

# **SUMMIT VIEW BUSINESS PARK**

## **Declaration of Protective Covenants**



*Think Outside.*

**Approved December 17, 2019**

## 1. STATEMENT OF PURPOSE

The goal of these Covenants for Summit View Business Park is to establish a general plan for the orderly, consistent, and compatible improvement, development, and use of the Park. 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 Summit View Business Park lands to protect owners of improvements against improper and undesirable uses within the Park, contribute to the development of the community, and enhance the region. These Covenants are established and promulgated in the interest of promoting this goal in a manner that encourages planning and design consistent with this goal.

The lands of Summit View Business 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 so as to:

- a. Protect the owners, and tenants of parcels against such improper development and use of surrounding parcels as will depreciate value and use.
- b. Prevent the erection of structures constructed of improper or unsuitable materials or with improper quality and methods of construction.
- c. Ensure reasonably consistent development of the property in keeping with the overall goals of Summit View Business Park to promote quality development.
- d. Encourage and ensure the erection of attractively designed, permanent improvements appropriately located within the property in order to achieve harmonious appearance and function.
- e. Ensure the construction of adequate off-street parking and loading facilities.
- f. Establish and preserve public open spaces for the enjoyment and benefit of occupants, tenants, owners, and the public.
- g. Promote the compatibility of the development and use of parcels with the integrity, beauty, and character of the environment.
- h. Generally promote the welfare and safety of occupants, tenants, owners of parcels, and the community.
- i. Promote economic development and diversity of tax base.

## 2. APPLICABILITY AND EFFECT

These Covenants are applicable to all parcels located within Summit View Business Park and shall become effective and in full force upon recordation in the Franklin County Circuit Court Clerk's office.

## 3. DEFINITIONS

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

**Aggressive Non-Native Species** shall mean those species of plants which are not indigenous to Franklin County and which, when planted in the County, can be expected to spread quickly

beyond their immediate location (e.g., by rapid growth, excessive sucker growth, allelopathy, out-competing native species, prolific reproduction, or wide dissemination of seeds).

**Franklin County** or **County** shall mean Franklin County, Virginia, an independent political subdivision of the Commonwealth of Virginia.

**Franklin County Board of Supervisors** shall mean the Board of Supervisors of Franklin County or any agency, staff member(s), or individual designated and appointed by them to act on their behalf in regard to these 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 as defined in siting agreement.

**Nuisance Non-Native Species** shall mean those species of plants which are not indigenous to Franklin County and which, when planted here, can be expected to produce unpleasant odors, prolific fruit seeds, excessive trash or twig drop, or other hazards to the general public, such as skin irritation.

**Parcel** shall mean any lot or area, designated on the approved site plan for development, excluding publicly owned greenspace, preservation, other common areas, and roads, within Summit View Business Park.

**Park** shall mean Summit View Business Park.

**Siting Agreement** shall mean an agreement between the developer and Franklin County concerning specific details of development and shall include, but is not limited to, areas to be reserved as greenspace areas; construction schedule; penalties; repurchase options; outdoor equipment location; roof design; and includes the site plan.

**Site Plan** shall mean a detailed description of how site is to be developed and shall be included in the siting agreement. It shall include, but is not limited to, building design and location; accessory structures; outside equipment; outdoor storage areas; parking plan; setback areas; landscaping; loading areas; signage plan, and lighting plan.

**Summit View Business Park** shall mean the business park located between the Town of Rocky Mount and the Town of Boones Mill on U.S. 220 on both sides of Brick Church Road and encompassing approximately 550 acres and designated as a Regional Enterprise Park District (REP).

#### **4. PERMITTED AND PROHIBITED USES**

##### **a. Permitted Uses**

Uses permitted within the Summit View Business Park are detailed in the regulations of REP districts in the Franklin County Code and will be consistent with the goals of

Summit View Business Park and the purpose of these Covenants as set forth in Section 1 above.

**b. *Prohibited Uses***

The following are expressly prohibited in the park:

1. Private dwellings or mobile homes. (Construction trailers, with the written permission of the County, may be used during construction period.)
2. Noxious or offensive activities which may be or become an annoyance or nuisance to the owner, tenant, or occupant of other parcels within the property by reasons of the excessive emission of fumes, odors, glare, vibration, gases, radiation, dust, liquid or solid waste, smoke, noise, or other hazards.
3. Mining, extraction, processing, and removal of sand, gravel, and stripping of top soil (but field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received site plan approval from Franklin County Board of Supervisors is permitted).
4. Used Auto Sales and Service
5. Sawmills and planing mills.
6. Contractor equipment storage yards.
7. Coal and wood yards.
8. Churches or other worship facilities.
9. Prisons or other facilities used for the purpose of incarceration or rehabilitation.
10. Schools and teaching facilities, except those providing adult learning programs.
11. Nonprofit agencies or institutions lacking a direct relationship with a permitted user of the Park or with the overall purpose of generally permitted uses of the Park.
12. State highway maintenance facilities.
13. Major manufacture and sale of pottery and figurines or other similar ceramic products, including ceramics studios.
14. Cabinet, furniture and upholstery shops.
15. Monumental stone works.
16. Other uses prohibited in a REP district
17. Uses inconsistent with the goals of the park as determined by the Board of Supervisors of Franklin County.

**5. DEVELOPMENT STANDARDS**

**a. *General***

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 all development 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. See the Summit View Business Park Design Guidelines for specific direction and requirements.

**b. *Site Plan Requirement***

A site plan detailing planned improvements shall be prepared by the purchaser prior to initiation of construction addressing the standards enumerated in Sections 5 through 12 herein and submitted for approval to the Franklin County Board of Supervisors, who reserves the right to require that all or selected portions of any plan be prepared by a licensed engineer(s) or other appropriate professionals. A landscape maintenance plan, signage plan, and parking plan shall also be included in the site plan.

**c. *Construction Time Limits***

The site plan shall be submitted to the Franklin County Board of Supervisors within 1 year of the date of delivery of the deed to the purchaser, construction of approved improvements shall begin within 2 years of the date of purchase, and site improvements presented in the site plan shall be completed within 4 years of the date of purchase. A construction schedule, penalties, and repurchase options shall be included in the siting agreement. For purposes of this section, "construction" shall be construed to include the extensive obligations or substantial expenditures in relation to the project such as engineering or architectural designs, permitting, and/or clearing associated with the project within two (2) years of the date of purchase.

**d. *Subdivision of Parcels***

No purchaser shall subdivide a parcel without the written consent of Franklin County. The purchaser shall submit in writing to Franklin County the request for subdividing the land. Franklin County reserves the right to subdivide any and all lots not in the possession of tenants.

**e. *Inspection***

Franklin County may, with 24 hours' notice and during business hours Monday through Friday, enter and inspect any parcel and the improvements located thereon to ascertain compliance with these Covenants.

**f. *Materials***

The exterior construction of the front side of buildings within the Park shall be of stone, brick, architectural block, concrete (reinforced, precast, poured in place, or tilt-up), split-faced units, glass, Exterior Insulation Finish System (EIFS) (e.g., DRYVIT), or a combination of any of these materials or of any of these materials with metal unless otherwise approved by the County in writing. The exterior construction of sides other than the front may be of the above materials or of metal or faced (e.g., stuccoed) concrete masonry units. The front side of the building shall generally mean that side seen when entering the parcel. If the side seen when entering

the parcel is other than the side facing the main public road, Franklin County shall determine which side is considered the front for the purposes of the exterior construction building materials requirements. On each parcel colors, materials, finishes, and building forms for all buildings shall be coordinated in a consistent manner on all elevations, facades, and sides. External colors in tones that blend with the natural surroundings are encouraged.

**g. Accessory Structures**

The site plan shall control the development of parcels in the Park. No additional or accessory buildings or structures may be constructed which are not identified on the approved site plan without approval of Franklin County. Additional buildings and enclosures shall be of similar design and materials as the principal buildings.

**h. 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 located on grade at the rear of the building whenever possible. All such containers and equipment shall be screened so as to not be visible from any public roadway or right-of-way, adjoining parcel, or greenspace. Vegetative screening shall be sufficient when utilized to provide a continuous visual screen of the area year-round.

To the extent that such screening interferes with their normal operation, screening will not be required for antennas, satellite downlink and uplink facilities, or microwave installations, provided, however, that all service connections to such facilities and devices shall be underground unless a part of a structure. Placement of such facilities shall be indicated on the site plan and siting agreement.

All roof-mounted mechanical equipment, roof structures, and the like shall be shielded or screened as viewed from US Route 220 or any publicly maintained roadway. Materials used for shielding or screening shall be harmonious with materials used in roof or side walls. Any screening required pursuant to this section shall have an eight-foot (8') maximum height requirement.

Use of solar panels is encouraged and any such solar equipment shall not be considered equipment subject to screening.

**i. Roofs**

It is recommended that all roofing surfaces contained on a particular parcel be of a consistent design and material and shall be addressed in the siting agreement.

**j. Fencing**

The use of fencing on any parcel, other than for required screening of equipment or

outdoor storage areas, is not permitted without written approval of Franklin County.

**k. *Outdoor Storage***

All permanent outdoor storage areas shall be included in the site plan and should be designed, located, or screened such that they are not visible from any adjoining parcel or publicly maintained roadway. This may be accomplished by a landscape berm and/or continuous evergreen buffer. All screening plantings must be of a size and density at the time of planting sufficient to provide a continuous visual screen of the area. Vinyl-coated chain link fencing with 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 plantings and trees.

Accumulation of excessive unusable equipment, material for recycling, raw materials, damaged finished materials and products, and any other materials, substances, machinery, and parts shall not be permitted and shall be removed upon notice from Franklin County.

**l. *Maintenance***

Each owner, tenant, or occupant of any parcel shall maintain the buildings, grounds, and improvements in a safe, neat, clean, and maintained condition and shall comply in all respects with all governmental statutes, ordinances, and regulations.

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 burying or burning.

The County of Franklin shall have the right to remove any rubbish, trash, garbage, waste, unuseful equipment, material for recycling, raw materials or other items accumulated on the property after ten (10) days notice to the property owner and failure to remove it and that upon removal of such items, these items shall pass to the County with the right to disposal. The property owner or lessee shall be responsible for the cost of removal.

**6. REGULATION OF IMPROVEMENTS**

**a. *General***

No improvements shall be constructed, erected, placed, altered, maintained, or permitted on any parcel unless in conformity with the required site plan and these Covenants.

**b. *Setbacks***

Minimum setbacks shall be as required by the Franklin County Subdivision Ordinance or as approved in the site plan.

Franklin County reserves the right to dedicate and construct utility and drainage easements within the setback area.

**c. *Utilities***

All utility services, except those in existence at the time of recordation of these Covenants, including electric power, natural gas, telephone, fiber optic, sanitary sewer, or water lines shall be installed underground with the exception of overhead lines which may be located along interior lines after approval by Franklin County. Gas storage tanks and transformers required to be placed above ground shall be screened to the extent possible.

**d. *Grading***

Cut slopes and fill slopes shall have rounded edges or be installed as approved in the Erosion and Sediment Control Plan. Modifying the surface to emulate the natural landforms or existing terrain, for the purpose of blending the slope into its surroundings and minimizing the artificial look is encouraged, as is the use of tree plantings and other landscaping to further obscure the visual impact of the slope.

**7. PARKING STANDARDS**

**a. *General***

Each parcel shall contain all required parking for ultimate buildout 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 communicating this requirement with respect to their employees and visitors. On-street parking shall result in the vehicles being towed, and it shall be the responsibility of the vehicle owner to recover the car and pay all towing and storage costs.

**b. *Required Parking***

A parking plan shall be included in the site plan. The parking plan should present the operational realities of the business. For example, the number of employees the building will accommodate and the number of shifts anticipated.

**c. *Design Standards***

**i. *Location***

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

**ii. Paving**

All access drives and parking areas shall be paved with asphalt (hot plant mix), reinforced concrete, block pavers, or equivalent materials to provide a smooth, even, and dust-free surface unless otherwise approved by Franklin County in writing. All vehicle parking shall be confined to these areas.

**iii. Curb and Gutter**

All curbing or curb and gutter provided for storm water control between the front of a primary structure and an adjacent publicly maintained right-of-way shall be concrete and in accordance with Virginia Department of Transportation standards required by the approval agency.

**iv. Landscaping**

The site plan shall include proposed landscaping within parking lots. Landscaped parking islands are required, with plantings in such areas physically protected from vehicles by concrete curbing or equivalent material.

**v. 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 setback adjoining any boundary.

Loading areas shall be designed and located so that they are not a visual distraction when viewed from public roadways. The uses of earth berms, structures and/or landscape screening shall be employed to screen loading areas to the extent possible and shall be included in the site plan.

**8. SIGN STANDARDS**

**a. General**

A signage plan shall be a part of the site plan for the parcel. Signs shall relate only to organizations, goods, services, or activities on the parcel upon which the sign is located. No billboards or outdoor advertising shall be permitted.

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

**b. Permanent Signs**

Signage is a key element to the overall visual impact of any development. Individuality and creativity in sign design are encouraged while blending the design into the parcel's surrounding context. Signs shall be approved by Franklin County prior to their construction.

**i. Business Signs**

Business signs may contain only the name, business product or service of the occupant, and may include the occupant's logo. The maximum total square footage for all business signs, wall and monument, on a parcel is 300 square feet.

**ii. Wall-Mounted Signs**

A single sign is permitted on the front of the principal building or on a side wall if clearly visible from the street.

Wall-mounted signs shall not project more than 12 inches from the wall surface, shall be single-sided, shall be mounted so that the back of the sign is flush with the wall surface, and shall not project above the eave line.

No sign face may exceed 100 square feet in surface area unless approved by Franklin County Board of Supervisors.

**iii. Monument Signs**

One monument business sign per parcel shall be permitted, except that parcels adjoining more than one public roadway are permitted one additional monument sign.

Monument business signs shall not be less than 30 feet from any property line.

Monument business signs may be single sided or double sided, but no sign face may exceed 100 square feet in surface area.

**iv. Informational Signs**

Informational signs may be erected to direct traffic or pedestrian movements or to give warnings of restricted areas, hazards, or to advise of no parking. The number of informational signs should be limited to the smallest number possible to convey the necessary information. Informational signs should conform to Section 8.a above concerning uniformity of design within a given project or parcel.

**c. Temporary Signs**

**i. Sale or Lease Signs**

Signs advertising a parcel or building for sale or for lease are allowed.

Sale or lease signs shall be limited to one sign per parcel or building. Such signs may be single or double faced. Sale or lease signs may not exceed 20 square feet per sign face and may not exceed 10 feet in height.

ii. **Construction Signs**

Upon commencement of construction, one sign may be erected which may identify architects, engineers, contractors, financing sources, and other establishments providing services for development or construction. This sign may not exceed 32 square feet per sign face or 10 feet in height.

Construction signs may contain several structural elements identifying various establishments providing services, or may be composed of a single element. In either case, construction signs must present a neat and unified appearance. Construction signs may be single or double faced.

As soon as the occupancy permit is obtained, all construction signs shall be removed.

iii. **Maintenance**

Maintenance of all signs shall be required by all owners, tenants, and occupants. Signs shall be kept cleaned and maintained so as to preserve the state of quality that existed at the time of installation.

## 9. LANDSCAPING STANDARDS

a. **General**

The Summit View Business Park is intended to have a park-like setting with a strong emphasis on the landscaped environment. This emphasis will provide an overall visual continuity throughout the park and will serve as a backdrop for the development of each individual parcel. During the individual parcel development stage, the designer shall give careful consideration and analysis to respond to surrounding site components such as site context, open space, landmarks, views and vistas, streetscapes and the protection of existing vegetation.

The site plan shall provide the landscape design for the site and a plan for maintenance of landscaped areas.

All 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. Areas on an owner's parcel that are outside the Limits of Disturbance on the approved site plan

must have ground cover sufficient to prevent erosion but are otherwise exempt from the landscaping standards.

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 to be 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.

**b. *Plant Selection***

Use of plant species which are native to Franklin County is encouraged. Diversity of species within each site is also encouraged. Aggressive or nuisance non-native species shall not be introduced into the Park.

**c. *Maintenance***

All landscaping on each parcel and on the landscaped portion of any abutting street shall be properly maintained by the owner or tenant of the parcel. Maintenance shall include all necessary planting, cutting, watering, fertilizing, seeding, spraying, pruning, weeding, and required replacements.

**10. EXTERIOR LIGHTING**

**a. *General***

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 except for any wiring related to roof-mounted solar panels. In addition to lighting provisions set forth herein, all lighting shall comply with applicable building codes. A lighting plan shall be included as part of the site plan showing the foot-candles and light spillover on adjacent property.

**b. *Mounting Height***

The maximum permitted mounting height for any lighting fixture shall be 25 feet except as exempted by Franklin County. Fixtures designed to illuminate pedestrian walkways shall have a maximum height of 12 feet.

**c. *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 to achieve an average maintained horizontal illumination level at the ground surface of 1-2 foot-candles, with luminaries spaced to achieve a uniformity ratio (average-to-minimum) of 6:1 within the lighted area.

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.

d. ***Building and Sign Illumination***

Building and sign accent illumination shall be permitted utilizing wall-mounted or set-back 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 on-site 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.

11. **NOISE**

It is the intent of this covenant to promote an environment within Summit View Business Park free from noise that jeopardizes the health or welfare of, or that creates annoyance to, the owners, tenants, or occupants of the Park. Therefore, no person shall make, continue, or cause to be made, continued, or permitted, any noise disturbance within the Park not necessary and incidental to commercial and industrial uses permitted therein. Noise which is incidental and necessary to permitted commercial and industrial uses shall be minimized to the maximum extent practical. Particular emphasis shall be given to preventing noise generated by normal commercial and industrial operations from being clearly audible beyond the boundaries of the parcel on which operations are conducted. (65 decibels at 500 feet)

12. **ENVIRONMENTAL PROTECTION**

All owners, tenants, and occupants shall use and manage their parcel and conduct their operations in a manner which ensures continuous compliance with all applicable and governing local, state, and federal environmental laws, ordinances, regulations, rules, policies, and procedures.

13. **AMENITIES**

a. ***Greenspace***

Any area designated as greenspace within a purchased or leased parcel shall be maintained by the owner/lessee of parcel and a maintenance plan shall be included in

the siting agreement. Any area designated as greenspace dedicated for common use as stormwater detention, or other use, shall be owned by the county. However, the Park tenants shall pay to Franklin County a pro rata share of maintenance expenses, based on acreage owned. It is intended that these areas be provided for the use and benefit of Park owners, occupants, tenants, and the general public. Uses to be permitted in the greenspaces shall be determined and regulated by the Franklin County Board of Supervisors.

**b. *Preservation, Recreation, and Event/Public Area(s)***

Preservation, recreation, and Event/Public area(s) as designated on the recorded subdivision plat of the Park shall be owned and maintained by the County as historic preservation, interpretation, recreational, and/or public use areas.

The purpose of the area(s) is to preserve, protect, and provide public access to structures and items associated with the site of the Park which are of archeological, historical, recreational, or public use value. Such area(s) shall be regulated by the Franklin County Board of Supervisors.

**14. AMENDMENTS**

These Covenants may be amended only by the written consent of the Franklin County Board of Supervisors and the majority of votes from the landowners within Summit View Business Park. Votes will be allocated to landowners for voting purposes as one vote per acre of property owned, rounded up in instances of fractional acreage, and exclusive of road or street rights of way.

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

**15. ENFORCEMENT**

Franklin County or its designee reserves the right or duty to enforce these Covenants. The owners of parcels in the Park shall also have the right to enforce these Covenants in the same manner as Franklin County or its designee.

**16. SEPARABILITY**

Invalidation of any one of these restrictions by judgment, court order, or legislation shall in no way affect any of the other provisions, which shall remain in full force and effect.

**17. DESIGN GUIDELINES**

Additional information on development design guidelines are hereby enacted and attached hereto. These guidelines offer additional direction for the proper development of the Summit View Business Park and act as a guide to such development; provided, however, that an owner shall only be subject to the design guidelines in effect upon the date of the transfer of its parcel from the County. An owner may elect, at its option, to utilize the most recent version of the design guidelines for any improvements or further construction.

The Summit View Business Park Protective Covenants were approved on the 17<sup>th</sup> day of December, 2019 by the Franklin County Board of Supervisors.

---

Cline Brubaker, Chair