

**DECLARATIONS OF CONDITIONS  
COVENANTS AND RESTRICTIONS REGARDING  
CITY OF NEENAH INDUSTRIAL PARK**

**ARTICLE I - INTENT**

Grants of land in the City of Neenah Industrial Park, also known as Southpark Industrial Center, are made subject to the following conditions, covenants, restrictions and understandings hereinafter set forth, which shall inure to the benefit of, and pass with, said property, and each and every parcel thereof, and shall apply to and bind the successor in interest and any owner thereof.

**ARTICLE II - PROPERTY SUBJECT TO DECLARATION**

The following described property shall be subject to this declaration:

NEENAH INDUSTRIAL PARK PLAT, being lot 2 of Certified Survey Map No. 1028 and located in the NW 1/4, NE 1/4, SW 1/4, and SE 1/4 of the NW 1/4 and the NW 1/4 and NE 1/4 of the SW 1/4 of Section Four (4), Township Nineteen (19) North, Range Seventeen (17) East, City of Neenah, Winnebago County, Wisconsin.

**ARTICLE III - GENERAL PURPOSE**

The declared purpose of these conditions, covenants and restrictions is to insure proper use and development of each parcel in the plat; to protect the environment; to guard against the erection of improper, unsuitable structures and uses; to maintain property values; to insure protection from incompatibility and unsightliness; to protect the health and safety of residents in the area of the Industrial Park; and to attract quality, labor-intensive companies and firms to the Industrial Park in the City of Neenah.

**3.1 Application of Prevailing Law.** All property shall be used in conformance with federal, state and local zoning, building, fire safety, health and environmental regulations, rules, ordinances and laws.  
**NOTE: Some building or zoning regulations may be more stringent than the rules that follow.**

**ARTICLE IV - LAND USE**

Properties in the City of Neenah Industrial Park shall be used in conformance with the following standards:

**4.1 Properties lying East of Industrial Drive (Lots 3 and 4, Neenah Industrial Park Plat):**

A. Permitted Uses;

1. Light manufacturing, assembly, compounding, processing or packaging of goods, materials and products.
2. Research, laboratory and testing facilities.
3. Wholesaling and distribution.
4. Printing, publishing and engraving.
5. Retail, finance, insurance, real estate, office, and other services incidental and complementary to local industry.

B. Special Uses:

The following uses may be permitted with the approval of the Plan Commission and Common Council in accordance with the procedure prescribed in the City of Neenah Zoning Code.

1. Public Utility buildings and structures, including permission for alteration of height and area regulations described in these conditions, covenants and restrictions as necessary and practical for the erection of such buildings and structures.

C. Prohibited Uses:

1. Fuel storage and refining.
2. Abattoirs, stock yards, tanneries, fertilizer manufacture, and garbage, rubbish, offal, dead animal reduction, or dumping.
3. Saw and grist mills.
4. Contractor storage yard.
5. Residential uses.
6. Explosives manufacture and storage.
7. Junk yards.
8. Glue manufacture.
9. Cement, lime or gypsum, and related manufacturing.
10. Acid manufacture.
11. Smelting of ferrous or non-ferrous metals.
12. Mining, quarrying, and related activities.

D. Performance Standards for Permitted and Special Uses:

Uses of property shall not emit any noise, light or glare toward the bordering residential area to the east, during the hours of 6:00 P.M. to 6:00 A.M., which would be out of character with said residential uses. The primary intent of this measure is to avoid the disruption of the peaceful residential neighborhood environment during the evening and early morning hours.

**4.2 West of Industrial Drive (Lots 1 and 2, Neenah Industrial Park Plat):**

**A. Permitted Uses:**

1. Manufacture, assembly, compounding, processing or packaging of goods, materials and products.
2. Research, laboratory and testing facilities.
3. Warehousing, storage and distribution.
4. Transportation and trucking facilities or terminals and enclosed repair facilities.
5. Retail and wholesale sales and services as an accessory use to the principal permitted use of the property (i.e. factory outlets).

**B. Special Uses:**

The following uses may be permitted after approval by the Plan Commission and Common Council in accordance with the procedures prescribed in the City of Neenah Zoning Code.

1. Public Utility buildings and structures, including permission for alteration of height and area regulations described in these conditions, covenants and restrictions as necessary and practical for the erection of such buildings and structures.
2. Retail, finance, insurance, real estate, office, and other services which are clearly incidental and complementary to local industry.

C. Prohibited Uses:

1. Fuel storage and refining.
2. Abattoirs, stock yards, tanneries, fertilizer manufacture, and garbage, rubbish, offal, dead animal reduction, or dumping.
3. Saw and grist mills.
4. Residential uses.
5. Explosives manufacture and storage.
6. Junk yards.
7. Glue manufacture.
8. Cement, lime or gypsum and related manufacturing.
9. Acid manufacture.
10. Smelting of ferrous or non-ferrous metals.
11. Mining, quarrying, and related activities.

**ARTICLE V - SITE PLAN APPROVAL**

Prior to constructing any building, parking area, storage area, driveway, or any other new or additional improvements to the site, a site plan shall be submitted to the City's Industrial Park Review Committee. The Committee will within 30 days, approve or disapprove, in writing, such plans.

**ARTICLE VI - ARCHITECTURAL AND DESIGN CONTROLS**

**6.1 Building Fronts.** Fronts of buildings may be required to be improved with decorative masonry, glass, metal panels, etc. The "front" of the building shall be determined by the Industrial Park Review Committee and be based, in part, on the location of the primary entrance into the site.

**6.2 Landscaping.** A minimum of 5% of the site shall be put into landscaping, including: grass, shrubs, trees or other suitable and decorative materials. Landscaping shall be completed within one year of occupancy.

**6.3 On-Site Utilities.** On-site utilities including gas, electric, telephone and cable TV lines shall be placed underground.

**6.4 Special Regulations:**

- A. On Lots 3 and 4 (Industrial Part Plat), comprising all land east of Industrial Drive, a rear bufferyard shall be maintained as a green area, where no portion of building, parking, storage or driving area may be located. The width and required plantings of said bufferyard, to extend no less than 20 feet west from the most easterly property line of said parcel, shall be in conformance with the options illustrated in the attached Schedules A and B. The bufferyard shall extend the entire lineal dimension of the easterly property line. Any required fencing or earth berming shall be in place prior to occupancy being granted for the building on the premises. The required planting materials shall be in place within one year after occupancy of the building. The design and material content of all bufferyard requirements shall be approved by the Industrial Park Review Committee.
- B. On the northwest side of Lot 1, adjoining the Chicago and Northwestern railroad right-of-way, and on all other lots which adjoin the railroad lead track system, the owner shall secure such licenses and permits as are necessary to suitably landscape the railroad right-of-way up to the track road bed. Such areas may be planted in grass, shrubs or other decorative materials and thereafter must be maintained in a suitable well groomed condition by the owner. Landscaping of such areas is required within one year of occupancy.

## **ARTICLE VII - LOT AREA AND BUILDING HEIGHT REGULATIONS**

Every building and site improvement hereafter constructed or structurally altered in the City of Neenah Industrial Park shall comply with the following lot area and building height regulations.

**7.1 Building Setback Lines:** 30 feet.

**7.2 Parking Area Setback Line:** 10 feet.

**7.3 Building Side and Rear Yards:** 10 feet, provided that adjacent property owners may mutually agree to jointly construct common structures, thereby eliminating any yard between buildings.

**7.4 Railroad Yard Building Setback:** 37.5 feet to the center line of a railroad lead track or the main line railroad track. (Common engineering practices shall dictate distances between interior rail sidings and buildings on the sites.)

**7.5 Building Height Maximum:**

- A. 40 feet for all properties lying east of Industrial Drive (Lots 3 and 4, Neenah Industrial Park Plat).
- B. 100 feet for all properties lying west of Industrial Drive (Lots 1 and 2, Neenah Industrial Park Plat).

**7.6 Lot Size Minimum:** 1 acre.

**7.7 Maximum Lot Coverage:** 60% for all buildings.

**7.8 Exceptions:** Private and public utility transformers and equipment shall be exempt from these requirements provided there is no obstruction to reasonable vision clearance for driveways and intersections.

## **ARTICLE VIII - OFF-STREET PARKING REGULATIONS**

**8.1 Parking Spaces Required.** For all uses occupying property in the Industrial Park, there shall be provided off-street parking spaces in accordance with the following requirements:

- A. Two (2) parking spaces per three (3) employees on the maximum working shift, or a minimum of one (1) parking space per 4,000 sq. ft. of building size.
- B. In addition, one (1) parking space for all trucks or vehicles stored or kept on the property shall be provided.
- C. Adequate parking for visitors, customers and other vehicles shall also be provided since on-street parking is prohibited.

**8.2 Paving Required.** All parking areas shall be paved with either asphalt or concrete surfacing. "Oil and chip" and gravel surfacing shall be prohibited. Paving of all lots shall be completed within 12 months of occupancy.

## **ARTICLE IX OFF-STREET LOADING**

**9.1 Loading Area.** All loading areas shall be entirely contained on-site and behind the property line. No vehicle shall be allowed to protrude beyond the property line while loading or unloading.

**9.2 Reciprocal Switching.** By executing this agreement, the owner agrees to request what is known as "reciprocal switching", from the railroad serving the Industrial Park.

## **ARTICLE X - OUTSIDE STORAGE**

**10.1 Refuse and Other Storage.** All outside refuse and other storage areas shall be screened from the view of the street and surrounding properties by permanent fencing or landscaping. All outside refuse and other storage shall be prohibited in front yards, and shall be maintained in a reasonably dust-free condition.

**10.2 Bulk Fuel.** Bulk fuels shall be stored underground unless the Industrial Park Review Committee specifically approves any above ground storage of fuels. In such cases, all above ground storage of fuels shall be kept screened from view and securely locked.

## **ARTICLE XI - SIGNS**

**11.1 Identification Signs.** All owners are permitted one wall sign per occupancy, and one free standing sign unit, which may identify more than one occupancy. Signs shall generally include only an identification of the firm, its logo and a brief description of its products. An additional retail outlet identification sign is also permitted.

**11.2 Directional Signs.** Directional signs as are necessary shall be permitted in addition to allowed identification signs, for such purposes as "in", "out", "visitor parking", "employee parking", "deliveries", etc.

**11.3 Prohibited Signs.** Billboards, roof signs, flashing signs, and signs painted on the walls of buildings shall be prohibited.

**11.4 Design and Construction Standards.** All signs erected shall be professionally designed and of standard manufacture, and shall comply with the size limitations of the City of Neenah Sign Regulations.

## **ARTICLE XII - NUISANCE AND MAINTENANCE REGULATIONS**

**12.1 Nuisances.** No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites or adjoining residential areas such as, but not limited to noise, vibrations, electro-mechanical and electro-magnetic disturbances and radiation, air and water contaminants and radiation, dust, smoke, odor, toxic or obnoxious emissions, radio-active liquid or solid waste, glare and heat, and fire hazards.

**12.2 Maintenance Regulations.** All property shall be planted, paved or otherwise improved, including bufferyard areas, street rights-of-way, etc., and kept in a good, well-groomed fashion. All grass shall be mowed regularly.

## **ARTICLE XIII - AMENDMENTS**

The owners of property covered by these conditions, covenants and restrictions may from time to time alter or amend these conditions, covenants and restrictions. Fifty-one percent vote of approval is necessary for alterations or amendments, except that the owner of 30 or more acres may veto such alterations unless it is approved by a two-thirds vote of the other property owners within the Industrial Park. Each owner of 3 acres or less shall have one vote, and each multiple of 3 acres, and fraction of 3 acres above 3 acres, shall also be considered one vote. Any amendments shall also be submitted to the Common Council for approval.

#### **ARTICLE XIV - ENFORCEMENT**

**14.1 Abatement and Suit.** Violation or breach of any restriction or covenant herein contained shall give to any and every owner of property, and the City of Neenah, the right to prosecute a proceeding at law or in equity against the person or persons who have violated or attempted to violate any of these restrictions and covenants to enjoin or prevent them from doing so, and to cause said violation to be removed or remedied and to recover damages for said violation, including the attorney's fees of the prevailing party or parties, and such amount as may be fixed by the Court in such proceedings.

**14.2 Property Maintenance.** Should any landscaping improvements, such as grass, weeds or other shrubs and bushes or decorative materials, become overgrown, the City of Neenah may order that such area be trimmed, mowed or groomed within 48 hours by written or verbal request. If, after 48 hours have passed, the owner neglects to take such actions requested, the City may enter the property and take such actions as are necessary, and assess such costs as a special assessment tax against the property.

#### **ARTICLE XV - TERMINATION**

The conditions, covenants, and restrictions contained herein shall terminate on January 1, 2004, provided that the owners of the majority of the land in the Industrial Park, subject to these conditions, covenants and restrictions may, by written declaration signed and acknowledged and recorded in the Winnebago County Register of Deeds' Office, extend such conditions, covenants and restrictions.

#### **ARTICLE XVI - SEVERABILITY**

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

### **SCHEDULE A – BUFFERYARD REQUIREMENTS**

The attached Schedule A illustrates the specifications of the bufferyard requirements as stated in Article 6.4 (A) of the Declarations of Conditions Covenants and Restrictions regarding City of Neenah Industrial Park. The requirements of a bufferyard may be satisfied by any of the options illustrated. Bufferyard requirements are stated in terms of the allowed width options of the bufferyard and the type and number of plant units required per one hundred (100) lineal feet of bufferyard for each option.

### **SCHEDULE B – PLANT MATERIAL SPECIFICATIONS**

The attached Schedule B shall be used to determine which plant materials may be used to satisfy the conditions of Article 6.4 (A), and Schedule A, Bufferyard Requirements for projects developed on property east of Industrial Drive. It may also be used as a guide for types of plantings that might be suitable for other landscaping needs on parcels in the Industrial Park.

The vertical axis of Schedule B classifies plant materials by type: canopy trees, understory trees, shrubs, and evergreen trees. These plant types correspond to those specified in Schedule A.

All plant materials installed as a condition of meeting the bufferyard requirements specified in Schedule A shall meet the following minimum size standards:

<b><u>Plant Material Type</u></b>	<b><u>Minimum Size</u></b>
Canopy Tree	
Single Stem	2 ½ inch caliper
Multi-Stem Clump	10 feet (height)
Understory Tree	1 ½ inch caliper
Evergreen Tree	5 feet (height)
Shrub	
Deciduous	24 inches (height)
Evergreen	18 inches (height)