

Industrial Park Land Use Control

Applicable to all properties sold in the Little Chute industrial park plat.

This conveyance is made subject to the following conditions, covenants and understanding which shall be binding upon the vendee, his heirs, successors or assigns.

I. Setbacks

A. Front Yard:

No building shall be constructed on the site nearer than thirty (30) feet of the right-of-way of any public street or highway. In the case of corner lots both thirty (30) foot setbacks will apply.

B. Side and Rear Yards:

Minimum side yard shall be fifteen (15) feet, provided that adjacent property owners may mutually agree to jointly construct common wall structures thereby eliminating any setback between buildings. Minimum rear yard shall be thirty (30) feet.

II. Land Use

- A. Uses in the Industrial Park shall be limited to commercial, service, manufacturing, warehousing or distribution activities, and administrative offices related directly thereof.
- B. No activities involving the storage, utilization or manufacture of material or products which decompose by detonation shall be permitted.

III. Construction and Materials:

- A. The front of all buildings shall be faced with decorative masonry or other material approved by the Village Board of Trustees or its designated agent or representative, and such facing shall extend a minimum of twenty (20) percent on each side of all buildings or to a natural dividing point approved by the Village Board of Trustees, or its designated agent or representative. The side and rear of all buildings shall be of such material as may be approved by the Village Board of Trustees, or its designated agent or representative. Where concrete block masonry is used, it shall be of decorative pattern block or other decorative treatment of plain block approved by the Village Board of Trustees, or its designated agent or representative. For the purposes of this regulation, standard, lightweight or cinder concrete block are not considered decorative masonry. All faces of all buildings must be kept in good repair and appearance at all times.
- B. All driveways shall be surfaced with hot mixed asphalt, concrete from the Village street surface to the front building face, except that industrial parcels shall have concrete driveway aprons. All walks shall be of concrete. All landscaping, drives, and walks shall be completed within one year after occupancy of the building.

IV. Landscaping:

- A. The front yard area of the site shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials Landscaping shall relate to buildings and paved surfaces as to scale, massing, size, shape and color. At time of planting, vegetation shall be sufficient size as to noticeably enhance the site (i.e. whips are inappropriate as primary landscaping elements). Existing trees shall be preserved whenever possible and may be substituted for part of the required landscaping. Plant material shall be of hardy quality, preferably native of Wisconsin. Weedy or short-lived trees such as Box Elder, Popular, American Elm, or Willow shall not be acceptable. Vendee shall be responsible for maintenance of vegetation and replacement of any defective plant material.
- B. All grass must be cut whenever necessary. If grass is not cut, the Village may serve notice to the occupant requiring such cutting and if the notice is not complied with, within two days thereafter the Village may cut same and add this cost of cutting to the land owners annual real estate tax bill. Similarly all weeds must be kept cut by the landowner. If weeds are not cut, the Village may serve notice to the occupant requiring such cutting of weeds and if not complied with, within two days, the Village may similarly cut all weeds and add the cost of weed cutting to the landowner's annual real estate tax bill.

V. Signs

- A. Advertising signs shall be permitted to promote only the name or product of the owner or tenant of the parcel, on which the advertising media is placed. Advertising signs and lighting are to be in conventional, good taste and are to be approved by the Village Board of Trustees, or its designated agent or representative, before erection.

VI. Excess Soil

- A. Any excess soil, earth or fill material not used by the owner or occupier of the premises shall not be removed from such premises without first offering same to the Village of Little Chute, free of charge, for removal by the Village within a reasonable time following such offer, and without further cost to the owner or occupier.

VII. Parking

- A. One parking stall of not less than 180 square feet, excluding drives and approaches, shall be provided for each property, for each 1000 square feet of building area or for every two employees, whichever amount constitutes the greater number of parking stalls. Parking stalls shall be added on each property to accommodate all employees. Variances may be granted by the Village Board of Trustees, or its designated agent or representative, for warehouse or similar uses upon proof that these parking restrictions are not realistic. Village streets will be designated by the Village to provide employee parking.

VIII. Outdoor Storage

- A. No outdoor storage of any kind shall be permitted unless such stored material is visually screened from all streets with a suitable fence, vegetation, berm, or combination thereof. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said

structure shall be limited to behind the front line of the building on the property, and within the building setback line's. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings .

- B. Where outside storage is permitted, all such outside storage areas shall be hard surfaced with gravel or hard surface material. Plans for outside storage shall be included with the submitted Industrial Development Plan. Materials shall be palletized or stored in containers if they are to be piled or stacked, and such stacking shall not exceed twenty (20) feet in height or the building height, whichever is less.

IX. Approval of Plans

- A. Before commencing the construction or alteration of any building, additions, enclosures, fences, loading docks, parking facilities, storage yards or any other structures or permanent improvements on or to the real estate conveyed hereby, the vendee shall first submit its building plans, specifications, site and landscape plans and an elevation sketch of all improvements to be placed thereon to the Village Board of Trustees for its written approval. In the event the Village Board of Trustees or its designated agent or representative shall fail to approve or disapprove in writing such building plans, specifications, site and landscape plans and elevation sketch within thirty (30) days after they have been submitted to them, such approval will not be required and these restrictions will be deemed to have been complied with. The Village Board of Trustees may assign this review of plans to Village staff.

X. Erection of a Structure

- A. Vendee accepts this conveyance on the express condition that:
He/it will within a two (2) year period of time from the date thereof, erect a building or structure of 2400 square feet or more for such purpose or purposes as may be permitted, under the terms of these restrictions, the zoning ordinance and in accordance with the building code. In the event a grantee fails to perform this condition with the time specified, the Village shall have the option to repurchase said property for an amount of money equal to the purchase price paid by the grantee plus any special assessments paid by the grantee, and the Village shall have the right to exercise this option until such time as the Village, in recordable written form, agree not to exercise the option.

XI. Reciprocal Switching

- A. The vendee shall agree to request what is known as "reciprocal switching" from the railroad spur line constructed on or across any property in the Industrial Park site.

XII. Waiver of Notice:

- A. All land sold before major assessable improvements are completed in the industrial park site shall be subject to the purchaser's waiving notice of assessments and hearings, and such waiver shall be part of the negotiations.

XIII. Variances:

- A. Notwithstanding anything contained herein to the contrary, the Village of Little Chute expressly reserves the right at any time to authorize in writing variances from the strict applications of these

deed restrictions or any one or more of them where the circumstances, in its sole and exclusive judgement, justifies the granting of same.

XIV. Enforcement:

- A. This conveyance shall apply to existing structures in industrial districts and therefore any remodeling or additions to existing industrial district buildings shall be constructed in compliance with this Ordinance and shall be required to file the Industrial Development Plan as set forth herein.
- B. In the event that the Vendee fails to perform in accordance with these restrictions, the Village Board of Trustees may take whatever corrective measures it deems appropriate and assess the cost thereof against the property in the same manner as a special assessment. The Village Board of Trustees shall give at least thirty (30) days' notice to the vendee of any violation and the steps required to correct it, prior to taking any action to cure such violation.

The invalidation of any one of the covenants or restrictions herein set forth or the failure to enforce any of said restrictions at the time of its violation shall in no way affect any of the other restrictions nor be deemed a waiver of the right to enforce the same thereafter.