

**DEED RESTRICTIONS AND PROTECTIVE COVENANTS
SOUTH POINTE BUSINESS PARK**

1. USE OF LAND

It is the intention that the South Pointe Business Park be developed to enhance the future industrial growth of the City in a planned development for a general mix of heavy and light industry, distribution, commercial and retail use as specified within the City of Sparta Zoning Ordinance M-3 Business Park District.

2. AREA OF LOTS

No lot in the South Pointe Business Park shall be created which is less than two acres in area for the exception of specific written approval by the City of Sparta.

3. SUBMISSION OF PLANS

No building or improvement shall be erected, placed or altered on any lot in the South Pointe Business Park until the plans for such building or improvement, including site plan, landscape plan, and building plan and specifications, have been approved by the City of Sparta Planning Commission. Said Commission shall review and approve, approve conditionally, or disapprove such plans with respect to conformity with these restrictions, and with respect to harmony of external design and land use as it affects property within and adjacent to the South Pointe Business Park.

4. ARCHITECTURAL CONTROL AND APPEARANCE

The front of all buildings-that is, the side facing the street on which the building is deemed to front-shall be faced with concrete or brick masonry, stone, or other material approved by the City and said facing shall extend across the full front of the building and also extend a distance of not less than 20 feet on each side of the front of the building. That portion of any building facing a street other than the street on which the building fronts shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings, but need not be finished in a like manner as the portion of the building referred to as the front. It is the intent of these provisions that all structures shall be designed and constructed in such a manner as to provide an aesthetically pleasing and harmonious overall development of the South Pointe Business Park.

Except as otherwise provided herein, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings subject to the approve of the City of Sparta. All faces of all buildings must be kept in good repair and appearance at all times. All buildings must be of approved construction in conformance with all applicable building and zoning codes.

6. LANDSCAPING AND LANDSCAPING MAINTENANCE

Every effort shall be made to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, paths, and trails. Trees shall be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by the use of wells, islands, or retaining walls whenever abutting grades are altered to the extent that an existing tree could be damaged. Additionally, a 50-foot-wide buffer of existing vegetation, consisting of trees and shrubs, shall be maintained in the park in an area between the park and existing residential uses.

At least one street tree of an approved species and of at least six feet in height shall be planted for each 50 feet of frontage on proposed public streets and private drives. However, the placement and selection of street tree species shall not hamper or interfere with access to natural light and air for nearby industrial lots and structures. Tree species shall be selected, in part, based upon soil conditions and species hardiness to soil conditions. Columnar varieties of street trees may require shorter distances between plantings. Street trees shall be located so as to be a minimum of 10 feet from a street light, five feet from a fire hydrant, five feet from a driveway, and five feet from any public sidewalk.

All grass, trees, and shrubbery shall be kept in good appearance at all times. All grass shall be cut as necessary to maintain an attractive appearance. If grass is not cut, or the trees and shrubbery not properly maintained, The City may serve notice, and if not complied with in 10 calendar days, the City may maintain same and add the cost incurred to the lot owner.

7. OUTDOOR STORAGE

All materials, products, or solid or liquid waste materials stored outside buildings shall be kept behind the building setback line, and shall be screened from view from the street and adjoining properties with a solid wall or fence or other screening approved by the City of Sparta. Walls and fences must be kept painted or have such other finish so as to provide a good appearance. Wire fence is not acceptable for this purpose.

8. WASTER INCINERATION

No waste material shall be burned on the premises except in an incinerator especially designed and constructed for such purpose.

10. SIGNS AND BILLBOARDS

No signs other than company and product identification and directional signs are permitted. The type, location, and placement of signs shall be approved by the City of Sparta.

11. UTILITY CONTROL

All utilities, including all electric power, telephone, gas, water and storm and sanitary sewers, but excepting electric power lines shall be underground. The location of the utility shall be subject to approval by the City of Sparta.

12. COOPERATION FOR EASEMENTS

All owners and occupants of parcels within the South Pointe Business Park shall cooperate with the City and other owners and occupants within said South Pointe Business Park in the planning a granting of all necessary and reasonable easements for gas, electric, telephone, sewer, water, access roads, railway spurs, and loading tracks to the extent that such easements do not interfere with the existing uses of the land or unduly restrict future use or development. Nothing contained in this section shall be deemed to require the purchaser to grant any specific easement, nor grant easements or right-of-ways, without reasonable compensation therefore.

13. DRAINAGE CONTROL

No land shall be developed and no use shall be permitted that results in flooding, erosion, or sedimentation to adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area, or other storm water management facility.

14. NUISANCE CONTROL

No operation, process, manufacturing, or building use in said South Pointe Business Park shall produce or create excessive noise, light, odors, smoke, dust, gas, vibration, heat, industrial waste, toxic matter, or other excessive measurable external nuisance to an extent greater than the following maximum allowable levels:

- (a) AIR POLLUTION: No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to substantially contribute to exceeding established state or federal air pollution standards.
- (b) FIRE AND EXPLOSIVE HAZARDS: All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion and with adequate fire-fighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire-extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed 200,000 gallons.

- (c) GLARE AND HEAT: No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- (d) WATER QUALITY PROTECTION: No activity shall store or discharge, or permit the discharge of, any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- (e) NOISE: All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character periodic character, or shrillness.
- (f) ODORS: No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premise.
- (g) RADIOACTIVITY AND ELECTRICAL DISTURBANCES: No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
- (h) VIBRATION: No activity shall emit vibrations which are discernible without instruments outside its premises.