

TAX INCREMENT FINANCE DISTRICT No.1

141 BUSINESS PARK

POUND, WISCONSIN



VILLAGE OF POUND

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Pound, WI 54161

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BOARD OF TRUSTEES

PRESIDENT

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VILLAGE CONTACTS:

Clerk-Treasurer

Patricia Schutte

Public Works & Utility

Kevin Schutte

Building Inspector

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THE 141 BUSINESS PARK

A planned development of 25 acres, the 141 Business Park fosters an attractive, productive environment for business growth.

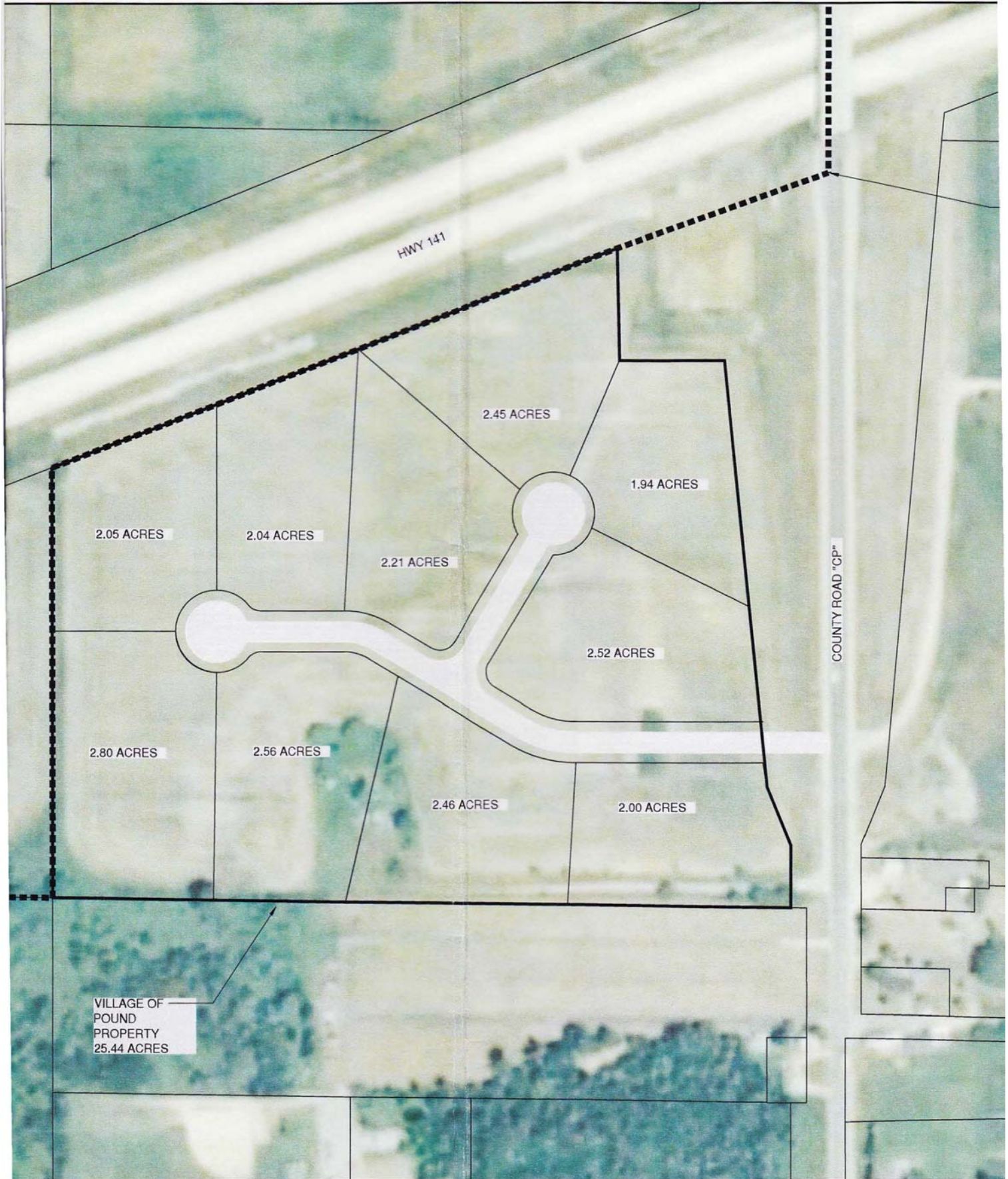
- Available Lots of 1-10 acres; build to suit
- Low cost and reliable electric and natural gas service from Wisconsin Public Service, one of five AAA-rated utilities in the county.
- Multiple long-distance carriers.
- Very competitive prices.
- Permitted use and design covenants to protect your investment.

LAND PRICE: \$5,000/ACRE

**\$2,000/acre incentive rebate upon construction completion

Paved streets, curb and gutter are provided without an additional business assessment. Sanitary and storm sewers are provided in the Business Park. The Village also provides the main lines of water, gas and electrical services. Businesses are responsible for lateral extension.

SITE MAP



v.	REVISION	DRAWN RLR	VILLAGE OF POUND MARINETTE COUNTY, WISCONSIN	TID LAYOUT OPTION 1	DATE 03/2014	
		CHECKED			FILE POUND	
		DESIGNED			JOS	JOB NO.

SERVICES/AMENITIES

Electric & Natural Gas Service:

- Wisconsin Public Service
- 2" Natural Gas Line
- 3-Phase Power

Telephone and Internet Service:

- DSL and Fiber Optic are available
- Packerland Broadband 100 MB
- Centurylink 100 MB

Water & Sewer

- Village of Pound

Water

Customer Classification	Meter Size	Volume (1000 gal)		Quarterly Rate
Commercial	1"	150		\$506.90

Sewer

Customer Classification	Meter Size	Volume (1000 gal)	Pipe Diameter	Quarterly Rate
Commercial	1"	150	8"	\$331.72

Access to Site:

- Four lane U.S. Hwy 141 access within a mile
- State Hwy 64 access within half a mile
- County Road CP built for heavy traffic use

Emergency Services:

- Village of Pound Fire Department (ISO Rating 5)
- Coleman Area Rescue Squad
- EMS- Marinette County

Curbside Garbage Pickup

- Village of Pound



VILLAGE OF POUND 141 BUSINESS PARK

DECLARATION OF PROTECTIVE COVENANTS

This Declaration, made this 20th day of April, 2015, by the Village of Pound, Wisconsin.

1. TITLE

- A. This article applies only to the Village of Pound 141 Business Park, here after referred to as the "141 Business Park" (141 BP).

2. LEGAL DESCRIPTION

- A. The legal description of the borders of the 141 Business Park shall be described as follows:

Part of the Northeast of the Southwest and part of the Southeast of the Southwest of Section 2, Township 30 North, Range 20 East, Village of Pound, and Marinette County, Wisconsin described as follows:

Commencing at the South corner of said Section 2; thence N89°30'08"W, 1321.42 feet to the southwest corner of the said Southeast of the Southwest; thence N00°06'49"W, 33.00 feet on the west line of said Southeast of the Southwest to the north right of way of C.T.H. "Q", Main Street, the POINT OF BEGINNING; thence N00006'49"W, 2011.87 feet on the west line of said Southeast of the Southwest and the west line of the Northeast of the Southwest to the south right of way of U.S.H. 41 Bypass; thence N68°57'16"E, 1035.77 feet on said south right of way; thence S0R05'06"E, 191.41 feet on the west right of way C.T.H. "CP"; thence N89°54'17"E, 178.35 feet on said west right of way; thence S05°44'21"E, 728.53 feet on said west right of way; thence S21°51'28"E, 107.67 feet on said west right of way; thence S00°13'17"E, 104.10 feet on said west right of way to the north line of said Southeast of the Southwest ; thence S89°12'54"E, 25.40 feet on said north line; thence S00°13'17"E, 216.93 feet on said west right of way of C.T.H. "CP" to the north line of lands described in Jacket 6487 Image 33; thence N89°17'18"W, 67.00 feet on said north line to the west line of said lands; thence S00°13'17"E, 110.00 feet on said west line to the south line of said lands; thence S89°17'18"E, 40.00 feet on said south line to the west right of way of said C.T.H. "CP"; thence S00°13'17"E, 181.95 feet on said west right of way to the north line of lands described in Document Number 708639; thence N89°21'33"W, 140.00 feet on said north line to the west line of said lands; thence S00°13'17"E, 145.00 feet on said west line to the south line of the South 10 acres of the said Southeast of the Southwest as previously surveyed; thence N89°21'33"W, 675.40 feet on said south line to the west right of way of Parkview lane; thence S00006'54"E, 623.00 feet on said west right of way to the north right of way of C.T.H. "Q", Main Street; thence N89°30'08"W,

70.32 feet on said north right of way; thence N00006'49"W, 320.00 feet on the east line of land described in Jacket 896 Image 10 to the north line of said lands; thence N89°30'08"W, 308.50 feet on said north line to the west line of said lands; thence S00006'49"E, 320.00 feet on said west line to the north right of way of C.T.H. "Q", Main Street; thence N89°30'08"W, 66.00 feet on said north right of way to the POINT OF BEGINNING;

Said TIF District contains 48.06 acres of land more or less.

3. PURPOSE

- A. The 141BP is intended to implement the development strategies as identified in the adopted Village of Pound 141 Business Park Plan. The plan provides a blueprint and design guide for a recreational and commercial district that looks towards the future by providing for and expanding a stable tax base. The 141 BP is intended to be a recognizable and cohesive district where recreational and commercial activities will be located. Other complementary activities will provide support to both the recreational and commercial feature and bring a strong economic base to the 141 BP, the purpose is to:
1. Assure that planned growth accomplishes goals set forth in the Village of Pound 141 Business Park Plan;
 2. Promotes flexibility in design and the efficient use of land to facilitate a more
 3. Economic arrangement of buildings, uses, circulation systems and utilities;
 4. Provide for the accomplishment of external architectural unity so as to promote cohesiveness of design aesthetics throughout the entire district;
 5. Provide more usable and suitably located common and open space areas than would otherwise be provided under conventional land development procedures.

4. GENERAL PROVISIONS

B. Engineering design standards.

Normal standards or operational policy regarding right-of- way widths, provision sidewalks, street lighting and similar environmental design criteria shall not be mandatory in the 141 BP, but precise standards satisfactory to the Village, pursuant to the criteria as set forth and shall be made a part of the approved plan and shall be enforceable as a part of this chapter.

C. Contractual requirements and guarantees.

The owner shall enter into an appropriate contract or agreement with the Village to guarantee the development and operation in accordance with the terms and conditions established between the Village and the owner of the development project and to provide the Village with sufficient assurances that the owner will abide by the Village's taxing and other municipal authority. Any changes or additions to the original approved development site structures or plans of operation shall require resubmittal and approval by the Community Development Board.

D. Parking.

Parking shall conform to the requirements as set forth to the maximum extent practicable. The Community Development Board may require shared parking, or require other parking strategies that promote an open/green space concept set forth in the Master Plan or strategies to otherwise mitigate the promotion of impervious parking surfaces. Throughout the 141 BP,

parking spaces shall be provided on the basis required for each individual as determined by the Community Development Board. Loading docks for semitrailer or delivery trucks shall be rear or side loaded, or otherwise not visible from the roadway. There shall be no overnight parking, storage or idling of vehicles on site without prior approval from the Village Board.

E. Signs.

Private signs shall be regulated as set forth in Ordinance 120406, Standards of

F. Signage.

All public signs within the 141 BP shall be aesthetically cohesive and follow the regulations set forth in Ordinance 120406, Standards of Signage. The Community Development Board may approve signs that may not comply with the afore referenced ordinances provided such sign(s) promotes or adheres to the general design aesthetics, themes and guidelines of the Business Park Plan.

G. Storm water and erosion control.

The intent of the Business Park Plan document encourages a regional approach to storm water detention and management. Wherever possible, a plan encompassing existing or pending regional storm water management shall be encouraged. Throughout the Business Park, Storm water management and erosion control requirements shall be in accordance with Engineering Recommendations, Easements for storm water management facilities shall also be required and granted upon request from the Village.

H. Failure to comply.

Failure to comply with the conditions, commitments, guarantees or the recommendations established in the approval of such development project will be cause for rescinding the approval of the same. Upon notice given by the Building Inspector, the owner then shall be required to appear before the Community Development Board at its next meeting to explain any such failure to comply. The Community Development Board, at such public hearing, may set a time limit for compliance and/or recommend specific steps to be taken prior to rescinding the approval of the project, including the termination of the construction of any buildings on such site upon 30 days' notice in writing to the owner at his last-known address. Continued failure to comply shall result in the rescinding of plan approvals by the Community Development Board.

I. Garbage and refuse containment.

All containers, garbage cans, dumpsters or other garbage and refuse receptacles shall be contained in a structure surrounded by walls on four sides which conceal contents. The Community Development Board may approve decorative fencing to satisfy this requirement if the fencing meets all other requirements of this section. Complete enclosure of garbage collection areas is strongly encouraged. Colors, materials and other aesthetic features of structures that house garbage and refuse containers shall match the style and aesthetics of the principle structure(s) of the site.

J. Open/green space requirement.

The minimum requirement for green/open space as an aspect of an individual site plan shall range from 10% to 25% of the overall aggregate square footage of the lot depending on the type of land use, specific site configurations and as deemed appropriate by Village and Community Development Board.

5. PROHIBITED LAND USES

To provide controls on type, use, economic and environmental impact, and to uphold the health, safety, general welfare and morals of the Village, the following land uses are prohibited throughout the 141BP:

- A. Automobiles: automobile dismantling, selling of used automobile parts or used car lots, with the exception of minor service and repair stations;
- B. Boardinghouse or other places of accommodation that charge on more than a nightly basis and do not provide an individual, self-contained unit including a full bath with each sleeping room;
- C. Contractor's plant or storage yard;
- D. Live poultry or fowl market or poultry killing except in a designated farmer's market or flea market area and as regulated by hours of operations, frequency and use limitations as established by the Village;
- E. Miniature golf courses or driving ranges;
- F. Pawn shops;
- G. External storage of iron, bottles, rags or junk, except for materials temporarily stored in a municipal recycling program, or storage of any materials except those used for retail uses or office uses on site;
- H. The keeping of nondomestic animals in building other than in the large commercial and retail uses as outlined in this article;
- I. All prohibitions, not otherwise outlined elsewhere in this chapter;
- J. All other uses expressly prohibited, or not expressly permitted, in the entire Village pursuant to this chapter.

6. PERMITTED AND CONDITIONAL LAND USE DESIGNATIONS

- A. The following land uses are permitted within the 141BP. The spirit and intent of the 141 BP is to allow flexibility in types of land uses, minimum lot dimensions and bulk standards, and all site-specific criteria. After a development plan satisfies the standards set forth in this section, the District Plan shall be consulted to ensure cohesive design themes and standards are satisfied and consistent.
- B. For all property within the 141 BP that is not subjected to the restrictive covenants, all permitted uses set forth in this chapter shall be conditional uses subject to the approvals set forth herein.

7. LARGE COMMERCIAL AND RETAIL USES (LCR)

A. Permitted uses

All uses outlined under "permitted uses," (and not otherwise prohibited in this article) within the 141BP shall include the following:

- 1. Art shops or galleries
- 2. Grocery stores
- 3. Department stores
- 4. Large boutique stores
- 5. Hotels
- 6. Bowling alleys

7. Cinemas or theaters
8. Clubs and lodges, non-fraternal or fraternal
9. Business schools
10. Eating and drinking establishments
11. Meeting halls
12. Museums, auditoriums and arenas
13. Monument shops with restricted outside storage
14. Schools, commercial and trade
15. Shopping centers
16. Pet shops operating in a completely enclosed facility
17. Nursing and personal care facilities (community-based/retirement)
18. Research institutions
19. Other retail and commercial uses similar in character when determined by the Community Development Board to be in accordance with the stated goals, objectives and design themes and guidelines of the District Plan document.

B. Lot requirements

1. Lot requirements will vary based on the number of proposed units to be constructed on the site, green space requirements, parking and Storm water management requirements.
2. All lots shall meet the approval of the Community Development Board.
3. All out lots must maintain a minimum of one acre.
4. Height regulations.
5. All structures within the LCR designation shall conform to a maximum height of 55 feet.
6. Building setbacks.
7. All structures must meet the minimum setback requirements of 30' feet for front yards, 15' feet for side yards, 25' feet for rear yards, driveways 6' feet off property lines, maximum curb cut of 35' feet at the curb line and 25' no outside storage is permitted. Building, lot and associated infrastructure layout shall meet all ingress and egress requirements for fire safety.
8. Building size.
9. Buildings should maintain a minimum of 25,000 square feet.
10. Other requirements.
11. Structures and buildings allowed in the LCR use classification shall meet the regulations of the Business Park and the other articles of this chapter, as determined by the Village Building Inspector and approved by the Community Development Board.
12. All business, services, and storage (except for motor vehicles in operable condition) shall be conducted within a completely enclosed structure.
13. Any use found and determined by the Community Development Board to be incompatible with the purpose of the LCR designation within the Business Park may be prohibited.
14. A detailed landscaping plan, showing placement of shrubbery, trees and other vegetative plantings shall be submitted to the Community Development Board for compatibility with adjoining development.

8. SMALL COMMERCIAL AND RETAIL USES (SCR)

A. Permitted uses

All uses outlined under "permitted uses" (and not otherwise prohibited in this article) and additional permitted uses under small commercial and retail may be included in the SCR classification upon a determination of the Community Development Board that such a use is in conformance with the intent of POD and if such use is demonstrated to be consistent with the design goals, guidelines and standards set forth in the District Plan document.

B. Lot Requirements.

Lot requirements will vary based on the number of proposed units to be constructed on the site, green space requirements, parking and Storm water management requirements. All lots shall meet the approval of the Community Development Board.

C. Height Regulations.

Minimum and/or maximum building heights will be established per the design and use of the structure.

D. Building Setbacks.

All structures must meet the minimum setback requirements of 30' feet for front yards, 15' feet for side yards, 25' feet for rear yards, driveways 6' feet off property lines, maximum curb cut of 35' feet at the curb line and 25' no outside storage is permitted. Building, lot and associated infrastructure layout shall meet all ingress and egress requirements for fire safety.

E. Building Size.

Buildings should maintain a minimum of 500 square feet and shall not exceed a maximum of 25,000 square feet.

9. LIMITED INDUSTRIAL (LI)

Limited Industrial uses in the 141 BP are uses that can create jobs and promote growth of the planned development district. Stringent guidelines shall cover all land uses pertaining to limited industrial or light manufacturing site proposals.

A. Lot Requirements

Lot Requirements will vary based on the number of proposed units to be constructed on the site, green space requirements, parking and storm water management requirements. All lots shall meet the approval of the Community Development Board.

B. Height Regulations

Principal Structures - thirty-five (35) feet maximum except as provided in the Master Plan, Height Regulations.

C. Building Setbacks

All structures must meet the minimum setback requirements of 30' feet for front yards, 15' feet for side yards, 25' feet for rear yards, driveways 6' feet off property lines, maximum curb cut of 35' feet at the curb line and 25' no outside storage is permitted. Building, lot and associated infrastructure layout shall meet all ingress and egress requirements for fire safety.

D. Other Requirements

1. Structures and buildings allowed in the LI designation shall meet the regulations of the 141 Business Park as determined by the Village staff and approved by the Community Development Board.

2. All business, services, and storage (except for motor vehicles in operable condition) will be conducted within a completely enclosed structure.
3. Berming, natural landscaping features, and/or buffers of dense vegetation shall be utilized to separate light industrial uses from surround and adjacent land uses. The use of fences shall not be used as an exclusive means of separating uses, but may be used in addition to natural berms or vegetation buffers.
4. Any use found and determined by the Community Development Board, to be incompatible with the purpose of the limited industrial designation or not in conformance with stated goals, objectives and design themes of the Master Plan may be prohibited by the Village Board.

10. RESEARCH AND INSTITUTIONAL USES (RIU)

Research and Institutional uses are allowed as long as they meet the requirements of not being hazardous, harmful, offensive, or otherwise adverse to the environment. Research and institutional uses include health care facilities, college, university or vocational training buildings, civic and governmental land uses, large research planned development projects, religious institutions and all other uses intended for research, technology, academic or medical training facilities.

A. Lot Requirements

Lot Requirements will vary based on the number of proposed units to be constructed on the site, green space requirements, parking and storm water management requirements. All lots shall meet the approval of the Community Development Board.

B. Height Regulations

No minimum or maximum height restrictions exist in the RIU land use designation. Generally, buildings will not be greater than four (4) stories in height.

C. Building Setbacks

All structures must meet the minimum setback requirements of 30' feet for front yards, 15' feet for side yards, 25' feet for rear yards, driveways 6' feet off property lines, maximum curb cut of 30' feet, and no outside storage is permitted. Shall meet all ingress and egress requirements for fire safety. The Community Development Board shall grant exceptions to the building setback requirements per the design and use of the building and upon its determination that the building and lot layout conform to the standards, goals and guidelines of the District Plan document.

11. BUSINESS/PROFESSIONAL/OFFICE (BPO)

The Business/Professional/Office (BPO) land designation refers to services that are provided in typical community or central business districts. Business/professional/office uses are specific to, although not stringently so, normal operating hours of Monday-Saturday between 6 am and 12 pm. Services included health care, professional lawyers, accountants, educators, engineers/architects, and the work of other professional practitioners who provide specialized skills and services.

A. Permitted Uses

All uses outlined under "Permitted Uses" within the 141 BP District Plan document are permitted uses in this land use classification.

B. Lot Requirements

Lot Requirements will vary based on the number of proposed units to be constructed on the site, green space requirements, parking and storm water management requirements. All lots shall meet the approval of the Community Development Board.

C. Height Regulations

No minimum or maximum height restrictions exist in the BPO land use designation. Generally, buildings will not be greater than four (4) stories in height.

D. Building Setbacks

All structure must meet the minimum setback requirements of 30' feet for front yards, 15'feet for side yards, 25' feet for rear yards, driveways 6' feet off property lines, maximum curb cut of 30' feet, and no outside storage is permitted. Shall meet all ingress and egress requirements for fire safety. The Community Development Board shall grant exceptions to the building setback requirements per the design and use of the building and upon its determination that the building and lot layout conform to the standards, goals and guidelines of the District Plan document.

E. Building Size

Buildings should maintain a minimum of one thousand (1,000) square feet.

F. Other Requirements

1. Structures and buildings allowed in the business/office/professional land use designation shall meet the regulations of this district and the other articles of this section, as determined by the Village Board and approved by the Community Development Board.
2. All business, services, and storage (except for motor vehicles in operable condition) will be conducted within a completely enclosed structure.

12. SITE REVIEW/DEVELOPMENT AND DESIGN STANDARDS

A. Introduction

This section is designed to provide for the future growth and development of those businesses and industries that seek an aesthetically attractive working environment. The intent and purpose of this section is to promote and maintain desirable economic development within the 141 BP that is practical, feasible, and an asset to owners, neighbors, and the Village of Pound while maintaining an attractive environment. To maintain flexibility and a timely review procedure, the following site review procedures will be utilized for review of potential developments within the 141 BP. All other classifications remain subject to site review procedures as outlined in the District Plan document.

B. Objectives

The purpose of this section is to establish rules, regulations, standards and procedures for the approval of all new development proposals and the expansion of existing businesses and light industry and to comply with the stated goals, objectives and aesthetics outlined in the District Plan document.

C. Standard Requirements

The interpretation and application of the provisions of these standards shall be held as minimum requirements for the promotion of the public health, safety and welfare.

D. District Plan Conformity

No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this section and the District Plan document.

E. Character and Intensity of Land Use

The uses proposed and their intensity and arrangement on the site shall be of visual and operational character which:

1. Are compatible to the physical nature of the site with particular concern for preservation of natural features, tree growth and open space.
2. That, to the maximum extent practicable, would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
3. Would not adversely affect the anticipated provision for school or other municipal services.
4. Would not create traffic or parking incompatible with the existing or proposed facilities to serve it.
5. Would not limit, lessen or not conform to the design guidelines, themes and principal goals for development and aesthetics as stated in the Master Plan as may be amended from time to time.

F. Economic Feasibility and Impact

The proponents of a Site Plan application shall provide evidence satisfactory to the Village Board and to the Community Development Board of its economic feasibility, of available financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.

G. Engineering Design Standards

The width of street right-of-way, width of paving, width of location of street or other paving, outdoor lighting, location of sewer, electrical, gas, cable, telephone, and water lines, provision for storm water drainage or other similar environmental engineering considerations shall be based on standards necessary to implement the specific function in the specific situation, provided, however, in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the designated Village engineer.

H. Implementation Schedule

The proponents of a plan within the 141 BP shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village planning staff and Community Development Board, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in an adverse effect upon the community as a result of termination at that point.

I. Administration

The administration of this section shall be vested in the following: Village Staff, Community Development Director, the Building Inspector and Community Development Board.

1. It shall be the duty of the Village Staff and/or Community Development Director to be in charge of the day-to-day administration and interpretation of the Development and Design Standards. Enforcement of this section and the District Plan document is charged to the Pound Building Inspector in accordance with Chapter 62.23 (7), Wisconsin Statutes.
2. All proposed site plans shall be forwarded to Community Development Board and Public Safety staff, beginning with the Building Inspector, for staff review and recommendation.

3. After staff review, all proposed plans shall be submitted to the Community Development Board and subject to confirmation by the Village Board. There shall be no residency requirement.
4. From time to time the design criteria may be amended, changed or deleted. Such action will require review by the Community Development Board and shall follow the procedures of Section 62.23 (7) Wisconsin Statutes.

J. Appeals

Unless otherwise provided herein, appeals to the requirements contained in these standards shall be heard by the Village Board.

13. GENERAL BUILDING AND PERFORMANCE STANDARDS

A. Purpose

The purpose of this section is to establish general development performance standards, in accordance with the Village of Pound Ordinances and the District Plan Document. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration, and decay; and to enhance the health, safety, and general welfare of the residents of the community.

B. Building

The District Plan encourages a variety of architectural styles. However, basic harmony is intended to prevail so that no one structure detracts from the attractiveness of the overall environment or the design themes and guidelines contained in the Master Plan. The Community Development Board shall review building design in order to ensure architectural compatibility and integrity.

C. Building Exterior

Within the District, all colors, materials, finishes, and building form shall be coordinated in a manner consistent with general guidelines of the District Plan for each of the front, side, and rear exterior walls. Materials, color and texture may vary so long as the integrity of the design guidelines of the District Plan document are upheld. The District Plan document outlines appropriate materials, colors and texture and proponents of a plan should, to the maximum extent practicable, follow the guidelines for suggested building exteriors.

D. Front Building Wall and Building Walls Facing an Adjacent Street

Any exterior building wall (front, side or rear) facing an adjacent street shall be constructed with materials consistent with the surrounding and adjacent buildings to uphold the general design theme within the District.

E. Mechanical Equipment

All mechanical equipment shall be enclosed or screened. Roof mounted equipment shall be integrated into the design of the structure, enclosed or screened to the maximum extent possible.

F. Construction

Construction shall commence within one year of plan approval or in accordance with a development agreement with the Village. No site plan approval by the Community Development Board shall be valid for more than 12 months from the date of such approval unless a building permit is obtained and development in accordance with such site plan is

commenced within such period. The provisions of this section shall apply unless otherwise agreed to by the Community Development Board.

G. Maintenance

The exterior walls and roof of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged or otherwise deteriorated shall be replaced, refinished, repaired or repainted in accordance with the reasonable determination and order of the Building Inspector within sixty (60) days' notice of such defect.

H. No Right to Divide Property

After a site plan has been approved, the property subject to the approved site plan shall not be further divided without a review and consent of the Village.

I. Fences

1. Construction and Maintenance:

Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or constitute a nuisance, public or private. Any such fence which is, or has become, dangerous to the public safety, health or welfare, is a public nuisance and shall be repaired. Chain-linked or barbed fences of any kind shall be prohibited throughout the 141 BP. Fence colors, aesthetics and construction materials must conform to the District Plan document and shall be consistent and/or complementary to the surrounding built environment.

2. Location/Height:

On corner lots in all districts, no fence or planting in excess of 36 inches above the street center line grade will be permitted within a triangular area defined as follows: beginning at the intersection of the projected curbing lines of two intersecting streets; thence 30 feet along one property line; thence diagonally to a point 30 feet from the point of beginning on the other property line; thence to the point of beginning.

In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable as a collapsible section, or other such means of recognizable ingress, shall be unobstructed and a minimum of 3 feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.

a. Fences in all districts shall not exceed eight (8') feet in height.

b. No fencing shall be allowed between the front setback line and the principal structure.

J. Site Plan Review

No fence shall be constructed, moved or altered without site plan review.

14. LIGHTING AND STANDARDS

To provide for the basic needs of safety and security, appropriate lighting shall be provided in order to delineate roads, drives, parking areas, pedestrian ways, buildings, and other organizational points. Lighting shall be an integral part of the overall architectural design of 141 BP; therefore, proposed lighting, whether free-standing or building-mounted, shall complement the architectural

character of the principal use. Lighting and design shall correlate energy conservation with aesthetic, architectural, and safety factors.

- A. Any lighting used to illuminate off-street parking, loading and service areas, shall be shaded, diffused, or arranged to reflect light away from adjacent parcels. Glare, whether direct or reflected, as differentiated from general illumination, shall not be visible beyond the limits of the site from which it originates. Parking lot lights may be used in either a single or multi format. Characteristics include, 27,000 metal halide, spaced approximately 100 to 120 feet off center, consisting of sharp, cutoff type luminaries, maximum height for pole not to exceed 30 feet - to be an approved pole. Poles must be uniform in style, per the District Plan document, and height. The use of wooden poles is prohibited.
- B. Walkway lighting should be of the same family as mentioned above, height to be 10 to 14 feet above grade. Bollard lighting can be used as low level walkway illumination on private property.
- C. Building lighting should occur as part of the overall design concept using recessed lighting in overhangs and at the entrance. Well- designed soft lighting of the building exterior is allowed provided it does not impact on the surrounding properties, complements the architecture, and the light source is concealed .
- D. The use of building-mounted floodlights and tall "free-way type" fixtures is prohibited. Ground-mounted floodlights used to accent principle buildings are permitted.
- E. Flag directional lighting is permitted with approval of terms and conditions of use of such lighting by the Community Development Board.

15. SITE PLAN REVIEW

A. Site Plan Approval Required

- 1. No property within the 141BP shall be improved without first obtaining an approved site plan as provided in this section.
- 2. No construction or improvements may be made except in strict compliance with a site plan that has been approved as provided in Section.

B. Design Objectives

The following objectives will be considered in reviewing any application for a Site Plan approval:

- 1. To encourage harmonious development;
- 2. To encourage the provision of open space and recreational facilities throughout the 141BP;
- 3. To encourage Owners to use creative and imaginative approaches in their projects;
- 4. To provide an enjoyable living environment by preserving existing topography, stands of trees, ponds, floodplains, and similar natural assets.
- 5. To encourage a variety of living environments and an agreeable mixture of housing types, where shown on the District Plan;
- 6. To require architectural plans that are consistent with design guidelines and principal aesthetic goals for development as set forth in the District Plan.

16. SITE PLAN APPROVAL

The following procedure shall be followed for the submittal of site plans. Where procedures and requirements imposed by this section of the ordinance are either more restrictive or less restrictive than comparable procedures and requirements imposed by any other provision of this ordinance or any other law, ordinance, resolution rule or regulation of any kind, the regulations which are more restrictive or impose higher standards or requirements shall govern. For purposes of this Section, all applications must be executed by all Owners and the party or parties that will be responsible for the development of the site, all of whom shall be collectively referred to in this Section as the "applicant."

A. Preliminary Consultation.

Prior to the submittal of a site plan, it is recommended that the developer meet with the Community Development Board and other appropriate Village planning staff to discuss the site plan and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer/owner and the Village.

B. Statements or recommendations.

Statements or Recommendations made at the consultation are not legally binding. The meeting is intended to ensure that the Owner is aware of the District Plan criteria.

C. Information Obtained.

In order to obtain information, each Owner shall confer with the Village staff and appropriate consultants at the call of the Village in connection with the preparation of the 141 BP site plan application. Of primary importance are policy issues such as density, external and internal land uses, traffic circulation, parking requirements, signage, lighting consistency with standards set forth in this chapter and in the District Plan document, open space quantity and maintenance, general spatial characteristics such as setbacks and architectural renderings of buildings. The Owner or interested party shall also provide a conceptual sketch or site rendering at the time of the pre-application consultation. Village staff will offer advice to the applicant regarding his proposal and aid in understanding this ordinance.

D. Filing Prerequisite.

Prior to the submittal of a site plan within the 141 BP, the Owner must be current on all real estate taxes, assessments or other municipal charges, whether relating to the real estate subject to the site plan application or otherwise located within the Village.

E. Plan Submittal.

Three (3) copies of all site plans requiring approval of the Community Development Board shall be submitted to the Village Clerk.

F. Staff review.

Upon receipt, the Clerk shall forward the plans to the Building Inspector for staff review. The Village Planning and Public Safety staff, and any appropriate consultants, shall all review the plans and make recommendations regarding their particular expertise to the Community Development Board.

G. Time of Site Plan Community Development Board Review.

If the Site Plan is filed less than 10 days before the next regularly scheduled meeting of the Community Development Board, Village staff will attempt to review the Site Plan and forward it to the Community Development Board for consideration at the next regular meeting. If the Site Plan is not timely filed, or if Staff cannot make timely review, the site plan shall be placed on the next subsequent regular meeting of the Community Development Board. Nothing in this provision shall limit the Site Plan Community Development Board's ability to schedule

special meetings to consider Site Plans, upon proper notice to the owner/developer, at the sole discretion of the Community Development Board.

H. Community Development Board Decision.

The Community Development Board shall review and either approve, conditionally approve, or deny approval of the site plan. Site Plan approval and continuance of project planning and construction shall be granted by the Community Development Board upon a determination that all phases, details, materials, aesthetics, land uses, etc. are consistent with the District Plan standards and guidelines, as may be amended from time to time and confirmation that the Owner is current on all taxes, assessments and other municipal charges.

I. Community Development Board Special Exceptions.

The Community Development Board may grant special exception to the dimensional standards applicable in the 141BP upon a finding that such exception is consistent with the District Plan and contemplated or existing development in the area of the exception. A special exception shall not be valid until reviewed and accepted by the Village Board under the same standard.

J. Site Plan Contents and Specifications.

All plans shall be drawn to an engineering scale no greater than one (1) inch equals one hundred (100) feet plus one (1) complete set of such plans reduced in size to eleven (11) inches by seventeen (17) inches and include the following information:

1. Name of project/development;
2. Location of project/development by street address, or CSM
3. Name and mailing address of developer/owner;
4. Name and mailing address of engineer/architect;
5. A written statement describing how the development will be consistent with the land use and design guidelines as identified in the District Plan.
6. A written statement from the Owner acknowledging the Village's Restrictive Covenants for the District set forth on Appendix A and agreeing:
 - a. To subject the real estate that is subject to the Site to the Restrictive Covenants if said property has not been previously subjected to the Restricted Covenants; and
 - b. To be individually bound by the terms of the Restrictive Covenants, including the waiver of sovereign immunity set forth therein.
7. North point indicator;
8. Scale;
9. Boundary lines of property, with dimensions;
 - c. Location identification, and dimensions of existing and proposed: Topographic contours at a minimum interval of two feet, and key spot elevations;
 - d. Adjacent streets and street right of ways, respective to the elevation of building first floor;
 - e. On site streets and street right of ways, and fire lanes;
 - f. Utilities and any easements including but not limited to the following types;
 - i. Electric
 - ii. Natural Gas
 - iii. Telephone
 - iv. Water
 - v. Sewer (sanitary and storm)
 - vi. Fiber optic lines
 - vii. Other transmission lines
 - viii. Ingress-egress easements

- g. All buildings and structures, existing & proposed to consider maximum development of the parcel if more than one structure could be located on the parcel;
- 10. A statement of the total acreage of the property to be developed;
- 11. Significant physical features within the tract, watercourses, ponds, lakes, rain gardens, and wetlands; and proposed major changes in those features;
- 12. All contemplated land uses;
- 13. An indicator of the contemplated intensity of use: i.e., gross density in development; number of prospective tenants in office, commercial, and industrial development or recreational development;
- 14. Existing buildings that will be removed and the proposed location of all principal structures and associated parking areas;
- 15. Proposed circulation systems (pedestrian, bicycle, auto) by type, their connection to the existing network outside the site;
- 16. Existing rights-of-way and easements that may affect the project;
- 17. The location of sanitary and storm sewer lines and water mains;
- 18. The location of recreational and open space areas; The location of recreational and open space areas;
- 19. Description of proposed system for drainage and a storm water plan showing existing and final grades.
 - a. Parking facilities;
 - b. Water bodies and wetlands;
 - c. Surface water holding ponds, drainage ditches, and drainage patterns, location and size of culverts and any drainage sewers servicing the site;
- 20. Sidewalks, walkways, and driveways; Off street loading areas and docks; Fences and retaining walls;
- 21. All signs;
- 22. Exterior refuse collection areas and the required enclosure(s); Exterior lighting;
- 23. Traffic flow on and off site.
- 24. Location of open space/green space; Site statistics, including:
- 25. Site square footage;
- 26. Percent site coverage;
- 27. Percent open space; and green space Floor area ratio.
- 28. Location and dimensions of proposed outdoor display areas; Architectural rendering of the proposed structures and buildings, including:
 - a. All dimensions;
 - b. Gross square footage of existing and proposed buildings and structures; and
 - c. Description of all exterior finish materials.
- 29. Erosion control plans;
- 30. Landscaping plan as provided herein

K. Staged Development.

In the case of plans which call for development in stages:

- 1. A General Development Plan shall be submitted that will include:
 - a. A map at an appropriate scale, showing the successive stages and a development schedule indicating:
 - i. The approximate date when construction of the project can be expected to begin;

- ii. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
- iii. The anticipated rate of development.
- iv. The approximate date when the development of each of the stages will be completed; and
- v. Other information considered pertinent by Community Development Board and/or the developers/owners.

L. Records and Amendments.

1. Community Development Board Records. The Community Development Board shall retain and file all application forms and exhibits related to the application and shall indicate on such forms its approval, approval with modification or denial. Modifications to the site plan as prescribed by the Community Development Board shall be thoroughly described and documented as to the purpose of modification.
2. Site Plan Amendments: Any material change in the approved Site Plan shall be submitted to the Village staff for referral to and prior approval by the Community Development Board.
3. All Site Plan shall be submitted to the Village staff for referral to and prior approval by the Community Development Board. All Site Plan amendments require approval in the same manner as Final Approval.

M. Development Contract.

Before any building permit shall be issued, the applicant and the Owner shall enter into an appropriate contract with the Village to guarantee the implementation of the development according to the terms and conditions established as a part of the Site Plan. The Village shall have the right, if deemed appropriate, to require the inclusion of a performance bond or other security, satisfactory to the Village's attorney. Such contract or a memorandum thereof shall be recorded by the Owner in the County Register of Deed's office within ten (10) days after its execution.

N. Change of Plan.

Any subsequent change of use of any lot or parcel of land or addition or modification of the site plan shall first be submitted for approval to the Community Development Board and if, in the opinion of the Community Development Board, such change or modification constitutes a substantial alteration of the original plans, a new site plan approval shall be required before the use is changed or the plans modified. If, in the opinion of the Community Development Board, such change or modification does not constitute a substantial alteration of the original plans, such change or modification can be granted by the Community Development Board.

O. Appeals.

Appeals of a Community Development Board decision may be made To the Village Board

17. LANDSCAPING

A. General Statement.

The Village finds that it is in the public interest for all developments within the 141 BP to provide landscape improvements for the purposes of: complementing the natural environment; improving the general appearance of the District and enhancing its aesthetic appeal; preserving the economic base; improving quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy;

mitigating the diverse impact of climate; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving the quality of our air and water.

B. Landscape Plan.

All applicants for building permits within the 141 BP shall submit a landscape plan, prepared pursuant to (c), below, for review and approval as required herein prior to the request for a building permit.

Procedure. The following procedure shall be followed for the submittal of landscape plans.

1. Preliminary Consultation.

Prior to the submittal of a landscape plan, it is recommended that the developer/owner meet with the Community Development Board, and/or other appropriate Village planning staff to discuss the design standards set forth in the District Plan, the applicant site plan, and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer/owner and the Village.

2. Plan Submittal.

Three (3) copies of all landscape plans requiring approval by the Community Development Board must be submitted to the Village Clerk ten (10) days prior to the first Monday of the month, landscaping plans may be submitted separately, but it is strongly encouraged that they are included in the site plan. All plans shall be drawn to an engineering scale no greater than one (1) inch equals one hundred (100) feet plus one (1) complete set of such plans reduced in size to eleven (11) by seventeen (17) inches and contain the following information:

- a. The location and dimensions of all proposed open space/green space areas;
- b. Identification of all proposed vegetation:
 - i. Symbols, quantities, common names, and size of all plant materials.
 - ii. Showing all species to scale of mature crown diameter or spread.
 - iii. All existing vegetation to be saved; and
 - iv. Typical sections of berms, fences, retaining walls, planter boxes, etc.

3. Reviews:

Reviews of landscape plans should be conducted concurrently with and follow the same procedure as site plan review.

4. Appeals:

Appeals of Community Development Board decisions may be made to the Village Board.

C. Specific Requirements.

1. Ground Cover.

Open space areas shall, at a minimum be seeded six (6) months after completion of building. The following exceptions may be granted by Village staff during the review process.

- a. The use of mulch material for shrubs and foundation plantings;
- b. The seeding of future expansion areas delineated on site plan;
- c. Areas maintained in a natural state that are undisturbed during construction; or
- d. Other landscape elements such as decks, patios, stepping stones or landscape stones may be incorporated therein.

2. Minimum Size of Plantings.

Required vegetation shall be of the following minimum planting size:

- a. Evergreen shrubs used for screening purposes, including those used in conjunction with berms, shall be a minimum of 24" in height.

- b. Tree size, spacing and frequency requirements shall be determined per land use, site plan configurations and as deemed appropriate by Village staff and the Community Development Board during the site review procedure.

3. Species.

- a. All trees used in site development should be indigenous to the appropriate hardiness zone and physical characteristics of the site.
- b. All plant material should conform to "American Standards for Nursery Stock", latest edition; sponsored by the American Association of Nurserymen, Inc. All vegetation shall be planted in accordance with accepted planting procedures.
- c. All proposed vegetation included in the landscape plan shall be reviewed by the Community Development Board to assure compliance with the requirements contained herein.

4. Implementation/Replacement.

- a. All approved landscaping is to be installed in accordance with compliance timetable.
- b. Any vegetation included on an approved landscape plan that dies must be replaced by the owner/developer within one planting season. Vegetation replaced shall conform to the approved landscape plan and the requirements contained herein.

5. Maintenance.

It shall be the joint responsibility of the owner and/or lessee of the principal use, uses, or building to maintain in a neat and adequate manner all landscaping materials, vegetation, screening, and fences contained in the approved landscape and site plans.

6. Compliance Timetable.

All landscape plans shall include a timetable for construction, installation or planting within a period not to exceed one (1) year from the date of commencement of construction. Any person who is, or has been, required to landscape any part of a zoning lot and who has not complied with that requirement shall, within sixty (60) days of receipt of written notice from the Village Board that a violation of this chapter exists, comply with all requirements.

18. COMPLIANCE AND PENALTIES:

A. Intent

It is the intent of the Pound Village Board that the procedures set forth in this ordinance shall enable a prompt but thorough review of development proposals in the District. However given the importance of the District to the ordered growth and development of the Village, derivations or failures to follow approved site plans, proceeding with unapproved plans, implementing uses not permitted or approved or other violations of this ordinance will be promptly and thoroughly addressed.

B. Forfeitures

Any violation of this ordinance or a site plan approved hereunder shall be subject to forfeiture up to the maximum penalty allowable per Municipal Code and State Statute as may be amended, with each 24 hour period constituting a separate violation. Sites not being utilized for the purpose intended and within the timeline specified in these covenants, a request for an extension to prolong the development of such site must be submitted in writing to the Community Development Board. The extension shall not exceed more than one (1) year from the original expiration date. Failure to complete the development within the extension, shall be grounds of site(s) forfeiture and said sites(s) shall be returned to the Village at the price it was purchased.

C. Non-exclusive remedy

Nothing in this ordinance shall be construed to limit the Village's ability to pursue all remedies available to it to enforce this ordinance, the District Plan document compliance with a site plan or to enforce a development agreement required hereby contemporaneously with forfeiture or other legal action.

D. Enforcement

The enforcement of the restrictions and covenants contained herein shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenants, either to restrain violation or recover damages.

Invalidation of any one of the covenants or restrictions contained herein shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

If any Owners or Occupant has failed in any of the foregoing duties or responsibilities, then the Village may give such owner written notice of such failure and such person must within ten (10) days after receiving such notice, rectify the problem.

Should any such owner or occupant fail to fulfill this duty and responsibility within such period, then the Village through its authorized agents shall have the right and power to enter onto the premises and perform such care and entry or trespass. The Owners and Occupants of which such work is performed shall promptly reimburse the Village for such cost. If such Owner or Occupant shall fail to reimburse the Village within (30) days after receipt of a statement for such work, then said indebtedness shall be assessed against the lot owners' annual real estate tax bill.

19. ADMINISTRATION

As with the Community Development Board and the Village Staff are in charge of the day to day administration and interpretation of the design criteria of the 141 Business Park. Enforcement of these standards is charged with the Village of Pound Board of Trustees in accordance with Wisconsin State Statutes.

From time to time, the design criteria may be amended, changed or deleted. Such action shall take place originating before the Community Development Board in accordance with Wisconsin State Statutes.

The interpretation of these covenants shall be at the discretion of the Community Development Board, the Village Board of Trustees and in accordance with Wisconsin State Statutes.

20. ACCEPTANCE AND APPROVAL

The 141 Business Park Protective Covenants have been Accepted and Approved by the Village of Pound Board of Trustees by motion of the Board of the acceptance of Resolution #2015-58 on April 20, 2015 by a majority of a quorum of the Board of Trustees. These covenants shall be effective immediately upon passage, as pursuant to law.