**WINNEBAGO PARK ASSOCIATION, INC. (THE ASSOCIATION)**
**AMENDED RULES AND REGULATIONS REGARDING CONSTRUCTION OF IMPROVEMENTS**

**Adopted by the Association on August 31, 2024**
**to be Effective as of September 1, 2024**

## INTRODUCTION

Section 14 of the Association's Amended and Restated Bylaws (**Bylaws**) entitled "Use, Type, and Location of Buildings; Construction" governs all building, additions or exterior remodeling or new construction of buildings within Winnebago Park and/or renovation of any kind which would change the footprint or height of an existing structure. Section 14 of the Bylaws also applies to landscaping, which changes a lot's elevation or drainage, patios, retaining walls, driveways, decks and demolition of existing structures. In this document, any such building, modification, improvement or demolition projects are referred to as **Improvements**.

Section 14 of the Bylaws also provides that any Improvement must (a) comply with governmental laws, regulations and ordinances, (b) comply with the Bylaws and any rules and regulations adopted by the Association, and (c) receive express written permission of the Association's board of directors (**Board**).

The following Rules and Regulations (**Rules**) regarding construction of Improvements have been adopted by the Association.

## 1. REQUIRED PERMITS AND APPROVALS

1.1 Zoning Requirements. In addition to the Association's requirements set forth in this document, Improvements must comply with all applicable state, Fond du Lac County and Town of Calumet zoning laws, ordinances and regulations (collectively **Zoning Requirements**). This includes Wisconsin Shoreland Zoning laws and regulations and Fond du Lac County Shoreland Zoning ordinances (collectively, **Shoreland Zoning Laws**). It is the responsibility of the Member who is contemplating Improvements to assure compliance with those laws and ordinances and to provide the Board with copies of all required governmental permits and approvals. No construction of Improvements may be commenced without such permits and approvals.

1.2 Board of Directors Approval. In addition to compliance with Shoreland Zoning Laws and all other zoning Requirements, no construction of Improvements may be commenced without the prior written approval of the Board.

1.2(a) *Board Plan Review*. Prior to commencing an Improvement, the Member must submit to the Board a completed application for approval, in a form approved by the Board, along with the following:

(1) *Site Plan*. Copies of the information required by Shoreland Zoning Laws and all other Zoning RequirementsZoning. If the Improvement does not require zoning approval, then the Member must provide a site plan showing all existing and proposed Improvements and the dimensions of all Improvements. If applicable, the site plan must also show: (a) setbacks

from lot lines and the natural shoreline of Lake Winnebago of all existing and proposed Improvements, (b) the height of all existing and proposed Improvements, and (c) any other information required by the Board to determine if the proposed Improvements will comply with Sections 3.2(a) and (b) of these Rules and Regulations regarding lake facing walls, patios and decks.

(2) *Neighbor Acknowledgement*. Copies of communications to both of the Members' immediate neighbors providing them with a copy of the site plan along with acknowledgements from those neighbors that they have been informed of the proposed Improvement.

(3) *Drainage Plan*. Fond du Lac County will require a drainage plan for any Improvement which requires Shoreland Zoning approval. If an Improvement does not require Shoreland Zoning approval but if, in the Board's opinion, the planned Improvement will alter the lot's elevation or natural drainage, the Member must include a drainage plan for the property showing that the planned Improvement will not direct storm and surface water on to adjoining lots.

(4) *Other Information*. Any other information requested by the Board.

1.3 Deposit. A Member's application for approval must include a deposit in the amount of $1,000 in the form of a check made payable to the Association. The Member's check will be held by the Association until Board approval of the completed project. This deposit would, if necessary, be applied to cover any out-of-pocket costs which might be incurred by the Board in connection with the review of plans, as well as costs incurred by the Association to restore damage to or disruption of Association Property caused by the construction activities as determined under Section 5.1 of these Rules. This would include such things as the cost of retaining outside experts such as engineers or surveyors. To the extent such costs are not incurred, the deposit will be returned. The Board will not act on an application for approval unless and until the deposit is paid in full.

1.4 Board Action on the Submission. The Board will act to approve or disapprove any application within 15 days of its receipt of all required submissions, including the required deposit. If the project requires Shoreland Zoning, Town of Calumet and/or other governmental approvals and/or permits, the Board's approval will be conditioned upon the Member providing proof of compliance with the same. The Board and/or the Member may request a meeting to discuss the submission prior to the Board's action on the application. The Board will notify the Member in writing of its decision within five days of the Board's action. If disapproved, the Board will inform the Member why the application was not approved and the steps necessary to rectify the shortcomings.

1.5 Request for Hearing. In the event the Member's request is not approved, the Member may request a hearing before the Board to have the matter reviewed by submitting a written request to the Board within 15 days of the Member receiving notice of the disapproval.

1.6 Hearing. If a hearing is requested pursuant to Section 1.5, the Board will schedule a meeting with the Member within 15 days of the Board's receipt of the request for a hearing. At the hearing, the Member and the Member's immediately adjacent neighbors will have an opportunity to be heard. Within five days of the hearing, the Board will determine whether the requested Improvement will be approved or denied. The Member will be promptly notified in writing of the Board's decision.

## 2. LOT LINE SETBACKS/HEIGHT

2.1 Minimum Lot Line Setbacks/Variances. Improvements must meet the requirements for lot line setbacks provided in the Fond du Lac County Shoreland Zoning Ordinances. If Fond du Lac County grants a variance from the lot line setbacks, that variance will be accepted by the Association.

2.2 Height. The height of any Improvement must comply with the requirements of Fond du Lac County Shoreland Zoning ordinances.

## 3. SETBACK FROM LAKE WINNEBAGO

3.1 Setback from Lake Winnebago. **In addition to all setback requirements in the Shoreland Zoning Laws regarding setbacks from Lake Winnebago, all Improvements must comply with the requirements of Section 3.2 below.**

3.2 Additional Association Requirements.

(a) *Lake Facing Walls*. In addition to the requirements set forth in Section 3.1, the Association requires that, for new construction and additions to existing principal structures, the lake facing wall of the new construction or addition must be consistent with the setbacks of the lake facing walls of the principal structures on each of the immediately adjoining lots. If the Improvement is replacing an existing structure, the lake facing wall may be placed at the same location as the wall of the structure which will be replaced. If the Improvement is not replacing an existing structure and the lake facing walls of the principal structures on the immediately adjoining lots are set back varying distances from Lake Winnebago, the setback from Lake Winnebago for the structure will be determined by using the corner of each adjacent lot's lake facing wall that is closest to the lake and drawing a straight line between those corners to establish the location of the new principal structure's lake facing wall (excluding a patio/deck as specified in Section 3.2(b)). The Clubhouse may not be used as a principal structure for setback purposes. In the event that a lot does not have a principal structure on each adjacent lot, any new structure's lake facing wall must be set back at the same distance from lake facing wall of the existing primary structure on the adjacent lot.

(b) *Patios/Decks*. A lake facing Improvement may include a patio or deck which extends beyond the lake facing wall of the new construction or addition. No such patio or deck, including deck steps, may extend more than 20 feet beyond the lake facing wall of the new construction or addition. Any deck is not allowed to be enclosed above the deck floor nor is a deck allowed to have a ceiling. Any deck that extends beyond the lake facing wall of the privacy structure which comes off of a structure with a walk out lower level may not be enclosed below the deck floor. In addition, the lake facing edge of such patio or deck must comply with the setback requirement in Section 3.1 and must otherwise satisfy Shoreland Zoning Law to their Zoning Requirements.

## 4. COMPLETION OF CONSTRUCTION

Improvements must be completed within 12 months of the later of the date of (a) Board approval, or (b) the Member receiving required governmental approvals and permits. A Member may request an extension of the required completion date from the Board which request may be granted or denied in

the Board's discretion. If a Member fails to comply with this rule, the Board may assess a fine of $25 per day for each day the violation continues.

## 5. DAMAGE TO OR DISRUPTION OF ASSOCIATION PROPERTY

5.1 Member's Responsibility. If a Member's construction activities cause any damage to or disruption of Association property, including, but not limited to, Winnebago Park Road or the property east of Winnebago Park Road, the Member is responsible, at the Member's expense, to fully repair the damage or disruption and to and restore it to its original condition. This must be completed promptly and, in any event, no later than one year after completion of the Improvements. If the Board determines that a Member has failed to adequately repair and restore damage or disruption, the Board will provide written notice to the Member of its determination and that, if the damages or disruption are not fully repaired and restored within 30 days, the Association may, at its discretion, arrange for repair and restoration of the Association property and charge the Member for reasonable costs of the repair or otherwise determine the reasonable amount due from the Member as compensation for the damages.

## 6. OPPORTUNITY FOR HEARING

When any fine is imposed or assessment for damage or repair cost is levied against a member under this Rule or any other of these Rules, the Member shall have 15 days to request a hearing before the Board to have the matter reviewed. This request shall be made in writing to the Secretary of the Association. If no request for a hearing is made, the fine and/or damage assessment will stand and must be paid in full.

If a hearing is requested, the Board shall schedule a meeting with the member within 20 days of receipt of the notice of request of hearing to review the matter. At the hearing, the Member will have the opportunity to be heard. After the hearing, the Board will determine if the fine or assessment will be affirmed, modified, or eliminated. The Board will notify the Member in writing of the decision.

## 7. MISCELLANEOUS

7.1 Culverts/Drainage Ditches. Installation, removal or alteration of culverts or drainage ditches on the east side of Winnebago Park Road must have prior approval by the Board.

7.2 Notification of Contractors, Etc. Prior to commencing any Improvement approved under these Rules, the Member must provide a copy of these Rules to all architects, contractors and other service providers involved in the project.

7.3 Alternative Remedies. Nothing in these Rules shall be construed as a prohibition of or a limitation on the right of the Board to pursue other means to enforce the provisions of these Rules and/or the Bylaws, including, but not limited to, the right to penalties, damages and liens, as provided in the Association's Bylaws, including the recovery of attorneys' fees and costs as provided in the Bylaws.

7.4 Interpretation of Rules and Regulations. The Board shall have the right to determine all questions arising in connection with these Rules and shall construe and interpret the provisions of the Rules. The Board's good faith determination, construction or interpretation is final and binding.

7.5 Indemnification. The Association's directors and officers, and members of any committee of the Association and the Board, are entitled to indemnification as set forth in Section 6 of the Bylaws and to the fullest extent allowed by law.

7.6 Inclusion of Bylaws. These Rules are intended to supplement the current version of the Bylaws. The Bylaws are incorporated by reference into these Rules. In the event that these Rules conflict with the Bylaws, the Bylaws shall control.

7.7 Amendments. These Rules may be amended at any regular or special meeting of the Members by an affirmative vote of a majority of the Members present, voting in person or by proxy, so long as a quorum of Members is present at the meeting.