

Southside Industrial Park of Racine Protective Covenants

The Southside Industrial Park (SSIP) of Racine Protective Covenants (the “protective covenants”) is dated as of this 11th day of August, 2008, and will act as design and development guidelines for all development within the SSIP.

Whereas, the Redevelopment Authority of the City (hereinafter “RDA”) is a municipal body politic and existing under the laws of the State of Wisconsin with its principal business office located at 730 Washington Avenue, Racine, Wisconsin 53403, is the equitable owner of the land, and

Whereas, RDA intends to create the “Southside Industrial Park of Racine” (hereinafter “SSIP”) by dividing said land into parcels to be used for manufacturing and manufacturing-related purposes, and

Whereas, RDA adopts these protective covenants to:

- A. Maximize the creation of jobs.
- B. Promote the development of manufacturing and manufacturing-related uses.
- C. Prohibit the development of facilities which are primarily utilized for service and/or retail businesses.
- D. Create an attractive environment by applying quality development standards.
- E. Discourage uses which will result in substantial non-manufacturing traffic volumes.
- F. Discourage speculative land development within SSIP.
- G. Provide opportunities for expanding the City's tax base.

WITNESSETH:

Every parcel of land in SSIP is subject to the following covenants, restrictions and conditions which shall run with the land:

SECTION 1 – REDEVELOPMENT AUTHORITY OF THE CITY OF RACINE (RDA)

- 1.1 From the date of recordation of the protective covenants, the RDA shall serve as the Review Board.
- 1.2 RDA shall review and approve, conditionally approve, or disapprove the plans for any structure or improvement to be located upon any parcel within the SSIP, including without limitation any building, paving, landscaping (including screening, walks, and fences); and other improvement or modification thereto. If RDA disapproves the plans for any such structure or improvement, it shall specify the deficiency and the plan modifications necessary to obtain approval from RDA. No structure or improvement shall be constructed, erected, placed, replaced, or altered on any parcel in SSIP until the required plans for such structure or improvement have been approved by RDA. All decisions by RDA shall follow the approval process and review requirements outlined in the RDA bylaws.

SECTION 2 - DEVELOPMENT APPLICATIONS

- 2.1 Application Procedure. Prior to constructing, erecting, placing, replacing, or expanding a structure or improvement or altering the shape, size, or appearance of any structure or improvement in SSIP, applicant shall submit required plans and timetables for implementation {hereinafter “Application”) to the RDA. Each applicant shall obtain the services of an architect and/or engineer in the preparation of Application. No structure or improvement shall be constructed, erected, placed, replaced, expanded or altered upon any parcel until an Application has been first approved in writing by the Condominium Owners Association.
- 2.2 Within sixty (60) days after receipt of a complete Application, RDA shall respond in writing to applicant as to whether Application has been approved, denied, or conditionally approved. If Application is denied or conditionally approved, the reasons therefore will be included in the written response to applicant.
- A. One PDF format application shall be submitted to the Executive Director of the RDA.
- B. Application shall include, at a minimum:
1. Building Plan
 2. Site and Utility Plan
 3. Drainage Plan
 4. Landscape Plan
 5. Operational Plan
- B. Each plan submitted under section 2.1 A. shall be signed by a professional as follows:

<u>Plan</u>	<u>Signature</u>
Building	Registered architect
Site and Utility	Registered architect, professional civil engineer
Drainage	Registered architect or professional civil engineer
Landscape	Registered architect or landscape architect
Operational	Owner or operator

- 2.3 Variance. Upon written request, the RDA shall have the authority to waive or vary the protective covenants when such waiver or variance will conform to the general standards for SSIP, herein promulgated and where exact adherence to such standard will create an undue hardship upon Owner, as opposed to a mere inconvenience or a self-created hardship. Such waivers or variances shall be in writing, granted only before works has been completed, and applicable only to the protective covenants, and shall not be applicable to the City of Racine General or Zoning Ordinances. In the granting of waivers or variances, the RDA may impose conditions including but not limited to liquidated damages, cash escrows, letters of credit and specific performance requirements.
- 2.3 Compliance with Zoning. All parcels within Park shall be developed and used in conformance with City Zoning, Building, and Fire codes in effect as of the date of City building permit issuance. An Owner intending to apply to City for a zoning ordinance amendment, rezoning, conditional use permit, or variance shall first submit such application to the RDA for review and approval. Disapproval by the RDA shall be final, notwithstanding favorable action by City.

SECTION 3 - BUILDING PLANS

3.1 Building Plan Application Requirements

All building plans shall show, and include at a minimum:

- A. Design and architecture of buildings in plan and elevation shall be provided and dimensioned. Plans shall be drawn to sufficient detail so that all room sizes, wall openings, building projections and locations of all exterior heating, ventilating and air conditioning systems and utility service equipment can be identified.
- B. Materials and colors of exterior surfaces such as walls, roofs, and window trim shall be indicated.
- C. Drawings showing all exterior building elevations, building heights, and roof- mounted equipment and utility-meters (including size, location, and proposed screening) indicating building materials, colors, and building elevations. Samples of building materials and colors shall also be submitted.
- D. Floor plan(s) that depict the general uses of the building(s).

3.2 Building Plan Standards

The following building standards shall apply to construction and development in Park.

- A. Height. No building or structure shall exceed the height of fifty (50) feet above the approved grading elevation.
- B. Lot Coverage. No building or structure of any type located on any parcel shall result in a ratio of total gross floor area to total lot area exceeding fifty percent (50%).
- C. Buildings. The following minimum standards for building construction shall apply:

(1) All new primary buildings, and new additions to primary buildings shall have a masonry facade treatment on each elevation applied to a minimum of eight feet above grade. Masonry façade treatment is defined as either brick, decorative masonry block, architectural panels (not including metal panels), pre-cast textured concrete, or similar products. A combination of facade treatments, applied in a well-proportioned and aesthetically pleasing manner, is permitted.

(2) All new accessory buildings, and new additions to accessory buildings shall have a facade treatment on each elevation compatible with the primary building facade treatment, or at

minimum, consist of at least 30 percent brick, decorative masonry block, architectural panels (not including metal panels), pre-cast textured concrete, or similar products applied at least eight feet above grade. A combination of these facade treatments, applied in a well-proportioned and aesthetically pleasing manner, is permitted.

- D. Building Setbacks. No part of any building or structure, except a sign shall be located within the following distances:

Street frontage - 50 feet from street frontage

Side yards - 25 feet from side lot line with a combined total side yard of 50 feet

Rear yards - 50 feet from rear lot line

SECTION 4 - SITE AND UTILITY PLAN

4.1 Site and Utility Plan Application Requirements

All site and utility plans shall show and include, at a minimum:

- A. Scaled site plan, drawn at a common scale no smaller than 1 inch = 100 feet, indicating the dimensions of the parcel, the elevation of the first floor, building location and setbacks (including the location of any planned building expansion), parking layout and setbacks, driveway and access location, loading docks, site lighting and coverage, utility boxes, transformers, and signage.
- B. The location, footprint and outside dimensions of any and all buildings, structures, dumpster enclosures, fences, above ground utilities, outside storage, and freestanding signs.
- C. Existing and proposed pedestrian and vehicular access points, streets, drives, intersections, and other pedestrian and vehicular circulation elements, labeled with street names, dimensioned in feet and inches, and with surface materials identified, i.e., asphaltic concrete, sod, etc.
- D. Vehicle accommodation areas (including parking areas, loading areas, and circulation areas), with the surface material identified and showing the layout of parking spaces, including handicapped spaces and the direction of travel in lanes, aisles, and driveways.
- E. Front, side, and rear yards, labeled as such and dimensioned.
- F. Location and dimensions of all existing or planned easements, streets, rights-of-way, and required emergency access ways.
- G. The location of walls and fences that are to be permanent improvements or erected temporarily during construction. Permanent walls and fences must also be drawn in elevation and dimensioned, on a portion of the site plan or on an accompanying document.
- H. The location of outdoor lighting fixtures. Such lighting fixtures must also be drawn in elevation and dimensioned on a portion of the site plan or on an accompanying document. In addition, the following documents shall be submitted with the lighting plan:
 - (1) a catalog page, cut sheet, or photograph of the fixtures including the mounting method;
 - (2) a photometric data test report of the proposed fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture;
 - (3) a graphic depiction of the fixture's lamp concealment and light cut-off angles.
- I. Location and dimensions, in length and diameter where applicable, of all above-ground and underground conduits and utility lines: storm and sanitary sewers, water mains, electrical, natural gas, and communication (cable television, telephone, etc.) lines and cables.

4.2 Site and Utility Plan Standards

The following site and utility standards shall apply to all construction and development in SSIP:

4.2.1 Site Access. Site access shall meet the following criteria:

- A. Site entrance drive dimensions such as widths, radii and visibility triangles as specified within the City of Racine Code of General Ordinances.
- B. Individual drive opening entrances shall be at least one hundred and twenty-five (125) feet apart. No lot shall have more than two (2) drive openings.
- C. Drive openings should be located at least 250' from any intersection (within the Public right-of-way).
- C. Vehicular entrances shall be in compliance with the recommended safety guidelines established by the Wisconsin Department of Transportation.
- D. Appropriate traffic control measures including signs, cross walks, etc. shall be utilized at all entrances to public rights-of-way.
- E. Applicant shall comply with all applicable requirements of all utility companies in locating and installing utilities.
- F. Sidewalks shall be installed and maintained within the public rights-of-way adjacent to any SSIP property.

4.2.2 Parking Lot and Loading Dock. Parking and loading docks shall meet the following criteria:

- A. Loading Areas. Loading areas shall be constructed and maintained upon a parcel in such a location that any vehicle transporting goods, wares, merchandise, or materials to or from a parcel shall not be required to park on any street or in the minimum front, side, or rear yard setback area.
- B. Hardsurfacing. All parking, loading, and driveway areas shall be hardsurfaced with either asphaltic concrete, portland cement concrete, or porous pavers prior to occupancy of the building. No gravel, stone, or rip rap is allowed as a hardsurface material.
- C. Curb and gutters are required for all parking lot and hard surface areas.

4.2.3. Sign and Lighting Standards. Sign and lighting standards shall meet the following criteria:

- A. Signs. No sign shall be erected or maintained except in conformity with the following:
 - 1. Signs shall be restricted to displaying only the person, firm, company, or corporation operating a business on the parcel.
 - 2. One freestanding monument sign, with the name of the business and address, not exceeding one hundred (100) square feet in area per side must be erected.
 - 3. A wall sign containing the company logo may be installed on one building façade provided the sign does not exceed five percent (5%) of the area of the building façade to which it is attached, excluding doors and windows, or one-hundred (100) square feet in area, whichever is less.
 - 4. Signs shall be permanently affixed to the face of the building or to the ground, and shall not flash, pulsate, rotate, or be affixed with moving appurtenances. Rooftop signs are prohibited.
 - 5. Signs attached to buildings shall not extend more than two (2) feet above the higher of the ceiling line of the top floor or the top of a parapet wall.
 - 6. Smaller signs adjacent to individual tenant entrances and identifying individual tenants or directing traffic may also be allowed.

7. All signs must be architecturally compatible with other improvements.
8. No electronic message center signs are permitted.

B. Exterior Lighting. Exterior lighting shall meet the following criteria:

1. The emission of exterior light shall be directed away from the sky so as to not interfere with the operation of aircraft.
2. Exterior lights shall not flash, pulsate, nor impair or hinder vision on public streets, rights-of-way or adjacent properties.
3. Exterior lighting shall be located, oriented, and shielded and of an intensity so as to illuminate only the building or lot without adversely affecting activity on adjacent buildings, lots, or traffic on streets and highways.
4. Exterior lighting shall meet the standards promulgated by the Illuminating Engineering Society of North America.

SECTION 5 - SURFACE WATER DRAINAGE PLANS

5.1 Surface Water Drainage Plan Application Requirements

Surface water drainage plans shall show and include, at a minimum:

- A. Existing topography by contours related to USGS survey datum or other datum. The contour interval shall not be greater than two (2) feet (a one (1) foot interval is recommended) and shall extend at least twenty (20) feet beyond the parcel. Spot elevation of existing buildings, structures, and high points shall be shown.
- B. Location, capacity, and dimensions of on-site storm water drainage facilities, including manholes, pipes, curbs and gutters, curb inlets and curb cuts, and drainage grates.
- C. Location, extent, and typical cross sections and slope ratios of all detention basins and drainage-ways. Location and elevations at top and bottom of proposed retaining walls.
- D. Location and footprint of any and all building(s) and structure(s).
- E. Locations and names of existing and proposed streets and intersections, and the location of parking lots, drives, loading areas, sidewalks, bike paths, and other elements of vehicular and pedestrian circulation.
- F. Erosion control measures, grading, and storm water drainage facility design, including any existing trees to be removed and including all proposed water impoundments and finished grade levels.

5.2 Surface Water Drainage Standards

Surface water drainage shall meet the following criteria:

- A. Prior to the granting of a building permit for new construction in SSIP the applicant shall submit to the RDA a site drainage plan which shall be in sufficient detail to assure that the following conditions will be met:
 1. Drainage from the proposed development shall be discharged into a recorded and functioning drainage-way, or storm sewer of sufficient capacity to handle the increase in runoff.
 2. The proposed development shall not create or increase drainage or ponding problems elsewhere in the drainage basin.
 3. No nonresidential use, including parking lots, shall discharge surface water onto any residential use or zoning district unless such drainage is acceptable as part of an overall drainage system approved by the city.

- B. The drainage plan submitted under this section shall be subject to the approval of the commissioner of public works and the RDA before a building permit is issued.
- C. The city does not guarantee, warrant or represent that compliance with this chapter will provide complete relief from periodic flooding or inundation, and hereby asserts that there is no liability on the part of the city council, its agencies or employees for any flood damage that may occur as a result of reliance upon, or conformance with, this chapter.

SECTION 6 - LANDSCAPE PLAN

6.1 Landscape Plan Application Requirements

Landscape plans shall show and include at a minimum:

- A. Location and footprint of buildings and structures.
- B. Dimensions of the parcel, indicated along the property lines.
- C. Existing and proposed streets, drives, loading areas, sidewalks, alleys and intersections, pedestrian and vehicular access points, bicycle paths, bridges, and other pedestrian and vehicular circulation elements, labeled with street names and dimensioned. Surface materials shall also be identified.
- D. Location and dimensions of all existing or planned easements, lands to be dedicated for a public use or rights-of-way.
- E. Location and dimensions of outdoor lighting fixtures, freestanding signs, permanent or temporary walls and fences, waste and trash disposal facilities, surface utility structures, and other freestanding structural features.
- F. Details of all permanent fences and walls, including dimensioned elevations and materials.
- G. Existing and proposed contours, including the location, slope ratios (horizontal : vertical), of all proposed berming, at a one-foot contour interval. Location, extent, and general elevations and slope ratios of all storm water retention and detention areas and drainage ways. Elevations at top and bottom of all proposed retaining and screening walls and fences. Existing lines should be shown as dotted lines.
- H. Plant materials, showing the location, quantity, installation size, intended maintained size and/or mature size (height and crown), distance between plants, with labels of both scientific and common names of all proposed plant materials. All plants to be drawn to scale in relation to crown size : mature crowns of major trees shall be drawn at a diameter of thirty (30) feet; dwarf or decorative trees shall be drawn at the actual size of the mature crown.
- I. Specification of the type and planting boundaries of all proposed ground cover, indicating both scientific and common names.
- J. Location of paving materials and non-living ground cover which is identified by description and brand names.
- K. Location, size, and proposed screening for outside waste and recycling containers and the size and type of the proposed containers.

6.2 Landscape Standards

Landscaping shall meet the following criteria:

- A. Landscaping should be designed to be natural looking while having proportion, balance, unity, variety of species, and variety of color throughout the season;
- B. Landscaping materials that are native to the area should be selected wherever feasible;
- C. As an architectural feature, landscaping should visually soften the mass of the buildings, parking

areas, and other structures;

- D. Landscaping should provide massings of natural colors and shapes to offset the mass of a building and to provide visual relief to the straight lines of building architecture, parking lots and other man-made features;
- E. Landscaping should reduce and block the intrusion of headlights and other glare;
- F. Landscape should provide a safety barrier between vehicles and pedestrians;
- G. Landscaping should be innovative and creative and should ensure the proper long-term maintenance and replacement of landscaping, as needed;
- H. Areas of the lot not covered by structures or pavement should be planted with live landscaping;
- I. Building foundations shall be landscaped to provide massings of natural colors and shapes -- a minimum ten foot wide landscape area shall front not less than 70% of the foundation areas of all buildings which front dedicated streets;
- J. A minimum of one (1) tree is required per 25,000 s.f. of lot area within the private lot;
- K. A minimum of one (1) parkway tree is required per 40 feet of frontage adjacent to a public right of way;
- L. Loose stone, rock, or gravel is prohibited on SSIP sites and may not be used in landscape planting areas;
- M. Parking lots should be screened from the view of adjacent properties and streets by evergreen plantings that will attain a height of three (3) feet within three (3) years or owner may provide a three foot berm or three foot low wall.
- N. Curbs should be provided between vehicular use areas and landscaped areas;
- O. Nothing shall be palnting or installed within an underground or overhead utility easement without the consent of the RDA;

6.2.1 Refuse Collection Areas. All outdoor refuse collection areas shall be visually screened by a site-obscuring decorative wood or masonry fence which is at least six (6) feet in height. The location of all refuse collection areas must be approved by the Condominium Owners Association prior to construction.

6.2.2 Landscape Buffers

- A. All areas which do not contain a building or paved surface are considered open spaces. These areas shall be landscaped or sodded or hydro-seeded prior to occupancy. All parkway areas, which are the areas between the lot line and street pavement, not improved with a sidewalk, shall be sodded or hydro-seeded prior to occupancy.
- B. All trees which are deciduous shall be a minimum 2-1/2 inch caliper. Evergreens are to be at least six (6) feet in height. Shrubs are to be at least three (3) feet in height.
- C. One 2-1/2 inch caliper tree shall be installed in the parkway or landscape bufferyards for every one-hundred (100) feet of side lot area.
- D. Foundation plantings shall be provided along all building walls facing a street. This area is to contain a five (5) foot wide planting area containing a mixture of shrubs which are at least three (3) feet in height along fifty percent (50%) of the building wall.
- E. Existing or installed landscaping cannot be removed without the RDA's approval.

6.2.3 Fences. Areas may be fenced only if decorative fencing of wood, masonry or other suitable materials are used. Chain-link, chickenwire, or razorwire fencing is prohibited.

- 6.2.4 Damage to Public Streets, Rights-of-Way and Common Areas. No Owner or its employees, contractors or agents shall dispose of snow or any other materials in the public streets, rights-of-way or common areas located in Park. No Owner or its employees, contractors or agents shall damage any public street or rights-of-way in Park or any common area as described herein.

SECTION 7 - OPERATING PLAN

7.1 Operating Plan Application Requirements.

Operating plan shall show and include, at a minimum:

A written description of proposed use and operation, including number of employees, number and hours of work-shifts, products produced and/or services provided, manufacturing processes, materials handled, transportation requirements, and hazardous materials used in operations (including proposed safety precautions), noise emissions and any air, water, or solid waste material generated, and waste storage and disposal methods, and facilities.

7.2 Operating Plan Standards

Operating plans shall meet the following criteria:

- A. Outdoor Storage. Outdoor storage areas, with the exception of motor vehicles, shall comply with the following standards:
1. Outdoor storage is permitted in rear yards only and should not be visible from Memorial Drive or DeKoven Avenue. Outdoor storage should, provided it be visually screened (with landscape and fencing) from all streets and highways, public rights-of-way, and adjacent property.. Said screening shall consist of an maximum eight (8) foot high fence meeting material standards above. Storage shall not exceed the height of eight (8) feet and all materials shall be set back five (5) feet from the fence. No outdoor storage, including all owner-owned and operated motor vehicles or equipment, with the exception of passenger vehicles, shall be permitted between a frontage street and the building line. All outdoor storage surfaces shall be of asphaltic concrete, or Portland cement concrete. Gravel and stone are prohibited surface materials inside of an outdoor storage area.

B. Performance Standards. Uses in Park shall be subject to the following:

1. Noise. At no point on the boundary of the outer most property lines shall the sound level of any industrial operation exceed the limits shown in the following table.

Frequency Cycles Per Second	Maximum Sound Level (decibels)	
	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
0-75	72	67
75-150	67	62
150-300	59	54
300-600	52	47
600-1200	46	41
1200-2400	40	35
2400-4800	34	29
Over 4800	32	27

Frequencies and sound levels shall be measured with an Octave Band Analyzer and Sound Level Meter which compiles with USA Standards prescribed by the U.S. Standard Institute.

All noise shall be so muffled or otherwise controlled as not to become a nuisance due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.

2. Air Contaminants. No smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, vapors, odors, toxic or radioactive substance, waste or particulate, solid, liquid or gaseous matter shall be introduced into the atmosphere in such quantities and of such duration that they, alone or in combination, would injure the public health, safety or welfare, or be a public or private nuisance.

The limits of emission for particular contaminants shall be determined as follows:

- a. No air contaminant shall be discharged into the atmosphere from any single source of emission for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Smoke Chart published by the U.S. Bureau of Mines, or of such capacity as to obscure an observers view to a degree of equal to or greater than does smoke in the shade designated as No. 2, except for start-up time as permitted in Chapter NR 154 of the Wisconsin Administrative Code.
- b. No sulfur compound shall be emitted which would result in a ground level concentration of sulfur dioxide at the property line or beyond in excess of 1.0 part per million (volume) in a 20 minute period of any hour or average exposure in excess of 0.1 part per million (volume) in any 8 hour period, nor shall any gas be emitted which contains sulfur dioxide in excess of 2,000 parts per million (volume).

- c. There shall be no emission of matter which can be readily detectable as odorous at the property line or beyond which constitutes a public or private nuisance.
3. Liquid and Solid Waste. The disposal of wastes on the property shall be done in such a manner that it will conform to the regulation of this section. No waste shall be discharged into a storm sewer or roadside ditch or drainage area except for clear and unpolluted water.
Any waste discharged into a sanitary sewer shall:
 - a. Not be dangerous to the public health, safety, or welfare.
 - b. Be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a temporary variation of 5.5 to 8.5.
 - c. Contain no cyanides or halogens.
 - d. Contain no hydrogen sulfide, sulfur dioxide, nitrous oxide gases in excess of 10 parts per million.
 - e. Contain no insoluble substances in excess of 10,000 parts per million or exceed a daily average of 500 parts per million or fail to pass a No.8 standard sieve, or have dimensions greater than one half inch.
 - f. Not have chlorine demand greater than 15 parts per million.
 - g. Contain no phenols in excess of 0.005 parts per million.
 - h. Contain no grease or oil substance in excess of 100 parts per million or exceed a daily average of 75 parts per million.
 - i. Comply with City Code or General Ordinances.
4. Electrical Emission. There shall be no electrical emission beyond the property line which would adversely affect any other parcel or business operation or constitute a public or private nuisance.
5. Glare and Heat. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion, welding or otherwise shall be emitted, so as to be visible at the lot line. This prohibition shall not apply to signs or the floodlighting of parking areas otherwise permitted by the protective covenants. There shall be no emission or transmission of heat or heated air so as to be noticeable at the lot line.
6. Vibration. There shall be no operation or activity which would cause ground transmitted vibrations in excess of the limits set forth herein beyond the boundary of Park under any circumstances, nor beyond the property line where such vibrations would adversely affect any other parcel or use within Park

Frequency Cycles per Second	Maximum Permitted Displacement along Subdivision Boundaries (in inches)
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

7. Rubbish. No rubbish may be burned except in an incinerator specifically constructed and designed for this operation and permitted by the City Code of General Ordinances and applicable Federal, State and County laws, rules and regulations.
8. Owner shall comply with applicable Federal, State and local laws, rules and regulations and lawful orders issued pursuant thereto in conducting its operations.

SECTION 8 - PERMITTED AND PROHIBITED USES

Permitted and Prohibited Uses.

- 8.1 Permitted Uses. Any use which is not specifically prohibited in the protective covenants or by any other section of the City of Racine Zoning Ordinance or Code of General Ordinances will be permitted in SSIP if it complies with all the provisions of the protective covenants and all applicable City, County, State and Federal laws, rules, and regulations.
- 8.2 Prohibited Uses. The following uses shall be prohibited in SSIP.
 - A. All residential uses including single-family, two-family, and multiple-family buildings, including residential rental and temporary residential rental uses.
 - B. All retail, wholesale, and service uses, unless directly a part of or secondary to a permitted use and only with the specific written approval of the RDA.
 - C. Blast furnace, coke oven, or foundry exceeding the glare, heat, or air contaminants performance standards contained herein.
 - D. Buildings for exclusive office occupancy.
 - E. Central mixing plant for asphalt, mortar, plaster, cement, or concrete.
 - F. Drop forge exceeding the noise and vibration performance standards contained herein.
 - G. Grain storage and processing as principal uses, including brewery and winery uses.
 - H. Hazardous waste sites and facilities.
 - I. Manufacturing, processing, and/or storage as principal uses of the following products:
 1. Acid as a principal use.
 2. Cement, lime, and gypsum.
 3. Explosives.
 4. Fat and oil, including rendering and refining.
 5. Fertilizer.
 6. Glue.
 7. Leather tanning and finishing.
 8. Petroleum, including refining and storage of petroleum or petroleum products in above-ground tanks which exceed five thousand (5,000) gallons in total capacity.
 9. Tar and asphalt, including refining and batch plants.
 10. Yeast as a principal use.
 - J. Mining operations, including a quarry or stone mill and rock crushers.
 - K. Salvage dealers, shops, or yards, including auto wrecking and used materials storage.
 - L. Smelting of metals, ore or alloys.
 - M. Stockyards or slaughter houses.
 - N. Storage yard for construction equipment and materials
 - O. Infectious medical waste storage or disposal facilities.
 - P. Any use which by activity or operation exceeds the performance standards contained herein.

SECTION 9 - GENERAL PROVISIONS

- 9.1. Underground Utilities. Utilities within a parcel installed by Owner shall be underground including electricity, telephone, gas, water, sewer, and communications.
- 9.2. Improvements not Specifically Addressed. The construction and placement of improvements such as special utilities, antennae, receiving dishes, towers, incidental storage buildings, and other facilities not specifically addressed within the protective covenants shall require the written approval of the RDA prior to construction and installation.
- 9.3. Maintenance
- A. Landscape Maintenance. Owner shall be responsible for maintaining all landscaping as shown in the approved landscape plan for the parcel. Any variation or changes to the landscape plan must be reviewed and approved in writing by the Condominium Owners Association. Landscaped areas, materials, fixtures, and improvements shall be maintained in good condition at all times by Owner of parcel, or by Owner's lessee(s). Such maintenance shall include watering, mowing, trimming, pruning, spraying, fertilizing, repairing, planting, transplanting, dusting, treating, and other landscape maintenance activities necessary to keep the landscaping in a state of healthy growth and good appearance. All landscape buffer areas shall contain an irrigation system to allow for watering of plantings or a water faucet within one-hundred (100) feet of such area. Parcel shall, at all times, be kept free of weeds, grass clippings, leaves, branches, and other natural debris as well as paper, cans, empty storage drums, crates, pallets, boxes, tires and other trash or debris.
 - C. General Site Maintenance. Owner of any parcel shall have the duty of, and responsibility for, at all times, keeping the buildings, structures, signs, paving, landscaping, lighting, storm and surface water conveyance systems, and outlot structures and other improvements on the parcel in a well-maintained, safe, clean, and attractive condition. Although Owner may, by contract, require tenants or others to perform these duties, Owner shall be responsible for the obligations specified herein. All grass, trees, and shrubbery must be kept in good appearance at all times. Owner is responsible, at their own cost and expense, for the removal of any rubbish or trash of any type or source which may be generated or accumulated on parcel. Damaged or cracked areas of all parking areas, drives, sidewalks, and other hard surface areas shall be repaired or replaced as soon as reasonably possible.
 - D. Site Maintenance during Construction. During the construction of buildings, structures and improvements it shall be the responsibility of Owner to insure that construction sites are kept free of unsightly accumulations of rubbish, debris, and scrap materials. Owner shall also be responsible for keeping dirt and mud from construction site off city streets, or in the event of accumulation thereon, promptly removing such accumulation.

- M. Expansion of Park. City or RDA may, from time to time, during the term of the protective covenants, add property to Park, and by recorded supplement to the protective covenants, declare such additional property and the owners of such property to be subject to the terms of the protective covenants.
- N. Governmental Permits, Approvals and Requirements. All pertinent requirements of governmental agencies and required permits and licenses shall be obtained prior to construction and development within Park. All applicable Federal, State, and local laws, rules and regulations shall be complied with, including but not limited to applicable building codes, zoning, erosion, health, and fire protection ordinances.
- O. Waiver of Rights. The failure the RDA, City of Racine, or any Owner to enforce any provision of the protective covenants shall not be deemed to be a waiver of their right to enforce the provision in issue or any other provision of the protective covenants.
- P. Lessees. Any lessee using or conducting any operation on a parcel, shall have the same obligations hereunder as an Owner.

SECTION 10 - TERM

Each parcel shall be conveyed subject to the prohibitions, restrictions and covenants contained herein, and any amendments hereafter, all of which are to run with the land and shall be binding on all initial and successive purchasers and all persons, parties, firms and corporations, claiming by, through and from them including all heirs, successors in interest and assigns for a period of thirty (30) years from the date the protective covenants are recorded in the office of the Register of Deeds for Racine County, after which time said protective covenants shall be automatically extended for successive periods of ten (10) years each.

SECTION 12 - AMENDMENTS

The protective covenants may be terminated, extended, or amended by a vote of the RDA.

SECTION 13 - ENFORCEMENT

The provisions herein may be enforced by any Owner or the RDA. The RDA and City of Racine may inspect any parcel at reasonable times to determine compliance with the protective covenants and it may enforce any provision hereof in a court of law or equity by specific performance or otherwise. Nothing contained herein shall preclude RDA or City from seeking forfeiture for ordinance violations where applicable. Enforcement of the provisions of the protective covenants shall be administered on behalf of City by the Chief of Building Inspection for City and the Executive Director of the RDA.

SECTION 14 – SAVINGS CLAUSE

The protective covenants is deemed severable. The invalidation of any provisions or part thereof, contained within the protective covenants, by court of record shall not affect the enforceability of any of the other provisions or parts thereof which shall be deemed independent and remain in full force and effect.

SECTION 16 - APPROVALS

The protective covenants was approved by the RDA at a meeting held on the 2nd day of May, 2018.