

Declaration Of Covenants, Conditions And Restrictions For University Research Park Pioneer and Pioneer 1st Addition

The Board of Regents of the University of Wisconsin System (hereinafter referred to as “the Regents”), owner of the property known as the University Research Park Pioneer and Pioneer 1st Addition (hereinafter “University Research Park Mineral Point at Pleasant View”), a subdivision of the City of Madison, Dane County, Wisconsin, on behalf of themselves, their successors and assigns, for the purpose of preserving the subdivision’s value, hereby covenant, grant, declare and provide that all lands or lots in said subdivision shall be used only for purposes and in the manner set forth herein.

Purposes

1. To establish the University Research Park Mineral Point at Pleasant View as an area devoted to business, research, science, and related production activities which could benefit from a proximity to the University of Wisconsin-Madison and be in harmony with furthering the development and the economy of the City of Madison and the State of Wisconsin.
2. To develop the University Research Park Mineral Point at Pleasant View with an aesthetically attractive, urban campus character to ensure it is a continuing asset to the City and the State.
3. To ensure proper, desirable use and appropriate development and improvement of each site within the University Research Park Mineral Point at Pleasant View.
4. To protect the owners of buildings against improper and undesirable uses of surrounding buildings sites that could depreciate the value of their properties.
5. To encourage the erection of attractive improvements, which utilizes suitable building materials and are appropriately located on the building sites.
6. To ensure and maintain proper setbacks from streets, and adequate open spaces between structures consistent with the design of an urban campus with storm water management and environmental corridors.
7. In general, to protect the development itself and the surrounding neighborhoods through high quality development in conformance with the approved Master Plan.

Design Review and Approving Authority

These covenants, conditions, restrictions and architectural controls shall be administered and applied by a committee titled the University Research Park Design Review Board (hereinafter “Design Review Board”), which shall be appointed by the University Research Park, Inc. Board of Trustees. The Design Review Board shall consist

of at least three members and not more than five members. At least all but one of such members shall be professional persons with backgrounds in the environmental design fields of architecture, urban design planning and landscape architecture.

In addition, a representative of any immediately adjacent neighborhood association, as well as the chair of the Transportation Management Authority, may sit with and advise the Design Review Board when appropriate.

The Alderperson(s) of the aldermanic district(s) including University Reaserach Park at Pleasant View shall be notified of any meeting of the Design Review Board and shall be entitled to attend, consult and advise.

The Design Review Board shall have complete authority to approve, reject, or require modification to any plan or design proposal for development or construction. The Board shall also establish the conditions upon which design proposals will be evaluated, and may allow variations to standards and design criteria only where such variations will assist in carrying out the intent and spirit of this document. The Board may also consult other design guidelines, the Pioneer Neighborhood plan adopted by the City of Madison, as well as the University Research Park Mineral Point at Pleasant View conceptual Master Plan as approved by the City of Madison.

A majority of the members of the Design Review Board shall constitute a quorum. Action of the Board will be by a majority vote of those members in attendance at any meeting at which a quorum is present. Board members or neighborhood, property owner's, or occupant's association representatives having conflicts of economic interest on matters before the Board shall not participate in such considerations.

In the event of death, resignation or other retirement of any member of the Design Review Board, the remaining members shall have full authority to nominate a successor, with the concurrence of University Research Park, Inc. Board of Trustees, subject to the appointment of the nominee by the Regents, and the remaining members shall have full authority to act until the vacancy is filled.

Architectural Content and Control

No construction or exterior alteration of buildings, utilities, signs, pavements, fences, walls, landscaping and other facilities or structures may be made on any land until the preliminary construction plans and specifications showing the nature, kind, shape, height, materials and locations of the same shall have been submitted and approved in writing by the Design Review Board. The final working plans and specifications shall be submitted to and approved in writing by the Design Review Board, and the final working plans and specifications may be disapproved in the event that they fail to constitute clear and logical and satisfactory extensions of the approved preliminary plan and specifications as determined by the Design Review Board.

Building Location

The Design Review Board will have ultimate authority to establish the location of buildings on each site within the parameters found in any applicable zoning district.

In general, buildings shall be oriented toward the front lot line, and buildings with frontage on more than one street will be placed in consideration of the aesthetic quality of each visible façade. At least 50% of the front façade shall be within 30 feet of the front lot line. Side and rear yard setbacks shall be a minimum of 10 feet unless sites are designed in such a manner as to include common walls. Only drives and walks are permitted in mandatory setback areas, subject to exceptions approved by the Design Review Board. The definition of “lot lines” as used in this document may be found in Madison General Ordinances sec. 28.211.

Building orientation will take into consideration the Woodland Management Plan. In addition, building orientation will consider other existing desirable natural features, vistas, environmental corridors, and stormwater management features.

Design Standards

The Design Review Board may prepare or cause to be prepared specific guides, criteria, standards and procedures that shall be the basis for all approved building and site designs within the area. The Design Review Board shall be the final arbiter regarding the acceptable conformance of plans and specifications to such guides, criteria and standards for design.

The general character of the Research Park shall be an aesthetically attractive urban campus integrated with the natural characteristics of the site. The Design Review Board will consult the Madison General Ordinances to determine appropriate percentage of each lot that impervious surface may cover. All approved projects shall have a floor area ratio (FAR) of a minimum of .20 and a demonstrated the ability to expand to a minimum of .35. FAR shall be determined by dividing the gross floor area of all buildings on a parcel by the land area of that parcel, excluding stormwater management infrastructure. Parking and outside storage areas are not included in the calculation of permitted floor area.

Determination of building height should be in response to individual site characteristics, such as topographical and vegetative features, solar orientation, neighboring uses, as well as building function.

The architectural character of each building and/or structure shall be of contemporary design and style. No statement of any occupant’s products or services, whether commercial or otherwise, shall be allowed as a part of the building façade or elevation except the Design Review Board may approve one free-standing or applied building identification sign at an approved location and in accord with any signage and graphic standard which may be adopted by the Design Review Board. Design of buildings will be evaluated in terms of professional standards and in regard to the sensitive integration of form, textures and colors with the particular landscape and topographical character of each site.

The exterior walls of each building are to be constructed of durable, permanent architectural materials compatible with urban campus-like standards.

Building roofs are to be uncluttered. At the discretion of the Design Review Board, when flat roof surfaces will be visible from roads or adjacent areas, pitched roofs will be required. Cooling towers, rooftop and ground mounted mechanical units and ventilation fans are to either be integrated into the design of the structure or screened from view.

The Design Review Board shall consider and encourage improvement designs consistent with the Transportation Demand Management plan, such as the inclusion of facilities for bicycle commuters.

Landscaping shall be designed in accord with professional standards and landscape plans will require Design Review Board approval. Such landscaping, including lawn areas, trees and shrubbery, shall be maintained in excellent condition by cutting, trimming, feeding, watering and weeding.

No tree of three inch caliper or greater may be cut or otherwise removed from any site without the permission of the Design Review Board. Every effort shall be exerted to preserve all existing trees. The Design Review Board may require extensive measures to assure the preservation of existing trees or other site amenities during construction.

As a general rule, fences are not allowed and will be approved only for limited service areas. Perimeter fencing shall not be permitted.

Transportation Demand Management

The Design Review Board will consider the current Transportation Demand Management plan (TDM) guidelines when reviewing building development under its authority.

University Research Park management shall appoint a TDM coordinator. The TDM coordinator will ensure all appropriate parties consult TDM guidelines.

The University Research Park Mineral Point at Pleasant View shall form a Transportation Management Authority (TMA) to be responsible for implementing TDM goals and strategies. All business located in the Research Park may be members. The TDM coordinator will chair the TMA. The TMA shall have the authority to assess reasonable uniform fees to tenants for the sole use of implementing TDM strategies. The TMA will provide fair representation for all tenants, and may include nonvoting members in an advisory capacity.

Each building owner and company occupying more than 50% of the leasable building space shall create a building-based TDM plan consistent with the broader TDM plan governing the Park.

Parking and Access

All parking areas shall be paved with an asphalt, concrete, or high-quality pervious surface, shall have appropriate bumper guards where needed, and have concrete, brick, or stone curbing as determined by the Design Review Board.

All lighting, for walks, driveways and lots, will be specified and all wiring must be underground.

Employee parking areas shall not be located within any setback area or in front of any building.

Limited visitor parking is permitted in front of buildings consistent with Design Review Board guidelines and City zoning.

Provision of parking spaces shall be in accord with City standards.

All driveways shall be paved with asphalt, concrete, or a high-quality pervious paving material. Where curbs are desired, they shall be of a durable material.

All parking areas will be screened from road rights-of-way, and adjacent developed parcels, by earth berms or plantings to assure that the visual effect of large paved areas and standing automobiles is minimized, and that the effect of the natural landscape and the architecture dominates.

All parking areas shall be separated from road rights-of-way by aesthetically attractive screenings. These may include landscaping or architectural elements.

Parking areas will be subdivided by islands containing trees or other landscaping materials, so that no parking bay will exceed 50 parking stalls.

All parking areas shall provide security and pedestrian lighting.

There shall be no direct vehicular access between South Pleasant View Road and the individual eastern lots of Pioneer 1st Addition.

Nuisances

No noxious, dangerous or offensive activity shall be conducted upon any land, lot or portion of any lot, nor shall anything be done thereon which may be or may become any annoyance, hazard or nuisance to abutting properties or the area or neighborhood in general. It is the intent that research, office and permitted light industrial activity shall be created and maintained with proper appearance from streets and adjoining properties and to ensure that no effect upon properties in the area shall occur from the emission of noise, dust, odor, glare, vibration, smoke or any other emission or waste which might constitute a nuisance or hazard.

Restrictions on Transfer, Use

All buildings within the University Research Park at Pleasant View shall be for the sole use of the occupant, user, owner, lessee or tenant. All public easements, including bicycle and pedestrian walkways and open space shall remain accessible to the public for their enjoyment. The University Research Park reserves the right to reasonably

limit use, including hours of operation, commensurate with City of Madison standards and the safety of both persons and property. No tract of land different from that originally granted may be sold, leased or otherwise transferred without the approval of the Regents or their designee.

General Provisions

Severability: Invalidation of any one of the covenants or restrictions herein, or any severable part thereof, by judgment or court order shall continue in full force and effect.

Duration and Amendment: The covenants and restrictions of the declaration shall run with the land and bind any owner, tenants or occupants of any land subject to this declaration, their respective successors and assigns, in perpetuity, or until these covenants and restrictions are duly amended. Such amendment shall require the consent of two-thirds of property owners subject to this declaration and by the Regents.

Enforcement: These covenants and restrictions may be enforced by the Regents, their designee, or by any landowner by proceedings at law or in equity against any person or persons violating or attempting to violate the same, either to restrain the violation or to recover damages. The failure to enforce any restriction shall in no event be deemed to waive any right to do so thereafter or the right to enforce any other restriction.

Governmental Approvals and Permits: Approval of plans and specifications as described herein in no way relieves any party from obtaining any required approvals and permits from any governmental authority. A complete set of plans and specifications with the Design Review Board approval thereon shall be filed with the Inspection Unit of the Madison Department of Planning & Community & Economic Development for its files. Any application for approvals and permits shall be based on the plans approved by the Design Review Board.