

**PROTECTIVE COVENANTS  
FOR THE  
COLONEL'S POINTE BUSINESS PARK  
CHESTER COUNTY, SOUTH CAROLINA**

**ARTICLE I  
INTRODUCTION**

The Colonel's Pointe Business Park is designed to provide an attractive, cost-effective work environment for business, facilities, their employees and guests. The Park is currently owned by the L&C Development Corporation, "Owner", which desires to subject the Park to all of the terms and conditions of these Protective Covenants. The Owner desires to provide an image enhancing setting for manufacturing, processing, distribution and warehousing operations, plus research and development and corporate office complexes. Requests for other operations will be reviewed on a case-by-case basis by the Park Review Committee and ultimately approved or denied by the Owner.

These covenants as well as applicable state and local ordinances pertain, but are not limited to, the following concerns: Protection of existing vegetation (native dogwoods and redbud trees are common); site coverage; building design and materials; landscaping; signage and outside storage of materials and equipment. It is the Owner's intention to encourage development that noticeably increases the overall quality of the park environment.

**ARTICLE II  
DESCRIPTION OF LAND**

The premises affected by the Protective Covenants set forth in the following articles are described as follows:

All those certain pieces, parcels or tracts of lands, situate, lying and being in State of South Carolina, County of Chester, being shown and designated as Parcels A, B, and C, on a plat of survey prepared by L&C Development Corporation by Enfinger & Associates dated December 7, 2005, and recorded December 13, 2005 in the Office of the Clerk of Court for Chester County in Cabinet D, Slide 79, Page 4. Said plat is incorporated herein by reference for a more complete and accurate description.

Being property conveyed to L&C Development Corporation by Deed of Alton G. Brown dated December 4, 1987 and recorded December 7, 1987 in Deed Book 544 Page 549 in the Register of Deeds Office, Chester County, South Carolina.

**ARTICLE III  
PARK REVIEW COMMITTEE**

The Park Review Committee (PRC) consisting of three persons initially will review all plant/architectural/property proposals. This review process will insure that any facility, structure(s), landscaping plan, signage and proposed structural change or other modification conforms with the following: (1) The overall intent of these covenants; and (2) existing guidance contained in state and local government ordinances and regulations. The following individuals will comprise the PRC:

President of the L&C Development Corporation  
Director of Chester County Economic Development  
Building Official, Chester County

Other members may be added to PRC as determined by the Owner.

The PRC will convene at the request of the Owner, a park tenant or a potential park property owner. The purpose of the PRC is to make recommendations which will enhance the overall appearance and utility of the park.

**ARTICLE IV  
LAND USE**

The aforementioned park property and any buildings erected thereon will be used primarily for commercial and industrial operations to include the following: Manufacturing, assembly, processing, warehousing, distribution, research and development, corporate office facilities, and other operations in direct or indirect support of such activities or the employees thereof.

These covenants are to insure the construction of attractive, well-designed, well placed, and well constructed improvements upon each lot, site and sub site.

The following storage and businesses shall not be permitted in the Park:

- (a) Scrap yard storage.
- (b) Auto wrecking, salvage yards, used materials yards, outside storage or baling of waste or plastics, scrap paper, or scrap metals, fabric recycling operations, bottles (glass and plastic) and junk.
- (c) Central mixing plant asphalt, plaster or concrete.
- (d) Boiler or tank work.
- (e) Any quarrying operation.

## **ARTICLE V PLANS AND SPECIFICATIONS**

The Owner or, at its request, the PRC must review final plans for construction, expansions or modifications of any building prior to the commencement of construction. Initially, a plot plan indicating the location of the affected building site must be submitted to the PRC. The submittal will be reviewed for conformity of external design with existing or prospective structures in the area. Moreover, the site plan will be reviewed for impact on the immediate construction site, adjoining structures, premises or present and prospective use thereof.

The Owner or the PRC at the Owner's request will provide written approval or disapproval to an applicant within 30 days after a written application is received for the following: any matters, structural modifications, plans and specifications for landscaping, plans and specifications of establishment of parking areas, plans and specifications for construction of signs, or plans and specifications for any other purpose required by these covenants. It shall be the sole responsibility of an individual park property owner (tenant) to assure that plans and specifications for building improvements on Park property do not violate these restrictive covenants or intent thereof and that are state and local building codes and ordinances are being complied with in plans submitted for approval.

## **ARTICLE VI BUILDING DESIGN & CONSTRUCTION STANDARDS**

The purpose of the building design and construction standards is to achieve consistency and quality in architectural design to protect and enhance values of park properties. Although consistency in building design and construction materials is preferred, park tenants are encouraged to develop aesthetically pleasing designs for their facility. Park buildings shall be considered as three dimensional objects and attention should be given to the compatible treatment and use of all exterior surfaces. All park construction shall conform to the latest state and local standards by the concerning construction.

Buildings are to be constructed of reinforced masonry, reinforced tilt-up concrete panels, steel panels and structural steel with an approved exterior covering and attractive facing or finish. Buildings may be all or partially finished in brick as long as they compliment other construction or planned construction in the park. Metal paneling may be utilized on the front of buildings when incorporated in the overall design to enhance the outward appearance of a structure. Sides and rear walls of buildings or portions thereof may consist of metal paneling, especially walls designated for future expansion(s) of the structure.

Accessory buildings, enclosures and fences shall enhance the overall design of the facility and be of the same quality of materials as the building(s) they serve.

Other Construction Standards:

- Wood frame structures, wood siding, uncoated galvanized or mill finish metal exterior coverings (except factory-finished roofing) are not permissible.
- All rooftop mounted mechanical equipment, such as: gas furnaces, air conditioning units, water cooling units, etc, are to be screened or enclosed so that they are architecturally compatible with the main portion of the building. Moreover, such rooftop equipment must be shielded from the primary park road and SC 9 Highway.
- Free standing objects, e.g., outdoor tanks, cooling towers, storage binds are to be buffered from view in all directions. Such structures shall not be located in the front portion of lots or along road right-of-ways.
- Architectural plans must provide for adequate fire protection systems and underground utility services to buildings.
- No excavation shall be made except in conjunction with construction of an improvement. When such an improvement is completed, all exposed openings shall be backfilled, graded, seeded, or landscaped.
- Construction, when begun, must be diligently pursued to completion. A building under construction must not be left in an unfinished condition any longer than reasonably necessary.
- All utilities shall be placed underground unless otherwise approved in writing by the L&C Development Corporation.
- No trench cuts will be allowed in Colonel's Pointe Business Park for utilities unless approved in writing by L&C Development Corporation. All utilities required to cross Colonel's Pointe Parkway shall be by underground bore at the expense of the party requiring the bore.

**ARTICLE VII  
HEIGHT RESTRICTIONS**

No building or improvements erected on the premises shall exceed sixty (60) feet in height. Upon written approval of the County of Chester, S.C., or their respective designees, such height limitation may be waived in the following cases: To permit acceptable plant operations requiring internal building height of 60' or more; the permitting of such structural necessities as water towers or tanks, standpipes, penthouses or other structures for housing elevators or elevator equipment, stairways, ventilating ducts/fans or similar equipment necessary for the proper use, operation and maintenance

of buildings, fire or parapet walls, skylights, tanks, cooling towers; wireless, radio and/or television masts/antenna; roof signs; flagpoles; lighting fixtures; chimneys; smokestacks; and gravity flow storage and/or mixing towers or similar structures. Related setback requirements pertain as outlined in the appropriate ordinance(s).

### **ARTICLE VIII LOT COVERAGE**

No more than fifty (50%) percent of any lot(s) shall be covered by buildings, unless upon review of the site plan(s) and specifications, and written request of the tenant or prospective property owner, this requirement is waived by the Owner or at its request, the PRC.

The impervious areas of park properties shall not exceed 75% of the owner/tenants lot or property. Impervious surfaces are those which do not absorb water. All buildings, parking areas, driveways, roads, sidewalks, and any other areas in concrete or asphalt are considered impervious surfaces within this definition. The purpose of impervious surface standards is to reduce the impact of storm water runoff created by development.

### **ARTICLE IX SETBACKS & LANDSCAPING**

Any building or improvement erected upon any site affected by these covenants shall be situated at least 60 feet from the primary park road right-of-way, at least 30 feet from any side yard and least 50 feet from any rear property division line. Prescribed building setback areas may be used for open landscaping, green areas, off-street parking areas, or other like use, except that no parking areas shall be established within the required setback area along the primary park road. The location, construction plans, and specifications for all off street parking areas shall be approved in writing by the Owner, or at its request, the PRC. The Owner or the PRC may waive selected setback requirements and parking prohibitions so long as the decision(s) conforms to guidance stipulated in the applicable County zoning ordinance(s). Landscaping plans, including designs for in-ground sprinkler systems, are to be submitted to the PRC for review. All landscaping including buffer yards and screening endeavors shall be accomplished in an attractive and credible manner. All landscaping and established parking areas shall be maintained at all times in a slightly and well kept condition.

### **ARTICLE X OFF-STREET PARKING AND LOADING/UNLOADING AREAS**

All parking shall be off of the primary park road(s). Parking spaces and parking lot designs shall conform to guidance established in local ordinances and submitted to the Owner, or at its request, the PRC for review and approval.

Truck loading and unloading areas shall be provided in an off-street location. Such areas shall be paved and located at the side or rear of the building or improvements. All portions thereof shall be at least 30 feet from any street or road right-of-way. Truck loading and unloading areas shall in all cases be located on the same parcel of land as the structure they are intended to serve.

#### **ARTICLE XI STORAGE AREAS**

Raw materials, goods in process, finished products except items being displayed for sale or storage, and shipping containers shall not be stored in outside areas, unless such areas are properly, screened against observation from boundaries or the primary park road. Additional guidance is contained in local ordinances.

#### **ARTICLE XII SIGNS**

The placement, size and type of signs and company logos to be erected on any building or parking lot or affixed to any structure shall be approved by the Owner, or at its request, the PRC in writing. The primary purpose of any sign shall be identification of the site occupant and/or of its products. Flashing neon and mobile signs shall not be permitted. Signage shall comply with local zoning ordinances.

#### **ARTICLE XIII MAINTENANCE**

Each lot owner shall at all times keep his premises, buildings, improvements, and appurtenances in a safe, clean, neat and sanitary condition; and shall comply with all laws, ordinances and regulations pertaining to health and safety. Each lot owner shall provide for the removal of trash and rubbish from his or her premises.

During construction it shall be the responsibility of each park lot owner to insure that construction sites are kept free of unsightly accumulations of rubbish, hazards and scrap materials. Also, construction materials, equipment, trailers, shacks, and the like are kept in a neat and orderly manner. Lot owners are also responsible for maintaining the park road adjoining their lot in a clean and safe condition, free of trash or excessive clay or mud that could be hazardous to transiting vehicles.

Park tenants will pay a monthly maintenance/upkeep fee of \$50.00 to the Owner to help defray costs associated with maintaining common property within the park and entranceways. The fee will be reviewed and/or adjusted annually by the Owner and park tenants.

**ARTICLE XIV  
INSTALLATION OF UTILITIES AND EASEMENTS**

All water/sewer, electric, natural gas and other utility lines shall be underground on each lot and installed in conformity with the South Carolina Department of Health and Environmental (DHEC) regulations, and the Standard Building Code.

Utility easement rights are specifically reserved for and granted to the governmental authority or the utility requiring such easement within all building setback areas along all street lines or property division lines, as may be reasonably required an necessary for use in installing sanitary and storm sewers, water and natural gas supply lines, electric lines, telephone lines and other utility lines of any sort. Necessary easements for local service lines to individual buildings shall be provided by the building site owner.

**ARTICLE XV  
OTHER PROVISIONS**

1. Covenants Run With The Land – The restrictions herein set forth shall be deemed to be covenants running with the land and same shall be binding upon the grantees and their respective heirs, successors and assigns. All owners of fee simple title to any of the properties/lands affected by these covenants agree to confirm to and observe said restrictions as to the use of building sites and construction of improvements thereon. No restrictions herein set forth shall be personally binding upon any landowner after he has sold it to another landowner. The Owner and tenants of the park property and their successors and assigns, shall have the right to sue for and obtain a prohibitive or mandatory injunction to prevent the reach of or so enforce the observance of the restrictions above set fort, in addition to ordinary legal actions for damages. The failure of any such person to enforce any restriction herein set forth at the time of its violation shall in no event be deemed to be a waiver of the right to seek such enforcement as to any subsequent violation. The violation of these restrictions shall not defeat or render invalid the lien of any mortgage made in good faith and for value prior to such violation.
2. Repurchase of Property – There is also reserved to and granted to the Owner, its successors and assigns, an irrevocable option to purchase from the respective original tenant any building site in the park sold by the Owner, or its successors or assigns to a tenant at and for the purchase price paid therefore by such original tenant in the event construction of a building or other substantial improvements upon such a building site has not commenced within one year from the date of the transfer of such building site, as a result of inaction by such tenant.
3. Lot Subdivision Prohibited Without Approval of Owner – Purchasers of any parcels of property within Colonel's Point Business Park are prohibited from subdividing original parcels purchased from the Owner without the written approval of the Owner who shall have the sole authority to grant or deny such approval request.

