorative and see through in nature, such as wrought iron style, picket or split rail and standing no more than six (6) feet in height will be permitted. Plans including size, shape, material and location of such fences must be approved by the ACC prior to installation. Stockade, chain-link and privacy fences are prohibited. The Developer reserves the right to permit solid fencing along the west property line.

Pools. Above ground swimming pools of any style or type, temporary or otherwise are prohibited on any Lot. In ground swimming pools are permitted only with ACC prior written approval, which may be withheld if the proposed pool poses an adverse effect to existing trees, topography or neighborhood. The construction and installation of an ACC permitted swimming pool shall be governed by the ordinances in effect for the Village at the time a permit is requested. All pools require fences in the Village and are subject to the section above.

Hot tubs. Outdoor hot tubs are permitted subject to ACC prior written approval. Above ground hot tubs shall be screened from public view and have exterior panels constructed of natural materials. Inflatable or otherwise temporary hot tubs are prohibited.

## **REVIEW PROCESS**

The following must be completed for the Ashbury Creek Architectural Control Committee “ACC” prior to your submission of building plans to the Village of Pleasant Prairie. The Village will not issue permits without “ACC” approval. The “ACC” requires the following be submitted for review.

1. Completed “ACC” application (attached hereto).
2. \$200.00 check payable to Alfa Land, LLC.
3. (3) Copies of the survey including building location, driveways, walkways and topography.
4. (3) Copies of the final building plans including elevations, height, size and materials.
5. (3) Copies of the landscape plans including sizes and species.
6. Exterior color schedule including samples. For larger items e.g. roofs, shutters, etc. color sample sheets can be printed from the manufacturer’s website.

Submit all correspondence to:

Prudential Premier Properties  
c/o Ashbury Creek  
6040 39<sup>th</sup> Avenue Suite 4  
Kenosha, WI 53142-7064

The “ACC” will review your submittal within 30 days or less and reply with an approval, denial or conditional approval. If your plans are approved or conditionally approved you will receive (2) sets signed and sealed by the “ACC” for your use in applying to the Village of Pleasant Prairie for building permits.

Should you have any questions please call Mark S. Bourque, Prudential Premier Properties at 262.605.1500.



## ACC REVIEW APPLICATION

Date \_\_\_\_\_

Owner's name \_\_\_\_\_

Contractors name \_\_\_\_\_

Owner's name \_\_\_\_\_

Company name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone (work) \_\_\_\_\_

Phone \_\_\_\_\_

Phone (cell) \_\_\_\_\_

Email \_\_\_\_\_

Phone (home) \_\_\_\_\_

Email #1 \_\_\_\_\_

Email #2 \_\_\_\_\_

### Checklist

- Competed "ACC" application.
- \$200.00 check payable to Alfa Land, LLC.
- (3) Copies of the survey including building location, driveways, walkways and topography.
- (3) Copies of the final building plans including elevations, height, size and materials.
- (3) Copies of the landscape plans including sizes and species.
- Exterior color schedule including samples. For larger items e.g. roofs, shutters, etc. color sample sheets can be printed from the manufacturer's website.