



# **AGENDA OF THE CITY OF GREEN BAY/ TOWN OF SCOTT JOINT PLAN COMMISSION**

**WEDNESDAY, FEBRUARY 20, 2019, 5:00 PM  
TOWN OF SCOTT, TOWN HALL**

**A. Roll Call.**

- I. Members: Dale Herold - Chair, Gary Sikich - Vice Chair, Tim Gilbert, Eric Rakers, Jerry Hruska and Norman Strebel

**B. Approval of the Agenda.**

- I. Approval of the agenda for February 20, 2019, meeting of the Green Bay-Scott Joint Plan Commission.

**C. Approval of Minutes.**

- I. Approval of the minutes from the May 16, 2018 meeting of the Green Bay-Scott Joint Plan Commission.

**D. Communications**

- I. Introduction - David Buck, City of Green Bay Planner.

**E. Regular Business.**

- I. Election of Officers - Consideration and possible action on the annual election of officers per the Boundary Agreement between City of Green Bay and the Town of Scott - Chair, Vice-Chair and Secretary.
2. Consideration with possible action on a request from the Town of Scott to change the zoning designation on parcel SC-194 from R-1 Single Family Residential to B-2 General Business and I Limited Industrial.
3. Consideration with possible action of a 12-Lot Preliminary Plat of Subdivision for parcel SC-194.
4. Consideration with possible action on draft Restrictive Covenants for the Town of Scott's Planned Business Park development (parcel SC-194).

**F. Informational.**

1. Discussion on meeting material distribution.
2. 2019 Meeting Schedule.

**G. Adjournment.**

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT [www.greenbaywi.gov](http://www.greenbaywi.gov)
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this City of Green Bay/Town of Scott Joint Plan Commission meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.

**MINUTES**  
**GREEN BAY-SCOTT JOINT PLAN COMMISSION**  
**Wednesday, May 16, 2018**  
**Scott Town Hall**  
**6:00 p.m.**

**MEMBERS PRESENT:** Dale Herold-Chair, Gary Sikich-Vice Chair, Tim Gilbert, Eric Rakers, and Norman Strebel.

**MEMBERS EXCUSED:** Jerry Hruska

**OTHERS PRESENT:** Dave Cerny, Bill Lockery

**APPROVAL OF MINUTES:**

Approval of the minutes from the March 23, 2017, Green Bay-Scott Joint Plan Commission meeting

A motion was made by G. Sikich and seconded by N. Strebel to approve the minutes of the March 23, 2017, Green Bay-Scott Joint Plan Commission meeting. Motion carried.

**ELECTION OF OFFICERS:**

Discussion and action on the annual election of officers on the Joint Plan Commission per Exhibit C of the Boundary Agreement between the City of Green Bay and the Town of Scott - Chair, Vice-Chair, and Secretary.

A motion was made by G. Sikich and seconded by N. Strebel to elect D. Herold as Chair. Motion carried unanimously.

A motion was made by T. Gilbert and seconded by D. Herold to elect G. Sikich as Vice-Chair. Motion carried unanimously.

**COMMUNICATIONS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

1. Discussion and action on a request for a proposed new building for Bay Ridge Plywood & Supply 2446 Bay Settlement Road (Parcel #SC-841).

D. Cerny explained: Bay Ridge Plywood & Supply is planning on building an accessory building to the north and west of their existing facility (see attached building plans). It is classified as an accessory building because it will be used for storage of materials not for retail purposes. The building plans and site plans meet the Town's Zoning Ordinance requirements. This is a commercial building; plans are being reviewed by the State.

Damien Dufek, Owner explained that he has spoken to the neighbors; they are OK with this proposal.

Rakers asked if this style of building fit the Town's design criteria. D. Cerny explained that yes it did

A motion was made by G. Sikich and seconded by T. Gilbert to approve the request for a proposed new building for Bay Ridge Plywood & Supply 2446 Bay Settlement Road (Parcel #SC-841). Motion carried unanimously.

2. Discussion and action on a request from the Town of Scott to alter the Area Development Plan for the proposed road network north of Algoma Road (CTH I), east of Bay Settlement Road, south of Church Road, and west of STH 57.

A copy of the proposed altered Area Development Plan was handed out. This is requested due to the Town purchasing 38.5 acres off of Algoma Road (Parcel #SC-194). The Town is purchasing the property to encourage business development in this area. The Town plans on dividing the property into multiple lots, and adding a road (as illustrated).

Discussion on:

- The road reconfiguration; connecting a proposed road through the development site to Scott Tower Drive.
- Leaving the proposed road labeled 'Option 2'; not knowing if the mausoleum will expand to the east or if a road will be feasible in the future; a road that would run north and south and connect Church Road with Algoma Road.
- Stormwater management / storm water ponds.
- The concept is to develop the front lots first, as there is already road frontage and sewer. The sewer to the back lots would have to connect to the Wequiock Interceptor, to the north.

A motion was made by G. Sikich and seconded by T. Gilbert to approve the request from the Town of Scott to alter the Area Development Plan for the proposed road network north of Algoma Road (CTH I), east of Bay Settlement Road, south of Church Road, and west of STH 57.

**OTHER:**

None

A motion was made by E. Rakers and seconded by N. Strebel to adjourn the meeting. Motion carried.

Meeting adjourned at 6:20 p.m.



Report to the  
City of Green Bay/Town of Scott  
Joint Plan Commission

## MEETING DATE

February 20, 2019

## PREPARED BY

## AGENDA ITEM # E.2.

Consideration with possible action on a request from the Town of Scott to change the zoning designation on parcel SC-194 from R-1 Single Family Residential to B-2 General Business and I Limited Industrial.

## BACKGROUND

Consideration with possible action on a request from the Town of Scott to change the zoning designation on parcel SC-194 from R-1 Single Family Residential to B-2 General Business and I Limited Industrial.

**Staff Comments:** The Town of Scott purchased SC-194 (38.5 acres) in 2018 for the purpose of encouraging business development. The property contains an old farm house and several outbuildings with the majority of the property being an agricultural field. The property has been zoned R-1 Residential since the Town's sanitary district was formed (37 years ago).

The Town of Scott's Comprehensive Plan recommends the property be developed with commercial frontage and industrial in the back. The requested rezoning matches the Comprehensive Plan.

Staff Recommendation: Staff recommends rezoning SC-194 from R-1 Single Family Residential to B-2 General Business and I Limited Industrial, as illustrated.

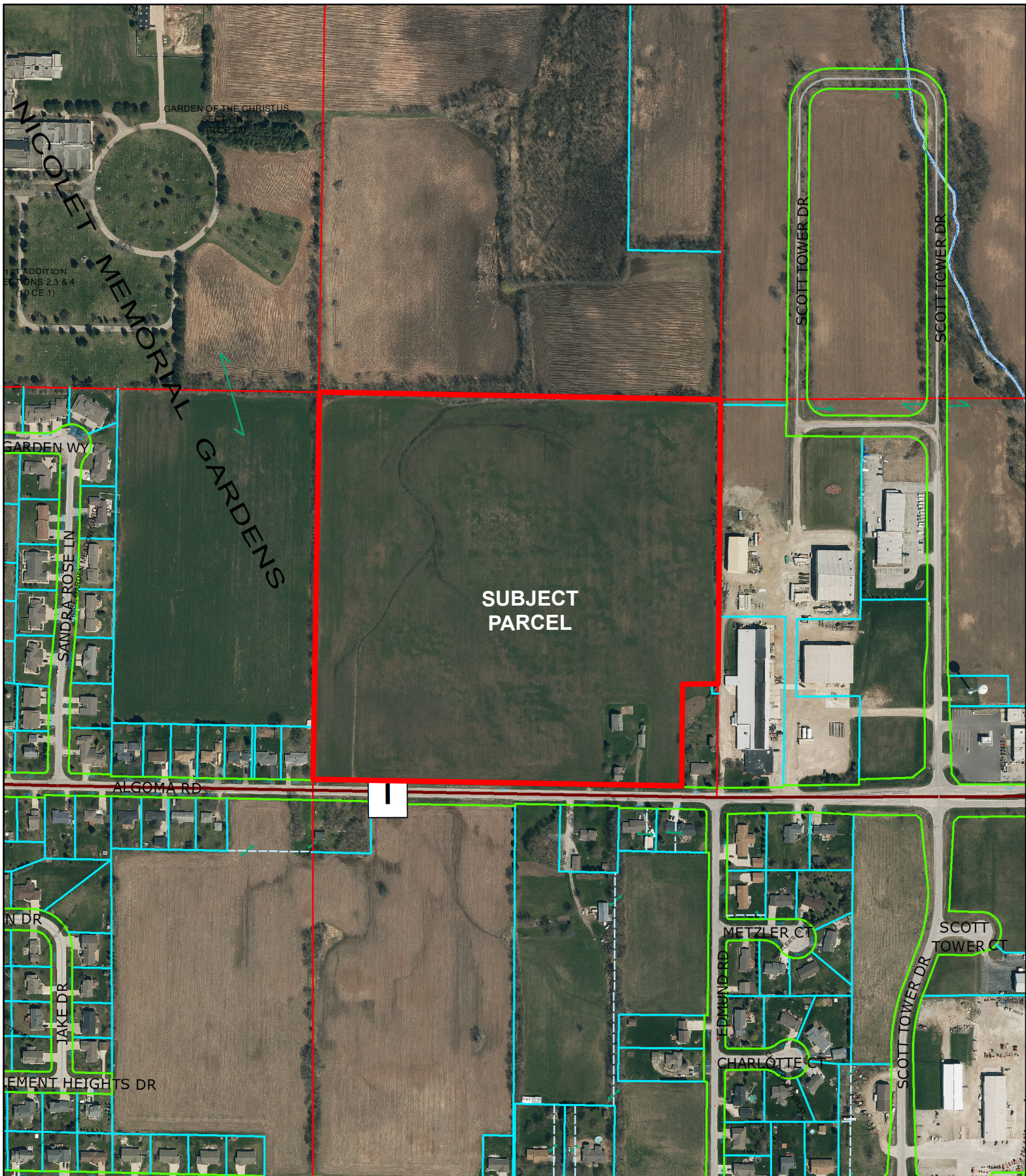
## RECOMMENDATION

Staff recommends rezoning SC-194 from R-1 Single Family Residential to B-2 General Business and I Limited Industrial, as illustrated.

## FISCAL IMPACT

## ATTACHMENTS

1. SC-194 Location Map
2. Future Land Use-8x11
3. SC-194 Exist Zoning
4. SC-194 Proposed Zoning



SUBJECT  
PARCEL



# Town of Scott Parcel SC-194

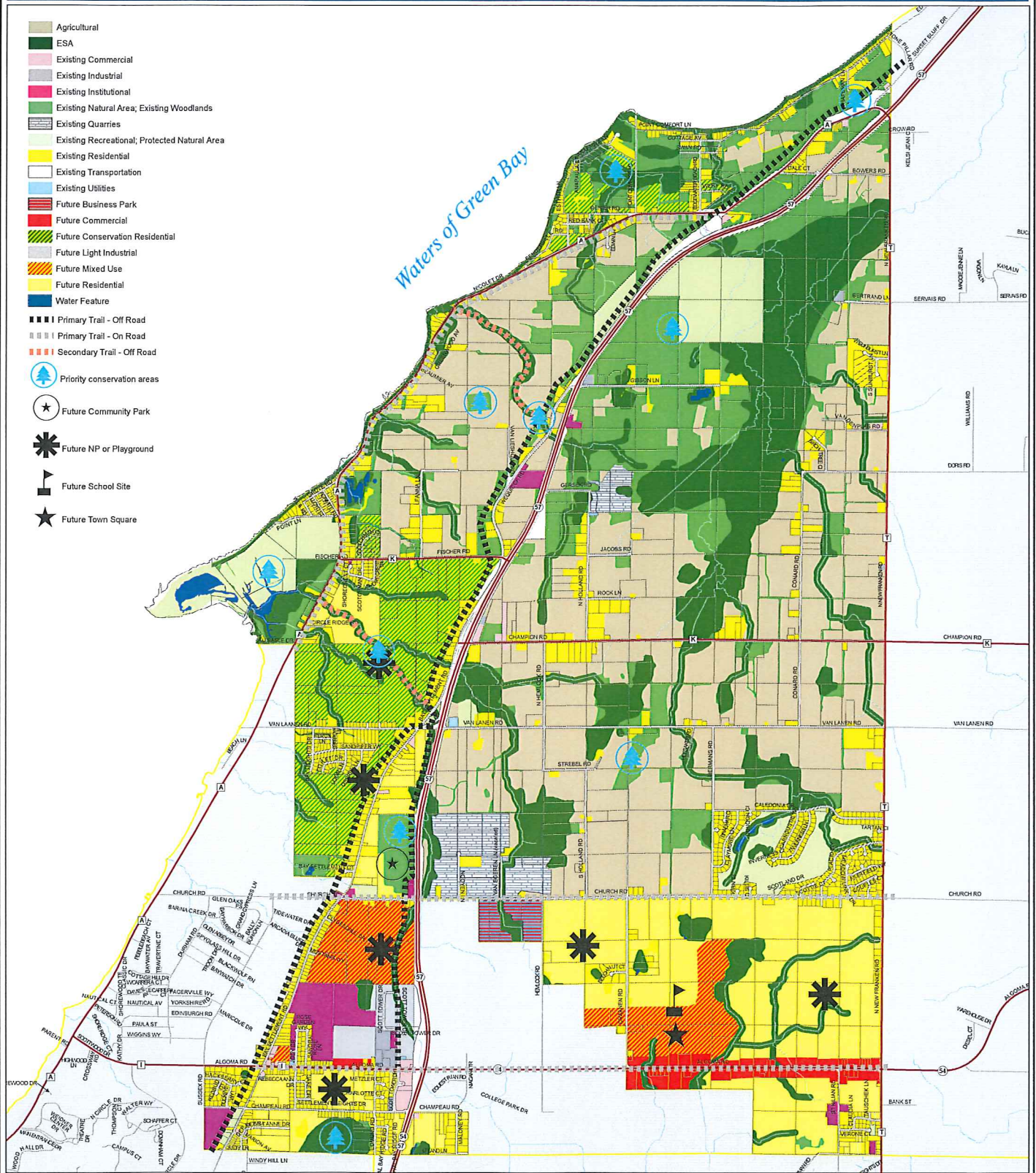


Map is provided by the City of Green Bay for reference and display purposes only.  
The City makes no claims regarding the accuracy or completeness of the image.



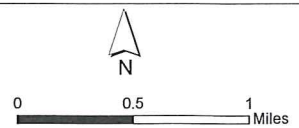
# Future Land Use

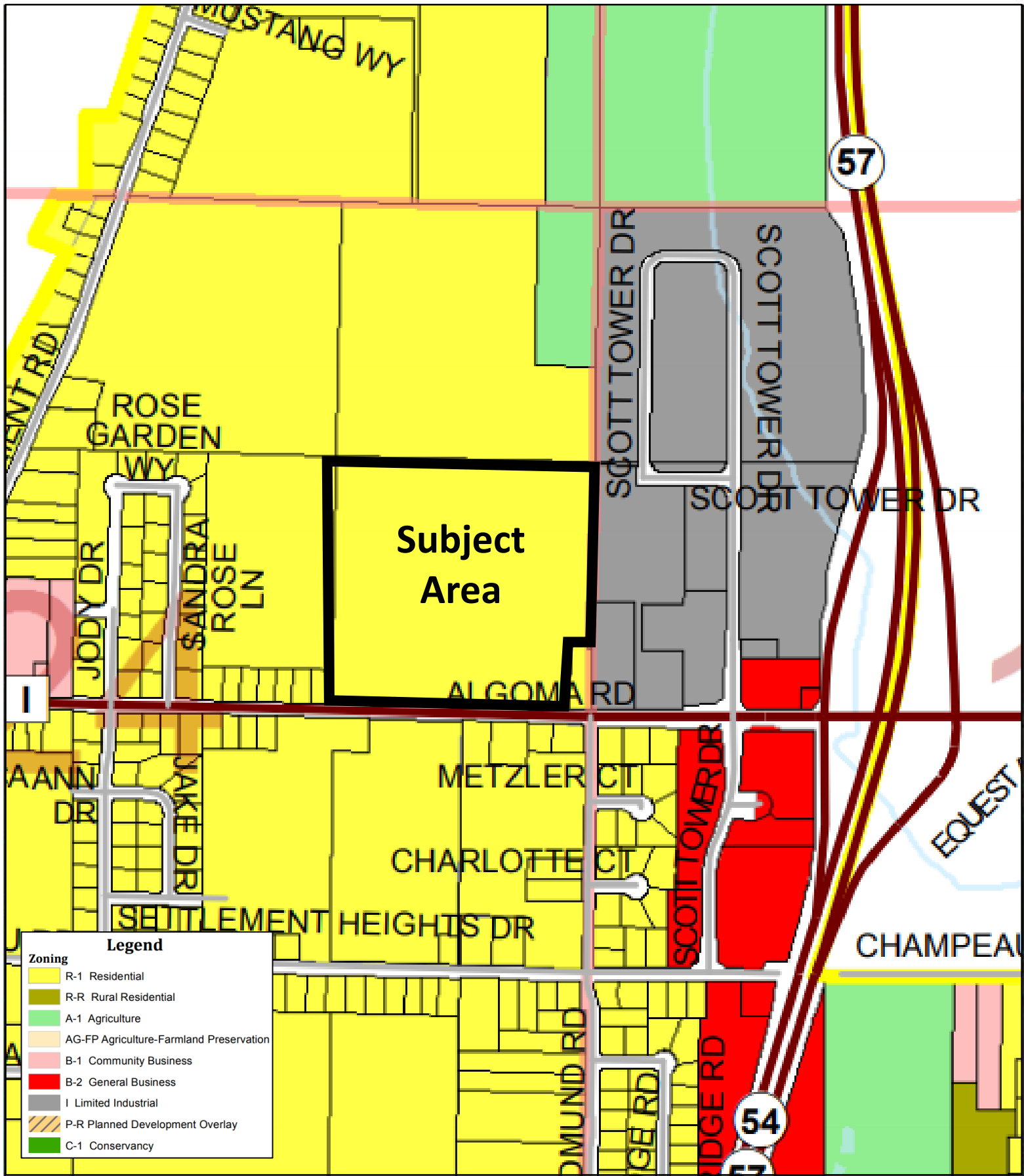
Town of Scott, Brown County, Wisconsin



- Agricultural
- ESA
- Existing Commercial
- Existing Industrial
- Existing Institutional
- Existing Natural Area; Existing Woodlands
- Existing Quarries
- Existing Recreational; Protected Natural Area
- Existing Residential
- Existing Transportation
- Existing Utilities
- Future Business Park
- Future Commercial
- Future Conservation Residential
- Future Light Industrial
- Future Mixed Use
- Future Residential
- Water Feature
- Primary Trail - Off Road
- Primary Trail - On Road
- Secondary Trail - Off Road
- 🌲 Priority conservation areas
- ★ Future Community Park
- ✳️ Future NP or Playground
- 🏫 Future School Site
- ★ Future Town Square

Source: Brown County  
Planning Commission aschuette 10/2017

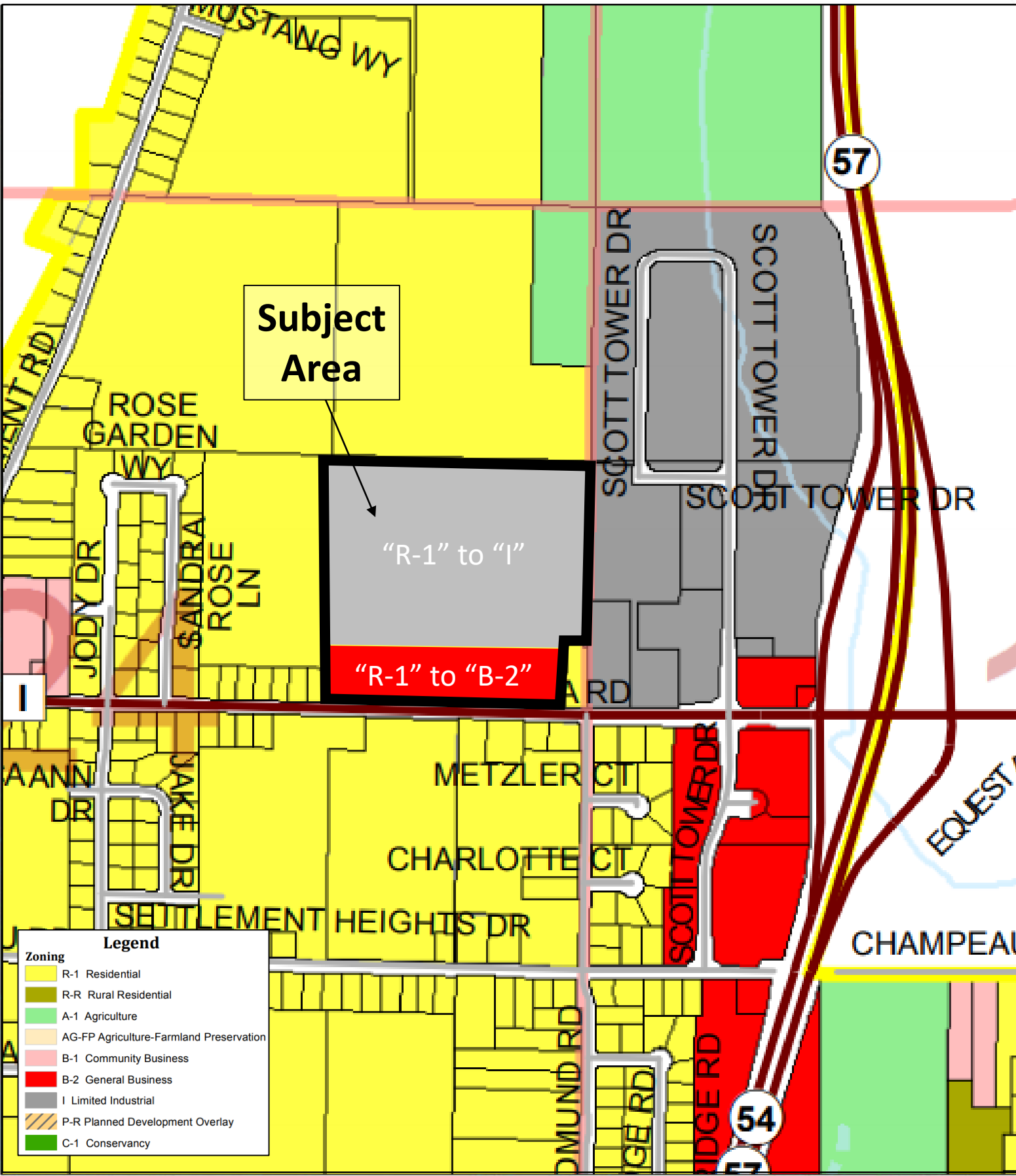




## Town of Scott Existing Zoning



Map is provided by the City of Green Bay for reference and display purposes only. The City makes no claims regarding the accuracy or completeness of the image.



**Subject Area**

"R-1" to "I"  
 "R-1" to "B-2"

**Legend**

Zoning	Description
	R-1 Residential
	R-R Rural Residential
	A-1 Agriculture
	AG-FP Agriculture-Farmland Preservation
	B-1 Community Business
	B-2 General Business
	I Limited Industrial
	P-R Planned Development Overlay
	C-1 Conservancy



# Town of Scott Proposed Zoning



Map is provided by the City of Green Bay for reference and display purposes only. The City makes no claims regarding the accuracy or completeness of the image.



Report to the  
City of Green Bay/Town of Scott  
Joint Plan Commission

#### MEETING DATE

February 20, 2019

#### PREPARED BY

#### AGENDA ITEM # E.3.

Consideration with possible action of a 12-Lot Preliminary Plat of Subdivision for parcel SC-194.

#### BACKGROUND

Consideration with possible on a 12-Lot Preliminary Plat of Subdivision for parcel SC-194.

**Staff Comments:** The request is to divide parcel SC-194 and create a new road for access (see attached plat). The plan includes an Outlot and stormwater pond for the development.

#### RECOMMENDATION

Staff recommends approval of the 12-lot Preliminary Plat.

#### FISCAL IMPACT

#### ATTACHMENTS

- I. Draft Prelim Plat 02-20-19

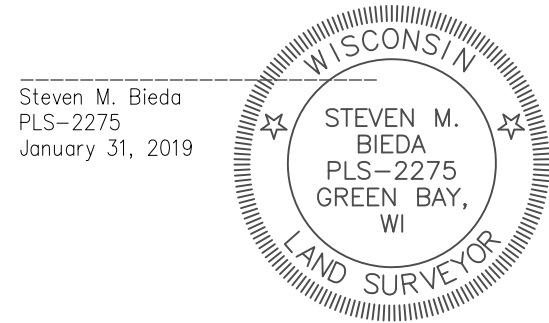
SURVEYOR'S CERTIFICATE

I, Steven M. Bieda, Professional Land Surveyor, PLS-2275, hereby certify:

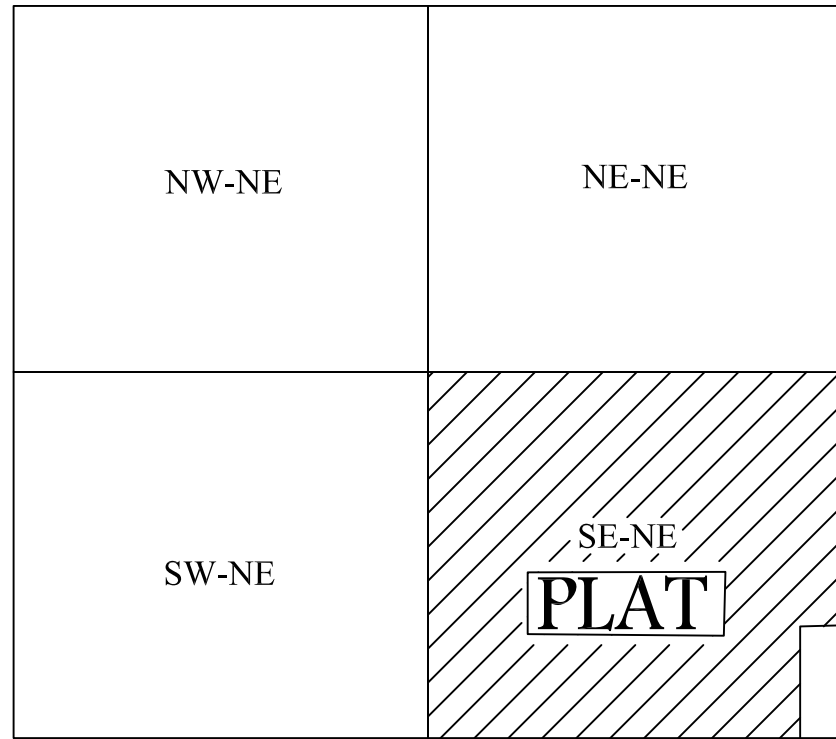
That in full compliance with the provisions of Chapter 236, Wisconsin Statutes, and the subdivision regulations of the Town of Scott, the City of Green Bay and the Brown County Planning Commission and under the direction of the owners listed herein, I have surveyed, divided and mapped "Scott Business Park, A County Plat", and that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed and is part of the Southeast 1/4 of Section 24, T24N-R21E, in the Town of Scott, Brown County, Wisconsin, more fully described as follows:

Commencing at the East 1/4 Corner of Section 24, T24N-R21E; thence N88°37'11"W, 115.00 feet along the South line of the Northeast 1/4 of said Section also being the centerline of Algoma Road, Also known as CTH "I", to the point of beginning; thence continuing N88°37'11"W, 1224.53 feet along said South line; thence N1°09'29"E, 1318.38 feet along the West line of the Southeast 1/4 of the Northeast 1/4 of said Section; thence S88°38'13"E, 1332.40 feet along the North line of the said Southeast 1/4 of the Northeast 1/4; thence S0°50'54"W, 943.81 feet along the East line of the said Southeast 1/4 of the Northeast 1/4, also being part of the West line of Lot 1, Volume 28, Certified Survey Maps, Page 260, Map No. 4461, Document No. 1329682, Brown County Records, and its extension; thence N88°37'11"W, 115.00 feet; thence S0°50'54"W, 375.02 feet to the point of beginning.

Parcel contains 1,718,432 square feet / 39.45 acres more or less.  
Right of way dedication contains 154,604 square feet / 3.55 acres more or less.  
Parcel subject to easements and restrictions of record.



Location Sketch  
not to scale



Section 24  
T24N-R21E

Developer:

Town of Scott  
2621 Jody Drive  
New Franken, Wisconsin 54229

Approving /  
Objecting Agencies

Town of Scott  
City of Green Bay  
Brown County Planning Commission

NOTES

Bearings referenced to the South line of the Northeast 1/4 of Section 24, T24N-R21E, assumed to be N88°37'11"W.

The County Monuments used in this survey are shown and their ties have been found and verified and/or Brown County Planning and Land Services has been notified of any discrepancies.

Wetlands delineated by Mead and Hunt in June 2018.

A Brown County Highway Department access permit must be obtained prior to any construction of a new street / road connection or driveway to a County Trunk Highway.

The property owners, at the time of construction, shall implement the appropriate soil erosion control methods outlined in the Wisconsin Construction Site Erosion and Sediment Control Technical Standards (available from the Wisconsin Department of Natural Resources) to prevent soil erosion. However, if at the time of construction the Town has adopted a soil erosion control ordinance, it shall govern over this requirement. This provision applies to any grading, construction, or installation-related activities.

Lots 1-4, 10 and 11, and Outlot 1, include wetland areas that may require permits from the Wisconsin Department of Natural Resources, Army Corps of Engineers, Brown County Planning Commission, or the Brown County Zoning Administrators Office prior to any development activity.

A Shoreland Permit from the Brown County Zoning Administrator's office is required prior to any construction, fill, or grading activity within 300 feet of a stream.

Outlot 1 to be owned and maintained by the Town of Scott for storm water management.

RESTRICTIVE COVENANTS

The land on all side and rear lot lines of all lots shall be graded by the lot owner and maintained by the abutting property owners to provide for adequate drainage of surface water.

Each lot owner shall grade the property to conform to the adopted sidewalk grade elevation and maintain said elevation for future sidewalks.

Lots 1-4, 10 and 11, and Outlot 1 contain an environmentally sensitive area (ESA) as defined in the Brown County Sewage Plan. The ESA includes wetlands, non-navigable waterways, all land within 35 feet of the top of bank of non-navigable waterways. Development and land disturbing activities are restricted in the ESA unless amendments are approved by the Brown County Planning Commission and the Wisconsin Department of Natural Resources.

Preliminary Plat of Scott Business Park  
A County Plat

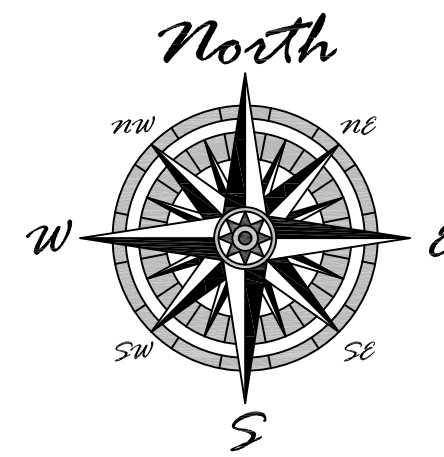
Part of the Southeast 1/4 of the Northeast 1/4 of Section 24, T24N-R21E, Town of Scott, Brown County, Wisconsin.

Graphic Scale



Legend

- 2.38" (o.d.) x 18" iron pipe weighing 3.65 lbs./lin. foot set
  - 1" iron pipe found
  - ⊙ PK nail found
  - ⊕ Brown County monument - type noted
  - all other lot and meander corners marked with a 1.32" (o.d.) x 18" iron pipe weighing 1.68 lbs./lin. foot
  - all linear measurements have been made to the nearest hundredth of a foot.
  - all distances on curves are arc lengths.
- 35' building setback (unless noted)
  - 12' utility easement (unless noted)
  - ▭ existing building
  - well
  - ▨ wetland area



SCALE  
1"=100'

DRAWN BY  
MRA

TAX PARCEL NO. SC-194

Pre Plat

Data File: M-14818.plt  
Fieldwork Completed: 01/18/19

Mau & Associates, LLP  
LAND SURVEYING & PLANNING  
CIVIL & WATER RESOURCE ENGINEERING  
Phone: 920-434-9670 Website: www.mau-associates.com  
400 Security Blvd Ste 1, Green Bay, WI 54313-9712

Town of Scott

PROJECT NO.  
M-14818

SHEET NO.  
1 of 1

DRAWING NO.  
P-2391





Report to the  
City of Green Bay/Town of Scott  
Joint Plan Commission

#### MEETING DATE

February 20, 2019

#### PREPARED BY

#### AGENDA ITEM # E.4.

Consideration with possible action on draft Restrictive Covenants for the Town of Scott's Planned Business Park development (parcel SC-194).

#### BACKGROUND

Consideration with possible action on draft restrictive covenants for the Town of Scott's Planned Business Park development (parcel SC-194).

**Staff Comments:** The draft restrictive covenants will be applied to the proposed 12 parcels platted from SC-194. The covenants specify some architectural controls; like masonry facades, and limited signage.

#### RECOMMENDATION

Staff recommends approval of the restrictive covenants.

#### FISCAL IMPACT

#### ATTACHMENTS

- I. DRAFT Business Park Covenants I-10-19

# **Business Park Covenants**

## **TOWN OF SCOTT BUSINESS PARK – ALGOMA ROAD**

The lands to which these restrictive covenants apply lie within the Scott Business Park and these restrictive covenants are referenced on each deed of conveyance.

### **Purpose**

The declared purpose of these restrictions is to insure proper use and development of each parcel in the business park; 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.

### **Subject Property**

These conditions, protective covenants and restrictions shall apply to and restrict the use of lands comprising the Park, which is defined as Parent Parcel SC-194 in the Town of Scott, Brown County, Wisconsin:

### **Title and Easements**

#### **A. Title**

Title to specific parcels shall be transferred from the Town to purchasers upon receipt of approval of all required site plan, landscape plan and architectural review approvals and appropriate sales transactions.

#### **1. Infrastructure Easements**

In conveying parcels, the Town shall retain all necessary permanent easements for all drainage ways, detention ponds and open space areas, which have been designed and constructed to serve as infrastructure for the Park. These areas will be delineated on the approved final plans and specifications for the Park and will be shown on the plat (s) and/or certified survey map (s) creating the various parcels within the Park as varying types of drainage “*easements*”.

#### **2. Utility Easements and Utility Locations**

Title to parcels shall be transferred subject to utility easements as shown on the plat(s) or certified survey map(s) of the Park as “utility easement” or “a sanitary sewer and/or water main easement.” Easements may be necessary to enhance service and operations of utilities to include but limited to electric, natural gas, telecommunications, municipal sewer and water services.

Placement of Utilities: All utilities within the Park shall be installed underground, except for essential components of such utilities terminating above ground such as the hydrants, manholes, transformers, telephone pedestals and other similar components of utility systems. All utilities shall be installed in the utility easements where provided.

#### **B. Use of Utility Easements**

The utility easements are for the benefit of the entire Park; however, such easements may be used by parcel owners for the installation of underground utility services such as electric power, natural gas, cable television, and telecommunications services to benefit the owner’s parcel subject to prior review and approval by the Town.

**C. Maintenance of Easements**

Each parcel owner shall be responsible for routine, ordinary and customary landscape maintenance of easements located on their property, such as, but not limited to, trimming and fertilization of ground cover, grass, shrubbery and trees and the suppression of weeds and/or nuisance growth on the easements. Damage to such easement areas caused by a third party shall be repaired by such party.

**Land Use**

**A. GENERAL BUSINESS**

All Permitted and Conditional Uses, Lot Size Requirements, Height Regulations, and Building Setbacks shall be in conformance with the Town of Scott Zoning Ordinance. See Chapter 375-30 B-2 General Business District.

**B. MANUFACTURING**

All Permitted and Conditional Uses, Lot Size Requirements, Height Regulations, and Building Setbacks shall be in conformance with the Town of Scott Zoning Ordinance. See Chapter 375-31 I-1 Limited Industrial District.

**C. SITE PLAN REVIEW**

Prior to the construction or alteration of any buildings, additions, enclosures, fences, parking facilities, signs, storage yards, or any other structures or permanent improvements on the site, the plans for such building or improvement shall be submitted for review. Town staff and Plan Commission shall review the structure and site plans to insure compatibility with Town standards, these restrictions, and with other buildings in the area.

**D. ARCHITECTURAL AND DESIGN CONTROLS**

**General Business Zoning District:**

Street façade: Exclusive of windows and doors shall consist of a combination of masonry-like decorative material such as stucco, decorative concrete block, brick or other masonry materials. Other materials with decorative masonry may be considered.

Side and Rear Walls: Metal siding is allowed on the non-street facades sides with no more than 50% of the side building facades being metal.

**Limited Industrial District:**

Street façade: Exclusive of windows and doors, the street façade shall be a minimum of 50% masonry-like decorative material such as stucco, decorative concrete block (fluted, split-face, or other – common or standard concrete block is not acceptable), brick, or other masonry materials. Other materials in combination with decorative masonry may be considered.

Side and Rear Walls: Metal siding is acceptable for the sides and the rear walls of the building.

**E. LANDSCAPING**

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 surfaced as to scale, massing, size, shape, and color. Prior to the issuance of a building permit a Site Plan, Landscape Plan, and Stormwater Drainage Plan shall be reviewed and approved by the Plan Commission.

**F. PARKING REQUIREMENTS**

Paving of parking lots are required. All parking areas shall be paved with either asphalt or concrete surfacing. Paving shall be completed within 6 months of occupancy. All parking spaces or lots shall conform to the Town of Scott Zoning Ordinance, Chapter 375, Article VIII, Off-Street Parking.

**Parking – On Street**

Street parking is prohibited.

**Parking – Off Street**

Parking setback from the front yard is 10 feet from the street right of way and setback a minimum of 5 feet from a side or rear lot line. The setback shall be landscaped. The landscape plan shall be submitted to Town of Scott Plan Commission for approval.

**Off-Street Loading**

All loading areas shall conform to the Town of Scott Zoning Ordinance; Chapter 375-16, and shall be reviewed and approved by the Plan Commission as part of the Site Plan Review.

**Amount of Parking**

Each parcel owner shall provide a sufficient number of off-street parking spaces on the owner's parcel to accommodate the maximum number of vehicles operated by employees, customers, suppliers, vendors and visitors expected on each parcel during peak hours (including shift overlaps). In no case shall the amount of parking for each parcel and/or business be less than required by the Town of Scott Zoning Code.

**Outdoor Storage**

Refuse and Storage Placement: All refuse and storage areas shall be to the side or rear of the building and not within the side and rear yard setback areas. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the building. No storage of inoperative or wrecked vehicles shall be allowed.

**Design and Construction Standards:**

All outdoor storage areas shall be visually screened from all streets with a six-foot-high opaque fence, vegetation, berm, or combination thereof. Vegetative screens or berms, or combinations thereof, shall be at least 4' high at the time of installation and capable of providing a solid screen. Screening shall be attractive in appearance and keeping with the architectural quality of the main structure. Any outdoor refuse or storage areas shall be paved and maintained in an orderly and dust-free condition. All outdoor storage areas shall be illustrated on the Site Plan and submitted for approval to the Plan Commission as part of the Site Plan Review process

**Facility Fencing:** All fences, walls and hedges shall conform to the Town of Scott Zoning Ordinance; Chapter 375-15, and shall be reviewed and approved by the Plan Commission as part of the Site Plan Review.

**Building Height:** Height regulations shall conform to the Town of Scott Zoning Ordinance; Chapter 375-13.

### **Lot Drainage**

A stormwater pond and comprehensive drainage plan for the business park was designed by the Town of Scott. All parcels shall conform to the comprehensive drainage plan. If a parcel contains a drainage easement it shall be constructed and maintained in accordance with the approved plan. If a parcel has an established First Floor Elevation requirement all structures shall conform to that elevation requirement.

At the time of applying for a building permit with the Town Building Inspector, a topographic site plan including improvements pertaining to drainage or flood control to handle the additional runoff generated from development of the land is required. Such plan shall include provisions for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed development. Drainage and runoff from the site, shall be appropriately designed to be conveyed to the stormwater management system designed and constructed by the Town of Scott.

**Signage:** All signage shall conform to the Town of Scott Zoning Ordinance; Chapter 375, Article VII.

In addition to the regulations set forth in §375-39 all parcels in the Town of Scott Business Park, whether zoned Industrial or Commercial shall conform to the following restrictions.

- 1) The gross area of all on-premise signs shall not exceed 350 square feet.
- 2) Freestanding signs shall not exceed 150 square feet in area of all sides combined.
- 3) Building façade and wall signs: The copy area of a building façade or wall sign shall not exceed 20% of the background area to which it is applied.
- 4) Pedestal signs are prohibited.
- 5) One monument style freestanding sign is permitted per parcel.
- 6) A monument sign within 25 feet of an intersection or 15 feet of a driveway shall not exceed 3 feet in height.
- 7) All sign lighting shall conform to 'dark-sky' compliant standards.
- 8) All proposed signage locations shall be reviewed by the Plan Commission as part of the Site Plan Review process.

**Noise:** Noise and nuisance restrictions shall be regulated by the Town of Scott Zoning Ordinance; Chapters 206 and 375-31 (J).

### **Waste Incineration**

No construction or waste materials shall be incinerated in the Park.

### **Maintenance Responsibilities**

General Maintenance: Each parcel owner shall keep said owner's property and all contiguous street right-of-way areas to the edge of the pavement and easement areas in a well maintained, safe, clean and attractive condition at all times. Such maintenance includes, but is not limited to, the following:

- 1) The removal of all litter, trash, refuse and waste.
- 2) The maintenance of exterior lighting, signs and mechanical facilities. All such facilities shall be in working order.
- 3) The keeping of all exterior building surfaces in a clean, well-maintained condition.
- 4) The outdoor storage of materials and vehicles. Any materials and vehicles shall be stored inside of the facility or removed from the premises before the end of the day. Overnight outdoor parking of any vehicles, trailers, or equipment is prohibited. Employee's parked on-site while employed on the premises is permitted.

### **Maintenance of Unimproved Parcels**

The owner of any undeveloped parcel must maintain said lands free of rubbish, noxious weeds, and mosquito breeding conditions. All green spaces shall be mowed no less than every 30 days of the growing season. If the unimproved parcel contains a drainage easement, said easement shall be maintained and graded in conformance with the Stormwater Management Plan and maintained in such a manner to allow for the free passage of stormwater runoff.

### **Enforcement**

Abatement And Suit: Violation and breach of any restrictions herein contained shall give to any and every owner of property, and the Town of Scott, the right to prosecute a proceeding at law or in equity against person or persons who have violated or attempted to violate any of these restrictions 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.

### **Re-Purchase Rights**

Failure to Build: The owner agrees to substantially complete the approved project within 12 months from the date of purchase. In the event the owner of land purchased from the Town of Scott does not commence construction of the approved project within 12 months, or approved phasing schedule after the date of purchase, the Town shall have the right to re-purchase the land from the owner. In the event the Town desires to re-purchase the land, it shall serve the owner with a notice of such intent and thereafter owner shall have 30 days to prepare necessary closing documents. The price paid to re-purchase the land shall be the sum of the original purchase price and all special assessments which may have been paid by the buyer or levied against the property after the date of purchase minus the sum of any unpaid property taxes, proration of the current years' property taxes to date of closing, title insurance policy premium or cost of warranty abstract and any liens and encumbrances on the property of a definite or ascertainable amount. Conveyance shall be by warranty deed.

Resale of Vacant Land: In the event the owner of land purchased from the Town of Scott elects to sell all, or any portion thereof which is vacant, the property shall first be offered, in writing, to the Town of Scott. The Town shall have sixty (60) days from the date of receipt of such offer to accept or reject, unless an extension of time may be mutually agreed upon and set forth in writing. The purchase price shall be computed as indicated above. Conveyance shall be by warranty deed.

### **Number of Years Restrictions to Run with the Land**

Each lot or property shall be conveyed subject to the above restrictions, all of which are to run with the land and shall be binding for a period to twenty-five (25) years from the date these restrictions are adopted, after which time said restrictions shall be automatically extended for successive periods of ten (10) years each, unless an instrument signed by a majority of the then owners of the acreage to which these restrictions apply together with the approval of the Town Board of the Town of Scott, or its successor, as evidence by a resolution duly adopted by at least a majority of the Board.

### **Severability**

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