

THE NEW
MIDWAY
COMMERCE DISTRICT
OTHER REQUIREMENTS

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INTRODUCTION

These Covenants include certain requirements for the development and maintenance of lots which aim toward respect and common enjoyment for all property owners, as well as advocating safety and the maintenance of property values. These requirements should be incorporated into lot design as well as heeded after the property is developed.

UNDERGROUND UTILITIES

- Owners shall have the responsibility to protect underground utilities from any damage. No utilities may be above ground including but not limited to electric, telephone and fiber optic cable unless approved otherwise by the EDA.

DRAINAGE AND GRADING

- No drainage ditches, cuts, swales, streams, impoundments, mounds, dams, or other physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and drainage patterns may be destroyed, altered or modified by or at the direction or with the consent of any Owner without the prior written consent of the EDA. In the event of any destruction, alteration, modification or improvement made or occurring without such prior consent of the EDA, its representative may have the right to enter upon the property to remedy or repair such destruction, alteration, modification or improvement without being guilty of trespass and without liability to the Owner with respect to the same or the consequences thereof. Whenever, because of construction or improvements on a tract, the Owner of such a lot shall be obligated to provide a means of siltation control to prevent silt from running off of such lot onto such adjacent property.

MAINTENANCE REQUIREMENTS

- MAINTENANCE OF TRACTS AND BUILDINGS: the Owner of each lot shall at all times keep and maintain the premises and buildings, improvements and appurtenances thereon in a safe, clean and intact condition and shall comply in all respects with all applicable health, fire, safety and police requirements and regulations. Each Owner shall at all times keep the landscaping materials and trees on his lot well-maintained and in a healthy condition, including regular trimming and weeding of grass and appropriate maintenance of groundcover.
- NUISANCES: No rubbish or debris of any kind shall be placed or permitted to accumulate upon any portion of any lot and no odors shall be permitted to arise or be emitted therefrom so as to render any portion of the lot unsanitary, unsightly, offensive or detrimental to any of the remainder of the lots or of the occupants thereof. No exterior lights, the principal beam of which shines upon portions of the lots other than the lot upon which they are located, or which otherwise cause unreasonable interference with the use and enjoyment of the property by the occupants thereof, and no speakers, horns, whistles, bells or other sound devices used

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exclusively for security purposes which are activated only in an emergency situation or for the testing thereof.

PARKING AREAS

- Parking for vehicles for employees, tenants, visitors and clients may occur on the street or on the lot. There is no specific requirement for parking spaces on the lot; Owners and tenants may configure the parking areas to meet their individual needs.
- Damaged or severely cracked areas of all parking lots, sidewalks, and other hard surfaces shall be promptly repaired or replaced within 120 days of receiving notification of repair from the EDA.

NOISE POLLUTION

- For all applications, noise levels shall be maintained to allow normal conversation on and within any *District* STREET.
- No power tools or machinery shall be operated outside of an enclosed building without the express written consent of the EDA.
- The EDA may impose additional controls for late pm. and early am noise levels.

MISCELLANEOUS RESTRICTIONS

- ANIMALS: No animals, birds, insects, or poultry of any kind shall be raised, bred, or kept on any lot, except for guard dogs except as approved by the EDA.
- KENNELS: No kennels may be erected on any lot except as approved by the EDA. However, no kennels shall be located where it can be viewed from the adjoining property owners or from the STREET. All pets must be kept on a leash and not be allowed to stray on any lot unless under direct control, so as not to create damage or be a nuisance to other property owners.
- TEMPORARY OR PERMANENT MANUFACTURED HOMES: There shall not be erected, placed, reared, or permitted to remain on any lot in the *District* any manufactured homes, temporary or permanent, as an office or residence.
- MAILBOXES: All mailboxes shall be mail slots installed in entry/office facades (no mailbox on the STREET).
- FIREARMS: There shall be no hunting, discharging of firearms, B.B. guns, bows, crossbows, or other projectile weapons within or upon any lot or common area in the *District*.
- ANTENNAS: No antennas or large dishes for transmission or reception of television signals or any other form of electromagnetic radiation shall be erected, used or maintained on the property without the prior written approval of the EDA except 2 foot satellite dishes not closer than 15 feet to any STREET.

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- STORAGE TANKS AND POOLS: No fuel or chemical in-ground storage shall be allowed in the *District*. No outdoor containers holding uncovered water shall be allowed in the *District*.
- ANCILLARY STRUCTURES: No water tower, storage tank, processing equipment, solar collector, telecommunications equipment, cooling tower or other ancillary structure or outside equipment shall be constructed, erected or placed without the prior approval of the EDA.