

CHAPTER 5 INDUSTRIAL PARK COVENANTS

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5-5-1 INDUSTRIAL PARK BOUNDARIES. A parcel of property located in the following described real estate, known as the Second Industrial Park and described as:

1. Parcel I:

a. The Northeast Quarter of the Northeast Quarter of Section 30, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa, excepting therefrom the Northerly 60 feet thereof.

2. Parcel II:

a. The Southerly 644.6 feet of the Southeast Quarter of the Southeast Quarter of Section 19, Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa, excepting therefrom the following:

(1) The Southerly 60 feet of said Southeast Quarter of the Southeast Quarter of said Section 19.

(2) The Easterly 60 feet of the Southerly 644.6 feet of said Southeast Quarter of the Southeast Quarter of said Section 19.

(3) A triangular shaped portion of said Southeast Quarter of said Section 19, more particularly described as follows: Beginning at the Southeast corner of said Southeast Quarter, thence Northerly along the Easterly line thereof a distance of 230 feet, thence Southwesterly to a point on the Southerly line of said Southeast Quarter, said point being 230 feet Westerly of said Southeast corner, thence Easterly along said Southerly line a distance of 230 feet to the point of beginning, excepting the Southerly 60 feet and the Easterly 60 feet thereof, containing 0.14 of an acre, more or less.

3. Parcel III:

a. All that part of the following described real estate: Commencing at the Southeast Corner of the Southwest Quarter of the Southeast Quarter of said Section 19. Township 84 North, Range 3 East of the 5th Principal Meridian, Jackson County, Iowa, and running thence north 80 rods, thence West 420 feet, thence South 600 feet, thence in a Southeasterly direction along the line of the Davenport and St. Paul Railroad (later known as Chicago, Milwaukee, St. Paul and

Pacific Railroad) to the South Line of said Section 19, thence East 170 feet to the place of beginning.

Lying and being located South of the South line of one certain easement for railroad track and utility purposes dated May 11, 1963, and recorded in Book I, Page 333, Office of the Recorder of Jackson County, Iowa, and subsequently assigned to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, by instrument dated January 13, 1964, and recorded in Book J, Page 364, Office of the Recorder aforesaid.

Excepting therefrom all that part of the Southerly 60 feet of said Southwest Quarter of the Southeast Quarter of said Section 19, which lies East of the right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad shall be subject to restrictive covenants listed in this Chapter.

#### 5-5-2 DEVELOPMENT AND PLANNING.

1. Approval of Plans. Before commencing the construction or alteration of any buildings, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on or to any site or lot, the property owner shall first submit site plans and plans and specifications thereof to the City of Maquoketa for its written approval. In the event that the City shall fail to approve or disapprove such building plans, specifications, and site plans within ten (10) days after they have been submitted to it, such approval shall not be required and this covenant will be deemed to have been complied with.

2. Replatting or Subdividing. The owner of any lot or parcel within this development shall never at any time, replat, subdivide, or resub divide any lot into a smaller lot or parcel or in any other manner change this plat without first obtaining the prior written approval of the City.

3. Operations within Enclosed Buildings. All operations and activities shall be conducted or maintained within completely enclosed buildings except:

- A. Off-street parking and loading spaces;
- B. Employee recreational facilities;
- C. Outdoor exterior storage.

4. Time for Construction/Repurchase. Any purchaser of real estate in this subdivision or a purchaser's successor in interest shall begin good faith construction of a permanent building within two years from the date title is transferred to the purchaser. If such good faith construction is not started within said period, the City of Maquoketa shall have the right to repurchase the real estate for the purchase price paid by the initial purchaser and the purchaser or the purchaser's successor in interest shall execute all instruments necessary to re-convey the property to the City. The City may agree in writing to extend the time construction is to commence upon written application of the purchaser or the purchaser's successor in interest.

5. Land Area Coverage. The following chart sets forth the maximum and minimum land area coverage for various lot sizes.

Maximum percentage of total lot area available for lot area coverage by building related features.	Combined maximum percentage of lot area available for land area coverage by building and vehicle related features.	Minimum percentage of total lot area to be left open, without construction of any kind.
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TOTAL LOT AREA			
0 to 5 Acres	50%	60%	40%
5.01 to 10.00	55%	65%	35%
10.01 to 20 Acres	60%	70%	30%

### 5-5-3 OUTSIDE AREAS.

1. Landscaping. All property shall be properly landscaped and maintained in a park-like, well-kept condition with suitable shrubs, trees and/or ground cover. The areas created by observance of setback requirements shall be landscaped or used for green areas.

2. Outside Storage. Outside open storage is allowed in the side or rear yard when the area is properly screened from view from all sides by means of an opaque fence or wall, minimum of 6 feet high, or to a height at least equal to the materials or equipment stored, whichever is greater. Such storage shall be confined to locations in the rear or at the side of said building and behind the front line of said building as extended and shall be constructed within the applicable setback lines, as outlined in the City of Maquoketa Zoning Ordinance, Subchapter 1K, as amended.

3. Maintenance of Undeveloped Areas. That portion of each tract that is not improved with buildings, parking facilities, loading facilities, and lawn areas shall be seeded to a cover planting which grows to a height not to exceed approximately eighteen (18) inches, and at all times shall be attractively maintained. No part of any of the land area shall be planted in cultivated row crops.

4. Maintenance of Developed Areas. No building or structure above ground shall extend beyond the building lines prescribed above and it is hereby declared that the yards or areas created by the observance of the building or setback lines established in the Maquoketa Zoning Ordinance, Subchapter 1K, may be used or developed either for attractive open landscape and green areas or for off-street, dust-free, stabilized parking areas. All landscaping shall be properly maintained in a sightly and well-kept condition. Parking areas shall be likewise maintained in a sightly and well-kept condition. Materials may be stored outside in setback areas in accordance with 5-5-3-(2).

5. Waste. No garbage or decomposable animal or vegetable waste shall be placed in storage upon any lot or tract except in tightly covered metal or plastic containers. All of the refuse shall be placed in containers or enclosures in a manner not constituting a nuisance by reason of wind-litter, disorderly appearance, or abnormal fire hazards. The owners shall be responsible for the removal of garbage and other refuse from the premises at least once a week.

6. Fences. All fencing or screening, for security or for other purposes, shall be attractive in appearance and shall be of all metal industrial type or galvanized or nonferrous material. No fence, masonry wall, hedge, or mass planting shall be permitted to extend beyond the building setback lines as set forth above except with the prior written approval of the City.

#### 5-5-4 PARKING AND DOCKAGE.

1. Building Construction. The outside walls of all buildings shall be of masonry construction or pre-engineered metal buildings and/or their equivalent attractively erected and painted. Attractive appearance and durability shall be used as criteria by the City in judging equivalency. Building construction and design shall be used to create a structure with four (4) attractive sides of high quality, rather than place all emphasis on the front elevation of the building while neglecting or downgrading the aesthetic appeal of the side and rear elevations of the building.

2. Docks. It is contemplated that truck loading docks will be installed at each building in such location and in such quantity to permit trucks to load and unload or to wait to do so without hindering traffic upon public or park streets. No curb cut or entrance shall be constructed within 75 feet of the nearest intersection. The radii of curb cuts shall not be less than 25 feet.

3. Parking. The owner or user of any building site or lot shall provide for adequate stabilized, dust-free parking for employees. This parking area shall be located upon the owner's or user's lot or building site. Similar off-street parking spaces for visitors shall also be provided upon said lot or site.

#### 5-5-5 UTILITIES.

1. Stormwater. The area of watersheds after development shall remain the same as pre-development watersheds. Individual site grading plans will be developed to assure proper control of storm water. Such plans will be submitted to the City for approval as part of the building plan.

2. Easement. Easements may be used for the construction, installation, maintenance and location of underground electric or communication cables, storm sewage or sanitation sewers, pipe line for supplying gas, water, or heat, including mains and service pipes.

The purchasers of lots and tracts within this development shall at their own cost and expense keep and preserve that portion of the easement and right-of-way within their property lines at all times in good condition of repair and maintenance.

3. Sewer Discharge. No occupant of the Industrial Park shall discharge a volume of sanitary sewage greater than five thousand gallons per day for each acre of the property owned by such occupant without the expressed written consent of the City. Sewage discharge of other than domestic waste, or of volumes in excess of five thousand gallons per acre per day, or of EPA or DNR controlled substances may be made only with written permission of the City of Maquoketa.

#### 5-5-6 NUISANCES AND HAZARDS.

1. No occupant of the Property shall manufacture, process, produce, handle or store any product or item or engage in any activity which shall at any time produce or possess the potential to produce a nuisance or hazard, beyond the limits of the lot, to the public health, safety, or welfare. All users shall operate in conformance with the limitations set forth in the City of Maquoketa Ordinances, State of Iowa laws and rules, and federal laws and regulations, whichever is more restrictive.

2. General Restrictions. No noxious or offensive trade or activity shall be carried on, nor shall anything be done thereon which may be or may become an unreasonable annoyance or nuisance to the said Maquoketa Industrial Park hereby restricted, or the surrounding area, whether said annoyance or nuisance be by reason of unsightliness or the excessive vibration, glare and heat, noise, fire hazards or industrial wastes.

3. In Addition. Auto wrecking, salvage yards, used materials yards, storage or baling of waste or scrap paper, rags, scrap metals, bottles or junk, shall not be permitted except as they may become necessary as an incident of a permissible use of the premises.

5-5-7 SIGNS. No billboards or advertising signs other than those identifying the name, business and product of the person or firm occupying the premises shall be permitted. In addition to the above, one sign not exceeding 10 X 20 feet in area advertising the premises for sale or rent, and accessory signs giving directions for the delivery of goods, parking, etc., may be erected.

(Ord., 758, 8-5-91)