

VISTA CORPORATE PARK
DECLARATION OF PROTECTIVE COVENANTS

STATEMENT OF PURPOSE

The goal in the development of the Vista Corporate Park is the creation of a harmonious development which will preserve and enhance long term property values and which will provide a pleasant and productive working environment. To achieve this goal, the Vista Corporate Park shall be improved with attractive, well-spaced buildings that are properly constructed, durable, and easily maintained. These Protective Covenants are established and promulgated in the interest of promoting this goal in a manner that encourages planning design consistent with this goal.

The property is hereby made subject to the Protective Covenants contained herein, all of which shall be deemed to run with the property 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 so as to:

1. Protect the owners and tenants of parcels against such improper development and use of surrounding parcels as will depreciate the value and use of their parcels.
2. Prevent the erection on the property of structures constructed of improper or unsuitable materials or with improper quality and methods of construction.
3. Ensure adequate and reasonably consistent development of the property.

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. Generally promote the welfare and safety of occupants, tenants, and owners of parcels.

SECTION 1. PERMITTED AND PROHIBITED USES

1.0 PERMITTED USES

The following uses are permitted and planned to be established on parcels:

1. Industrial, manufacturing, and processing as allowed by the specific underlying M-2 zoning districts of Botetourt County.
2. Light industrial, wholesaling, warehousing, distribution, etc., as allowed by the specific underlying M-2 zoning districts of Botetourt County.
3. Offices, research, engineering when associated with 1 and 2 above.

1.1 PROHIBITED USES

1. Residential uses of any kind.
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. Sawmills and planing mills not specifically enclosed and incidental to furniture manufacture.
4. Contractor equipment storage yards.
5. Coal and wood yards.
6. Truck stops, terminals, and complexes.
7. State highway maintenance facilities.

SECTION 2. DEVELOPMENT STANDARDS

2.0 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 buildings and developments so that no building shall detract from the appearance of the overall development. A plan shall be prepared and submitted for approval to the Botetourt County Administrator addressing the standards enumerated in Sections 2 through 7 herein prior to initiation of construction.

2.1 MATERIALS

The exterior construction of buildings shall be of stone, brick, concrete (reinforced, precast, poured in place, or tilt up), equivalent masonry construction, glass, E.I.F.S. (e.g., DRIVIT), or a combination of these materials; however, metal, concrete block, or cinder block buildings may be constructed if the front (that side of the building seen when entering the site) is faced with any of the materials listed above.

2.2 ALL ELEVATIONS TO BE CONSISTENT

Colors, materials, finishes, and building forms shall be coordinated in a consistent manner on all elevations.

2.3 EQUIPMENT

All mechanical equipment, roof structures, and appurtenances shall be shielded or screened as viewed from U. S. Route 11 or Vista Park Drive. Materials used for shielding or screening shall be harmonious with materials used in roof or side walls.

2.4 ROOFS

Slopes or gable type roofs shall be screened where practical from an economic, architectural, construction, etc., perspective.

2.5 ACCESSORY STRUCTURES

Accessory buildings and enclosures shall be of similar design and materials as the principal buildings.

2.6 FENCING

Fencing for security reasons will be permitted and shall be of design and material consistent with the high quality of the park. Fencing shall not exceed fifteen feet in height, nor shall it utilize barbed or similar type wire to prevent entry. Gates for entry, if used, shall be in a form and style consistent with the fencing design.

2.7 OUTDOOR STORAGE

All permanent outdoor storage areas shall be designed, located, or screened such that they are not visible from the office areas of other buildings in existence in the park at the time of construction, and from the main roadways within the park. This may be accomplished by location of storage areas, screening walls, or landscape screening.

2.8 MAINTENANCE

Each owner, tenant, or occupant of any parcel shall keep his buildings and improvements in a safe, clean, maintained, neat 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 his own expense any rubbish or trash which may accumulate on his 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 and sanitary condition. Rubbish and trash shall not be disposed of on the premises by burning by open fires.

SECTION 3. REGULATION OF IMPROVEMENTS

3.1 IMPROVEMENTS GENERALLY

No improvements shall be constructed, erected, placed, altered, maintained, or permitted on any parcel unless in conformity with the following:

3.2 SETBACKS

No building or structure shall at any time be erected on any parcel, within:

1. 50 feet from the boundary line of any street right-of-way.
2. 50 feet from any parcel boundary which is an exterior boundary of Vista Corporate Park.
3. 30 feet from any parcel boundary which is not an exterior boundary of Vista Corporate Park.

3.3 BUILDING COVERAGE

No more than 50 percent of the area of any parcel may be covered with buildings or other structures.

3.4 UTILITIES

All utility services including electric power, telephone, fiber optic, or steam/water lines shall be installed underground. Gas storage tanks required to be placed above ground shall be screened to the extent possible.

SECTION 4. PARKING STANDARDS

4.0 GENERAL

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.

4.1 REQUIRED PARKING

Vehicle parking requirements as delineated within the Botetourt County Zoning Ordinance shall apply.

4.2 DESIGN STANDARDS

1. Location - Parking areas may be constructed on any part of a parcel except the required landscape buffer areas.
2. Paving - All access drives and parking areas shall be paved with bituminous surfacing, asphaltic concrete, reinforced concrete, or equivalent materials to provide a dust-free and impervious surface. All vehicle movement and parking shall be confined to these areas. Further, no parking on road shoulders shall be permitted.

3. Curb and Gutter - All parking areas and access drives between the front property line and the front of the building shall be provided with curb and gutter, where necessary for storm water control.
4. Grades - All parking areas shall be surfaced in accordance with Section 4.2.2 and graded with a minimum slope of 1% to ensure proper drainage.

4.3 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 setback adjoining any street boundary.

SECTION 5. SIGN STANDARDS

5.0 GENERAL

1. Signs shall relate only to organizations, goods, services, or activities on the parcel upon which the sign is located. No billboards or outdoor advertising related to off-site goods, services, activities, or establishments shall be permitted.
2. No moving signs or flashing lights on signs shall be permitted.
3. All signage for a given building or project shall be uniform in appearance and design. Signage should be uniform in materials, color scheme, lettering style, proportions, lighting, and other characteristics.
4. Additional sign standards as contained in the Botetourt County Zoning Ordinance shall also apply.

5.1 PERMANENT SIGNS

1. 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 wall mounted and/or free standing business signs is 150 square feet.
 - a. Wall Mounted - A single sign is permitted on the front of the principal building or on a side wall if clearly visible from the street.
 - b. Wall mounted signs shall not project more than 18 inches from the wall surface and shall not project above the eave line.
2. Free Standing
 - a. One free standing business sign per parcel shall be permitted.
 - b. Free standing business signs shall not be less than 20 feet from any property line.
 - c. Free standing business signs may be single sided or double sided, but no sign face may exceed 200 square feet in surface area.
3. Informational Signs
 - a. Informational signs may be erected to direct traffic or pedestrian movements or to give warnings of restricted areas or hazards and the like.
 - b. The number of informational signs should be limited to the smallest number possible to convey the intended information.

- c. Informational signs should conform to Section 5.0.3 above concerning uniformity of design within a given project or parcel.

5.2 TEMPORARY SIGNS

1. Sale or Lease Signs
 - a. Signs advertising a parcel or building for sale or for lease are allowed.
 - b. Sale or lease signs shall be limited to one sign per parcel or building, but such signs may be single or double faced.
 - c. Sale or lease signs may not exceed 20 square feet per sign face and may not exceed 10 feet in height.
2. Construction Signs
 - a. 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 20 square feet per sign face and may not exceed 10 feet in height.
 - b. 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 faced or double faced.
 - c. As soon as the building is occupied, all construction signs shall be removed.

SECTION 6. LANDSCAPING STANDARDS6.0 GENERAL

All open areas on each parcel not occupied by buildings, structures, outdoor storage areas, paved areas, parking area, loading areas, driveways, or walkways shall be suitably graded and drained and shall be landscaped with lawns, trees, shrubs, or suitable ground cover.

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, then such landscaping shall be completed as soon thereafter as weather conditions permit.

6.1 LANDSCAPE BUFFER AREAS

Upon each parcel, there shall be provided a landscape buffer area not less than 30 feet wide along all parcel boundaries. In addition, it shall be the parcel owner's or tenant's responsibility to landscape and maintain the area between the property boundary and the curb or paved area of streets adjacent to parcels.

The landscape buffer areas shall be reserved for the planting of lawns, trees, shrubs, or ground cover and no structures or equipment of any nature except underground utility equipment, signs, lighting, fencing, access roads, and rail lines shall be permitted. In addition, formal vegetation screening and buffering will be installed where required by the Botetourt County Zoning Ordinance.

6.2 MINIMUM TREE PLANTING

Minimum tree plantings shall be established by agreement of the landowners within the Park pursuant to the procedure set forth in Section 8 hereof.

6.3 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, aerating, seeding, spraying, pruning, weeding, and required replacements.

SECTION 7. EXTERIOR LIGHTING

7.0 GENERAL

All lighting systems shall be designed to not provide significant illumination beyond the parcel on which it is placed. All electric wiring shall be installed underground. Lighting type shall be consistent with the lighting existent in the Park.

7.1 MOUNTING HEIGHT

The maximum permitted mounting height for any lighting fixture shall be 40 feet. Fixtures designed to illuminate pedestrian walkways shall have a maximum height of 20 feet.

7.2 BUILDING AND SIGN FLOODLIGHTING

Building and sign floodlighting shall be permitted utilizing wall mounted or set-back methods.

Building and sign floodlighting shall be so installed and aimed so that glare will not be present which may hinder vehicular or pedestrian traffic, nor may glare be permitted which shall present a hindrance to operations at the particular industry site itself and/or any adjacent sites.

SECTION 8. AMENDMENTS8.1 DURING INITIAL DEVELOPMENT

During the initial development of the Park, including construction on Lot Number 2, these covenants may be amended only with the written consent of the owner of Lot Number 2.

8.2 OTHER AMENDMENTS

Following completion of initial development and construction on Lot Number 2, these covenants may be amended only by unanimous consent of all landowners within the Park.

8.3 EFFECTIVE DATE OF AMENDMENTS

Amendments to these Covenants shall be recorded in the Botetourt 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 to the amendment.

The foregoing Vista Corporate Park Declaration of Protective Covenants was adopted by unanimous vote of the Board of Supervisors of Botetourt County, Virginia, at its regular meeting on August 15, 1995.

By *Gerald A. Burgess*
 Gerald A. Burgess
 County Administrator
 Botetourt County, Virginia

STATE OF VIRGINIA

COUNTY OF BOTETOURT

The foregoing instrument was acknowledged before me this 15th day of August, 1995, by Gerald A. Burgess, County Administrator, of Botetourt County, Virginia.

Susan H. Farris
 Notary Public

My Commission Expires: *August 31, 1996*

VIRGINIA: In the Office of the Clerk of the Circuit Court of Botetourt County AUGUST 16 1995. This deed was this day presented in said office and with certificate thereto annexed admitted to record 8:37 o'clock A. M. after payment of tax imposed by Sec. 58-54.1.

ST _____ CT _____ TF _____ CF 22.00 120 _____ 220 _____

Teste: Tommy L. Moore, Clerk

BY: *Linda Lewitt* D.C.