

# NEW RIVER VALLEY COMMERCE PARK

## Protective Covenants

### 1. Statement of Purpose

The goal of the New River Valley Commerce Park (NRVCP) is to provide a location for industrial operations which could not be supported at other industrial locations within the geographic extent of the jurisdictions which are members of **Virginia's First Regional Industrial Facility Authority**. These operations would provide above average value jobs and high levels of investment in the tools of production. The provisions included in these Covenants are designed to protect and enhance long term property values, provide pleasant and productive working environments, and ensure the construction and maintenance of high quality buildings, which are integrated into an attractively landscaped environment. The Covenants are intended to be applied to the New River Valley Commerce Park lands offered by **Virginia's First Regional Industrial Facility Authority** to protect owners of improvements against improper and undesirable uses within the Park, contribute to the development community and enhance the region.

The lands of the New River Valley Commerce Park are subject to the provisions of these Covenants, which run with the land, and each and every part thereof, insofar as federal, state, and local laws permit, to ensure proper use of appropriate development and improvement of said premises, the community, and the region:

1. Protect the neighbors, owners, and tenants of parcels against such improper development and use of surrounding parcels as will depreciate the value and use.
2. Prevent the erection of structures constructed of improper or unsuitable materials or with improper quality and methods of construction.
3. Ensure reasonably consistent development of the property in keeping with the overall goals of New River Valley Commerce Park to promote quality development.
4. Encourage and ensure the erection of attractively designed, permanent improvements appropriately located within the property in order to achieve harmonious appearance and function.
5. Ensure the construction of adequate off-street parking and loading facilities.
6. Establish and preserve open spaces for the passive enjoyment and benefit of occupants, tenants, owners, and the public.
7. Promote the compatibility of the development and use of parcels with the integrity, beauty, and character of the environment.
8. Generally promote the welfare and safety of occupants, tenants, owners of parcels, and the community.

### 2. Applicability and Effect

These Protective Covenants are applicable to all industrial parcels located within the the New River Valley Commerce Park and shall become effective and in full force upon recordation in the Pulaski County Circuit Court Clerk's office.

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**3. Creation of New River Valley Commerce Park Development, Covenants, and Communications Committee**

There is hereby created the NRVCP Development, Covenants, and Communications Committee (DC&CC) made up of *Virginia's* First Regional Industrial Facility Authority as represented by selected members of the NRVCP Participation Committee, all owners of lands within the Park, any owner/manager of greenway lands, and four landowners, within one half mile of the existing and proposed park lands.

The Committee may establish its own bylaws for the conduct of its affairs, which include reasonable notice to each member prior to any meeting. Recommendations by the Committee shall be by majority of votes cast.

The Committee shall have the following purposes:

The Committee is advisory and has the right to review and comment on site plans and subdivision proposals for developments proposed in the Park and review greenspace useage, all within time limits established by the Authority. Such reviews are to be done in conjunction with Ordinance Processes established by Pulaski County.

Monitor the compliance of developments in accordance with the purposes in §1 above, and the provisions of these covenants and make recommendations to the Authority.

**4. No Additional Subdividing**

No industrial parcel designated on the Concept Plan for the NRV Commerce Park shall be further subdivided without the recommendation of *Virginia's* First Regional Industrial Facility Authority, as requested by the New River Valley Commerce Park Participation Committee\*, and in compliance with the process established by Pulaski County for subdivision or re-subdivision of lands. The Authority shall retain ownership of designated "Greenspace".

**5. Definitions**

The terms indicated in boldface type below shall have the accompanying meaning for purposes of these Protective Covenants.

**"Greenspace Areas"** shall mean natural or naturalized areas. Maintenance of these areas may include being mowed or "bush-hogged" only occasionally, e.g., twice per year.

**"Landscaped Area"** shall mean all parts of the site which are not covered by buildings or paving, and which are not being set aside as greenspace areas.

**"New River Valley Commerce Park"** shall mean the industrial park assembled by *Virginia's* First Regional Industrial Facility Authority, a development located south of the New River Valley Airport, north of the Town of Dublin, on State Route 100.

"Parcel" shall mean any lot or area, designated on the approved concept plan for development, excluding greenspace, other common area, and roads, within New River Valley Commerce Park.

"Park" shall mean New River Valley Commerce Park.

"Pulaski County", or "County" shall mean Pulaski County, Virginia, an independent political subdivision of the Commonwealth of Virginia.

"Structure" shall mean any building or accessory building having a roof supported by columns or walls intended to enclose any individual, process, equipment or materials of any kind.

## **6. Permitted and Prohibited Uses**

### *6.1 Permitted Uses*

Permitted Uses in the New River Valley Commerce Park shall be those provided for in the zoning district.

Location of specific firms and site plans shall be those recommended by the New River Valley Commerce Park Participation Committee and acceptance by the Pulaski County Board of Supervisors.\*

### *6.2 Prohibited Uses*

Uses of any kind which do not meet the minimum State and Federal requirements for emissions by reasons of the excessive fumes, odors, glare, vibration, gases, radiation, dust, liquid or solid waste, smoke, noise, or other hazards.

## **7. Site Plan Required**

A relatively wide variety of architectural design and materials shall be permitted. However, it is intended that a basic harmony of architecture shall prevail among developments so that no improvement shall detract from the appearance of the overall park. Individuality and creativity are encouraged provided that blending of design into the parcel's surrounding context is achieved. The general design context must reflect a high quality corporate image. The site plan shall include a landscaping plan which provides for landscaping and maintenance of the entire parcel being developed. The site plan shall provide information on the design of the proposed buildings, parking, and all other improvements to the site.

The Site Plan shall be prepared and submitted for approval to the New River Valley Commerce Park Participation Committee in accordance with the provisions of the Pulaski County Zoning Ordinance and addressing the standards enumerated herein prior to initiation of construction. The approved plan shall control the development of the site, until such time as an amended plan shall be approved.

### *7.1 Materials*

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The exterior construction of buildings within the Commerce Park may be of metal or faced (e.g., stuccoed) concrete masonry unit only if the side(s) of the building seen when entering the parcel or from Rt 100 or within 750 feet of an adjacent residence or church are faced with stone, brick, concrete (reinforced, pre-cast, poured in place, or tilt up), equivalent masonry construction, glass, Exterior Insulation Finish System (EIFS) (e.g., DRYVIT), architectural block, split-faced units or a combination thereof. Otherwise, the exterior construction of buildings within the Park shall be of stone, brick, architectural block, split-faced units, glass, EIFS, vinyl or a combination of these materials. Roofing materials shall be non-reflective.

### *7.2 Additional Structures on a Single Lot*

The site plan shall control the development of parcels in the Park. Additional buildings and enclosures shall be of similar design and materials as the principal buildings.

### *7.3 All Materials, Etc. to be Consistent*

On each parcel, colors, materials, finishes, and building forms shall be coordinated in a consistent manner on all elevations, facades and sides. All external colors shall be tones which blend with the natural surroundings.

### *7.4 Equipment*

Transformers or similar above ground equipment shall be screened to soften the lines of the object.

Dumpsters, recycling equipment and containers, compactors, bailers and other waste management equipment and waste containers shall be screened so as to not be visible from any public roadway or right-of-way, adjoining parcel, greenspace, lake or pond area, Vegetative screening shall be sufficient, when utilized, to provide a continuous visual screen of the area, year-round.

### *7.5 Fencing*

The use of fencing on any parcel, must be approved by the Participation Committee.

### *7.6 Outdoor Storage*

All visible outdoor storage areas shall be designed, located, or screened to minimize visibility from any adjoining parcel or publicly maintained roadway. This may be accomplished by a landscape berm and/or continuous evergreen buffer. All screen plantings must be of a size and density, at the time of planting, sufficient to provide a continuous visual screen of the area. Black vinyl coated chain link fencing with black vinyl slats may be used to screen outdoor storage areas insofar as the exterior perimeter of the fence is extensively landscaped with, at least, evergreen plants and trees.

### *7.7 Maintenance*

Each owner, tenant, or occupant of any parcel shall keep buildings, grounds, and improvements in a

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safe, neat, clean, and maintained condition and shall comply in all respects with all governmental statutes, ordinances, regulations, health codes, and police and fire requirements.

Each owner, tenant, or occupant shall remove at their own expense any rubbish or trash which may accumulate on their parcel. Rubbish, trash, garbage, or other waste shall be kept only in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean, neat and sanitary condition.- Rubbish and trash shall not be disposed of on the premises by burning or burying.

**8. Regulation of Improvements**

No improvements shall be constructed, erected, placed, altered, maintained, or permitted on any parcel unless in conformity with the Commerce Park Concept Plan, the required site plan, and any applicable zoning regulations as follows:

*8.1 Utilities*

Utility services, except those in existence at the time of recordation of these Covenants, including electric power, telephone, fiber optic, steam, sanitary sewer, or water lines shall be installed underground. Any exception for overhead electric power lines must be reviewed and approved by the NRVCP Participation Committee and Pulaski County. Fuel storage tanks and transformers required to be placed above ground shall be screened to the extent possible.\*

*8.2 Grading*

Cut slopes and fill slopes shall have rounded edges, and the surface shall be varied and modulated to emulate the natural landforms or existing terrain, for the purpose of blending the slope into its surroundings and minimizing the artificial look. Tree plantings and other landscaping will be used to further obscure the visual impact of slopes.

**9. Parking Standards**

Each parcel shall contain all required parking within the parcel. Off-site parking shall not be permitted. Parking shall not be permitted on any street, and owners of parcels or their tenants shall be responsible for enforcing this requirement with respect to their employees and visitors.

*9.1 Required Parking*

The minimum vehicle parking space requirements as delineated within the Pulaski County Zoning Ordinance shall apply.

*9.2 Design Standards*

*9.2.1 Location*

Parking areas may be constructed on any part of a parcel as delineated in the site plan, except within

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the required yard.

**9.2.2 Paving**

All access drives, parking areas, and outdoor storage areas shall be paved with asphaltic concrete (hot plant mix), reinforced concrete, block pavers, pervious materials or equivalent materials to provide a dust-free surface. All passenger and truck movements and parking shall be confined to these areas. Further, no parking on public road shoulders shall be permitted.

**9.2.3 Curb and Gutter**

Where curbing or curb and gutter are to be provided for storm water control, that curbing or curb and gutter shall be concrete.

**9.2.4 Grades**

All parking areas shall be surfaced in accordance with Section 9.2.2 and graded with a minimum slope of 1% to ensure proper drainage.

**9.2.5 Screening**

The site plan shall provide for parking areas to be substantially screened from view of publicly maintained rights-of-way, using hedges, plantings, structures, earth berms, changes in grade or walls. Vegetative screening shall be effective year-round.

**9.2.6 Landscaping**

The site plan shall include proposed landscaping within parking lots.

**9.3 Off-Street Loading Areas**

Provision for handling all truck service shall be totally within each parcel. No off-street loading areas shall be located within the required setbacks or adjoining any street boundary.

Loading areas shall be designed and located so that they are not visible from public roadways. The uses of earth berms, structures and/or landscape screening shall be employed to screen loading areas, particularly facing residential areas, to the extent possible.

**10. Sign Standards**

All signage shall conform to the standards in the Pulaski County Zoning Ordinance for signs in the industrial district. A signage plan shall be a part of the site plan for the parcel. Signs shall relate only to organizations,

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goods, services, or activities on the parcel upon which the sign is located. No billboards or outdoor advertising shall be permitted.

No moving signs or flashing lights on signs, roof-top signs, or pole-mounted signs shall be permitted.

All signage on a parcel shall be uniform in appearance and design. Signage shall be uniform in materials, color scheme, lettering style, proportions, lighting, and other characteristics.

### **11. Landscaping Standards**

New River Valley Commerce Park is intended to have a park-like setting with a strong emphasis on the landscaped environment. The site plan shall provide the landscape design for the site. Any disturbed open areas on each parcel not occupied by buildings, structures, outdoor storage areas, paved areas, parking areas, loading areas, driveways, or walkways shall be suitably graded and drained and shall be landscaped with lawns, trees, shrubs, or suitable ground cover as soon as is practicable during construction and maintained during the life of the development in accordance with the plan.

All landscaping required hereunder or otherwise to be provided on any parcel shall be completed within 60 days after the substantial completion of any buildings constructed on the parcel. Provided, however, if weather conditions do not at such time permit completion, then such landscaping shall be completed as soon thereafter as weather conditions permit.

### **12. Exterior Lighting**

The intent is to create a consistent exterior lighting system for the Park. All lighting systems shall be designed so as not to produce significant illumination or glare beyond the parcel on which it is located. All electric wiring shall be installed underground. In addition to lighting provisions set forth herein, all lighting shall comply with requirements applicable to the underlying zoning district of each parcel.

#### *12.1 Mounting Height*

The maximum permitted mounting height for any exterior lighting fixture shall be 25 feet. Fixtures designed to illuminate pedestrian walkways shall have a maximum height of 12 feet.

#### *12.2 Lighting Type*

Low bollard fixtures and landscape lighting are recommended for walks and building entries.

To minimize glare and light spillover, light fixtures greater than 12 feet tall shall use luminaries with "cut-

off optics, light-diffusing shields, or equivalent."

Lighting systems will be designed not to exceed a horizontal illumination level at the lot boundary averaging 1-2 foot-candles.

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To enhance pedestrian safety and security, lighting systems shall be designed to produce a broad color spectrum to emulate natural color balance with high definition and high resolution.

### *12.3 Building and Sign Illumination*

Building and sign accent illumination shall be permitted utilizing wall mounted or setback methods.

Building and sign accent illumination shall be installed and aimed so that glare will neither hinder vehicular or pedestrian traffic, nor present a hindrance to operations onsite or on any adjacent parcel.

Building mounted floodlights are permitted only if they are shielded so that direct glare is not visible from surrounding properties and adjoining roadways.

### **13. Greenspace**

All areas designated as greenspaces on the recorded Concept Plan of the Park shall be owned and maintained by the Authority. It is intended that these areas be provided for the use and benefit of Park owners, occupants, and tenants, and/or the general public. Uses to be permitted in the greenspaces shall be determined and regulated by the New River Valley Commerce Park Participation Committee.\* The Authority may assess park owners for the maintenance of "greenspace" or by adding an estimated cost to the cost of ownership.

### **14. Resale Conditions**

In the event that any Park property owner shall receive a bona fide offer to buy any property in the Park in accordance with the terms of these Covenants, it shall, before consummating such a sale, present the *Virginia's First* Regional Industrial Facilities Authority, in affidavit form, the terms and conditions of such proposed sale for review and approval by the Authority and Pulaski County. The Authority reserves the right to purchase said property within 60 days thereafter upon the same terms and conditions as contained in such bona fide offer made to the owner by any third party. The right of purchase may be waived by the Authority.

### **15. Amendments**

These covenants may be amended by consent of the Participation Committee, the Authority, the Pulaski County Board of Supervisors, and two-thirds of the landowners within New River Valley Commerce Parks. The advice of the Development, Covenants and Communication Committee will be solicited prior to official action.

Amendments shall be recorded in the Pulaski County Circuit Court Clerk's office, and shall become effective upon such recording. All amendments shall be executed by the parties evidencing their consent thereto.

### **16. Severability**

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Invalidation of any of these covenants or any part thereof by judgments or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Adopted and Affirmed By:

***Virginia's First Regional Industrial Facility Authority***

William Freeman, Chairman      Date

**New River Valley Commerce Park Participation Committee**

William Freeman, Chairman      Date

**Pulaski County Board of Supervisors**

Joseph Sheffey, Chairman      Date