



Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

Zoning & Subdivision Committee Thursday, March 12, 2015, 12:00 pm

Start Time: _____

- Minutes from last meeting of February 12, 2015
1st: _____ 2nd: _____
- 1. Review of Britonwood Preliminary Plat (Union County) – Staff Report by Brad Bodenmiller
- 2. Review of Dublin Green Zoning Parcel Amendment (Union County) – Staff Report by Brad Bodenmiller
- 3. Review of Northern Lakes PUD Amendment (Union County) – Staff Report by Brad Bodenmiller
- 4. Review of Jerome Township Zoning Code Re-write (Union County) – Staff Report by Brad Bodenmiller
- Adjourn End Time: _____
1st: _____ 2nd: _____

Members:

Scott Coleman – Logan County Engineer
Greg DeLong – City of Marysville Planning
Charles Hall – Union County Commissioner
Jeff Stauch – Union County Engineer
Paul Hammersmith – Dublin Engineer
Steve McCall – Champaign County Engineer
Pam Babjack – City of Urbana Zoning
Robert A. Yoder – North Lewisburg Administrator
Weston R. Dodds – City of Bellefontaine Zoning
Dave Gulden – LUC
Heather Martin – LUC
Skyler Wood – LUC
Brad Bodenmiller - LUC

Guests:

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Logan-Union-Champaign regional planning commission

Staff Report – Britonwood

Applicant:	<p>ELTI, LLC. c/o Stephen Lenker 6350 Memorial Drive Dublin, OH 43017 stephenlenker@gmail.com</p> <p>EDB International, Inc. c/o Pat Altvater 6375 Shier-Rings Road, Suite F Dublin, OH 43016 paltvater@soiltestltd.com</p>
Request:	Approval of the Britonwood Preliminary Plat.
Location:	Located southwest of the intersection of Wells Road and Jerome Road in Jerome Township, Union County.

Staff Analysis:	<p>This Preliminary Plat is for the Britonwood Development. Britonwood will have a total of 5.011 acres and 8 lots for single family residential development. In addition, Britonwood will have .954 acres in open space. The proposed method of supplying water service is through the City of Marysville Public Water System and the proposed method of sanitary waste disposal is the Jerome Village Community Authority, which flows to the City of Marysville Wastewater Treatment plant.</p> <p>• Union County Engineer's Office</p> <ul style="list-style-type: none">○ In a letter dated March 5, 2015, the Union County Engineer's Office recommended approval with modifications (attached), all of which must be addressed in the Final Construction Drawings. Some of those modifications are summarized as follows:<ul style="list-style-type: none">✓ Any permits from the OEP/Army Corps of Engineers will be required prior to approval of the Final Construction Plan.✓ The stormwater management will be reviewed in more detail during the final design process.✓ A Ditch Petition will need to be prepared and executed between the developer and Union County prior to approval of Final Plat.
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	<ul style="list-style-type: none">✓ Provide detailed construction drawings to private utility providers.✓ A variance has been requested and approved by the Union County Commissioners to reduce the right-of-way along Craigens Court from 60' to 50', identical to the variance approved for the Jerome Village Development.✓ Developer to dedicate an additional 10' of right-of-way on Jerome Road, along the frontage of the development.✓ The scale shown on the all plan sheets is incorrect.✓ Due to geometrical concerns with the original roadway design, the centerline radius of Craigens Court has been increased to the minimum requirement of 150', per Union County Technical Design Standards. This has created an abnormal lot layout/configuration that may result in the driveways for lots 2-4 to be closer than a typical subdivision. Driveway spacing within subdivisions is required to be a minimum of 25' from center to center. Based on the available frontage for these lots, this spacing can be achieved quite easily. <p>• Union County Soil & Water Conservation District</p> <ul style="list-style-type: none">○ No comments as of March 5, 2015. <p>• Union County Health Department</p> <ul style="list-style-type: none">○ Per a letter dated March 4, 2015, the Union County Health Department submitted the following:<ul style="list-style-type: none">✓ A sanitary sewer line and easements for sewer and water need to be extended to both 7353 Wells Road and 7387 Wells Road for future access. Required isolation distances between sewer and water lines shall apply.✓ "If at any time during the development of the subdivision a private water system (PWS) or sewage treatment system (STS) is found, the Union County Health Department shall be notified for an inspection."✓ "Property permitting must be obtained for sealing and or abandonment of a PWS or STS. 10917 and 10927 Jerome Road will need the permits mentioned above prior to demolition."
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• **City of Marysville**

- The City of Marysville recommended approval of the Preliminary Plat with required modifications (attached) noted in a letter dated March 4, 2015. All of those modifications must be addressed in the Final Construction Drawings. Some of those modifications are summarized as follows:
 - ✓ Sheet 1: Benchmarks should be established by a State of Ohio Registered Professional Surveyor for Basis of Bearings. Please use a benchmark provided by a Professional Surveyor in lieu of Contractor/Developer (Savko).
 - ✓ Sheet 2: Acreage for the proposed development differs. Please confirm total acres and update on sheets.
 - ✓ Sheet 2: Overall lineweights and text heights need modified to make sheet more legible.
 - ✓ Sheet 3: Provide additional detail of water line connection to existing water main along Jerome Road.
 - ✓ Fire protection requirements shall be coordinated and approved by the Jerome Township Fire Department. This includes requirements for fire hydrant spacing, location, type, etc.
 - ✓ Please replace all 2" water lines with 8" ductile water lines.

• **Jerome Township**

- Per a letter dated March 2, 2015, the Jerome Township Zoning Officer submitted the following comments:
 - ✓ The Township wrote that changes from the original layout submitted with the zoning were discussed with the applicant and Union County Engineer's Office. The original setbacks must be retained so that the lot widths can be defined as meeting the minimum required by zoning at the setback lines. Jerome Township requires that dimensions be added to the Final Plat that indicate the depth of the setback line on each lot to accomplish this. Jerome Township cautioned that placement of driveways may be difficult due to the narrow lot lines at the right-of-way.



Logan-Union-Champaign regional planning commission

Staff Report – Britonwood

	<ul style="list-style-type: none">✓ Jerome Township noted the stormwater detention basin is listed as dry. The Township did not see this as an issue, but requires that the applicant clarify the intent for design, seeding, and maintenance in the Final Development Plan.✓ “Aside from those two items it appears as if the Preliminary Plat as submitted is consistent with the zoning as approved and the township has no additional concerns at this time.” <ul style="list-style-type: none">• ODOT District 6<ul style="list-style-type: none">○ No comments as of March 5, 2015.• Union Rural Electric/URE<ul style="list-style-type: none">○ No comments as of March 5, 2015.• LUC Regional Planning Commission<ul style="list-style-type: none">○ A letter from Jerome Township confirming that the subdivision conforms to Township zoning shall be submitted prior to Final Plat Approval.○ Note the variance as approved by the Union County Commissioners on the Final Plat.○ All bonds and/or letters of credit shall be submitted and approved prior to submittal of the Final Plat.
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Staff Recommendations:	LUC Staff recommends APPROVAL of the Britonwood Preliminary Plat with the condition that all comments from LUC and reviewing agencies shall be incorporated into Construction Drawings and the Final Plat. The developer shall ensure that prior to Final Plat submittal, all requirements and items outlined in the Union County Subdivision Regulations are incorporated in the Final Plat <i>prior</i> to submittal.
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Z&S Committee Recommendations:	
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Logan-Union-Champaign regional planning commission

Director: Dave Gulden, AICP

Application for Preliminary Plat Approval

Date: February 19, 2015

Name of Subdivision: Britonwood

Location: 10917 and 10927 Jerome Road, Plain City, Ohio, 43064

Township: Jerome Military Survey: VMS 2991

Complete Parcel(s) Identification Number (PIN): 1700120540000 & 1700120510010

Have ALL Sketch Plan review letters been obtained? Yes (Engineer, SWCD, Board of Health)

Name of Applicant: ELTI, LLC c/o Stephen Lenker, Mgr

Address: 6350 Memorial Drive

City: Dublin State: Ohio Zip: 43017

Phone: 614-554-5222 Fax: _____ Email: stephenlenker@gmail.com

Name of Owner of property to be subdivided: Frank Pharazyn, et. al.

Address: 10917 Jerome Road

City: Plain City State: Ohio Zip: 43064

Phone: _____ Fax: _____ Email: fwp@columbus.rr.com

Name of Applicant's Surveyor or Engineer: EDB International, Inc.

Address: 6375 Shier-Rings Road, Ste F

City: Dublin State: Ohio Zip: 43016

Phone: 614-761-4700 Fax: 614-761-8630 Email: paltvater@soiltestltd.com

Proposed Acreage to be Subdivided: 5.011 acres

Current Zoning Classification: PUD

Proposed Zoning Changes: None

Proposed Land Use: Single family residential

Development Characteristics

Number of proposed lots: 8

Typical lot width (feet): Min 80' at building line

Number of proposed units: 8

Typical lot area (sq. ft.): Ave. 15,946

Single Family Units: 8

Multi-Family Units: 0

Acreage to be devoted to recreation, parks or open space: 0.954 Acres (supplemented to achieve zoning requirement)

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Director: Dave Gulden, AICP

Recreation facilities to be provided: _____ Subdivision added to Jerome Village HOA _____

Do you propose deed restrictions? (If yes, attach a copy): Yes ☒ No ☐

1. Proposed method of Supplying Water Service: _____ Public - City of Marysville _____
2. Proposed method of Sanitary Waste Disposal: _____ Public - Jerome Village Community Auth/Union Cty. _____
(If on-site disposal systems are proposed, please attach letter certifying the County Board of Health approval)
3. Requests for Variances from Subdivision Regs: _____ None _____
(If yes, please explain variances and reason for variances)

List all proposed improvements and utilities and state your intention to install or provide a guarantee prior to final plat approval:

	Improvement	Installation	Guarantee
a.	Sanitary Sewer	Yes	TBD
b.	Water	Yes	TBD
c.	Storm Sewer	Yes	TBD
d.	Street	Yes	TBD
e.	Electric/Gas/Telephone	Yes	N/A

For Official Use

Date filed: _____ Filing Fee: _____

Date of Meeting of Planning Commission: _____

Action by Planning Commission: _____

If rejected, reason(s) for: _____

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Director: Dave Gulden, AICP

Preliminary Plat Review Checklist

#	Required Item Description	Have	Need
1	Drawn at a scale not less than 1:100 and shall be on one or more sheets 24" X 36"	Sheet 3	
2	Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the county.	Sheet 1	
3	Location by section, range, and township or Virginia Military Survey (VMS).	Sheet 1	
4	Names, addresses and telephone numbers of the owner, subdivider, and professional surveyor or professional engineer who prepared the plat; and the name, address and telephone number of the professional surveyor who performed the boundary survey.	Sheet 1	
5	Date of survey.	Sheet 1	
6	Scale of the plat, north point, and date.	All Sheets	
7	Boundaries of the subdivision and its acreage.	Sheet 2	
8	Names of adjacent subdivisions, owners of record of adjoining parcels of unsubdivided land, and the location of their boundary lines.	Sheet 2	
9	Locations, widths, and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings, and corporation and township lines; location of wooded areas and other significant natural features; soil types and soil type limits; limits of Flood Hazard zones.	Sheets 1, 2, 3	
10	Zoning classification of the tract and adjoining properties.	Sheet 2	
11	Existing contours (USGS datum) at an interval of not greater than two feet if the slope of the ground is fifteen percent or less; and not greater than five feet where the slope is more than fifteen percent.	Sheet 2	
12	Existing sewers, water and gas mains, culverts and other underground structures, and electric and telephone poles and lines and other above ground structures within and adjacent to the tract.	Sheet 4	
13	Layout, names and widths of proposed streets and easements.	Sheet 3	
14	Building setback lines with dimensions.	Sheet 3	
15	Layout and dimensions of all proposed water and sewer lines, showing their connections with the existing systems, and all proposed easements for utility, water and sewer lines.	Sheet 4	
16	Layout, numbers and approximate dimensions of each lot. When lots are located on a curve or when side lot lines are not at ninety degree angles, the width at the building line shall be shown, if it is less than the frontage width. Location of access from lots to the proposed streets shall be shown.	Sheet 3	
17	Parcels of land to be reserved for public use or to be reserved by covenant for residents of the subdivision.	Sheet 3	

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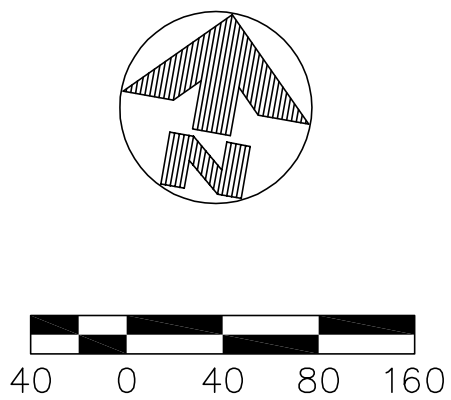
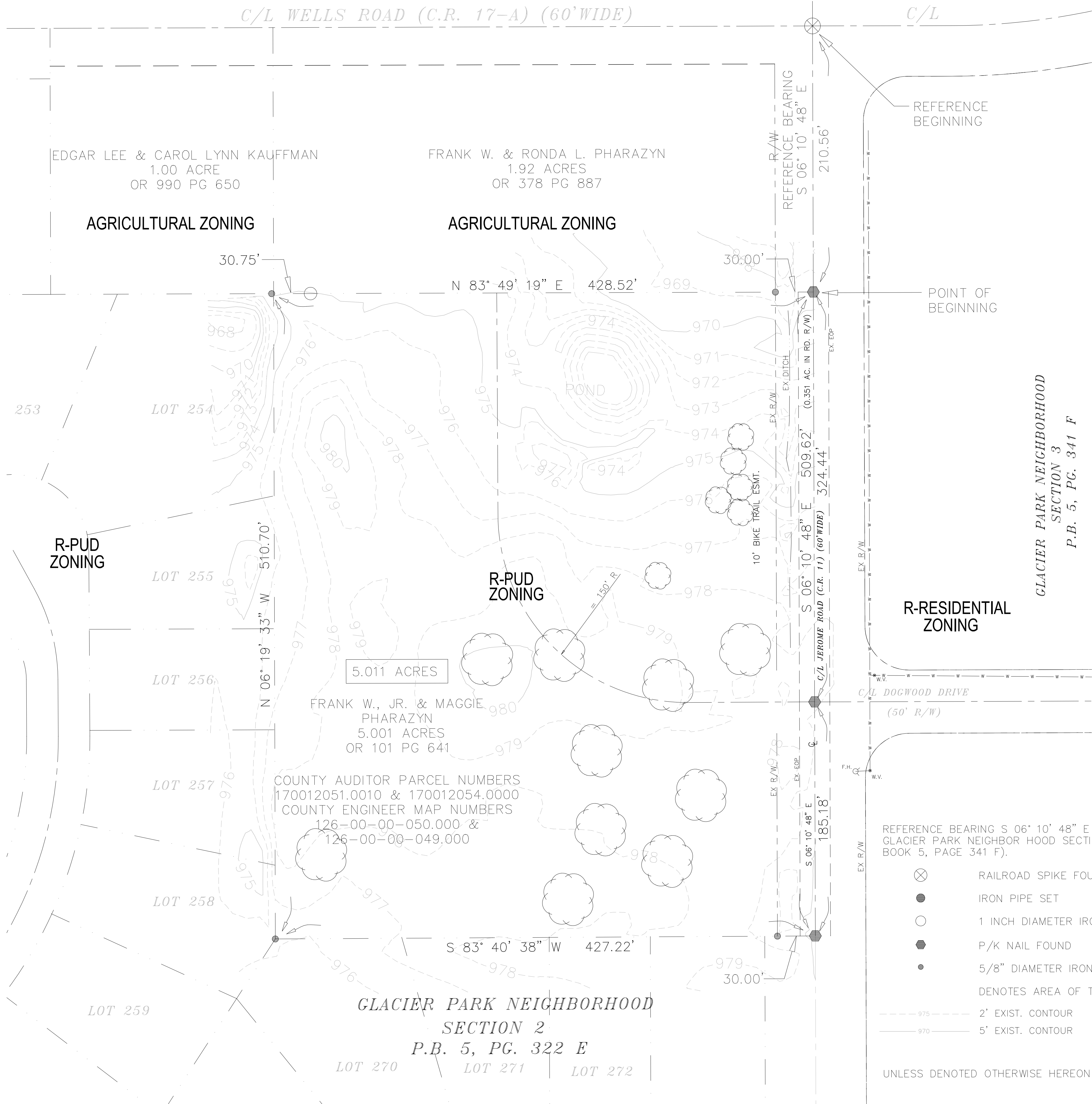
18	The limits of all Flood Hazard Areas (zone A, AE, B, and X) as determined by the Federal Emergency Management Agency (show the FEMA map number and date). The Base Flood Elevation shall be determined and shown. Minimum first floor elevations shall be shown for all lots located within Flood Hazard Areas.	N/A Not in Flood Zone	
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Supplementary Information			
19	Statement of proposed use of lots, giving the type and number of dwelling units; and type of business or industry if use is not residential.	Sheet 3	
20	Description of proposed covenants and restrictions.	On CD	
21	Description of proposed zoning changes.	Sheet 3	
22	Typical sections and tentative profiles of streets and other related improvements as required in Article 5. Calculations as required to justify horizontal and vertical curves, pipe sizes, etc. The County Engineer shall have approved the layout and design of the lots, streets and other improvements prior to the Preliminary Plat approval.	Sheet 4	
23	A preliminary drainage plan which shall identify adequate drainage outlets and shall contain adequate measures for control of erosion and siltation and for surface water management in accordance with Article 5 and the Technical Design Standards. The County Soil and Water Conservation District shall have approved the preliminary drainage plan prior to Preliminary Plat approval.	Sheet 4	
24	If the subdivider proposes individual household sewage systems, the County Board of Health or the OEPA shall have approved the use of individual household sewage systems prior to the Preliminary Plat approval.	N/A Central Sewage	
25	If the subdivider proposes individual household wells, the subdivider shall supply evidence acceptable to the County Board of Health of the availability of satisfactory water. The County Board of Health or the OEPA shall have approved the use of individual household wells prior to the Preliminary Plat approval.	Using Marysville Water	
26	Letters from utility companies, as required, indicates approval of easement locations and widths prior to the Preliminary Plat approval.	Have Sketch Response Letters	
27	A vicinity map at scale of generally not more than six thousand feet to an inch shall be shown on, or shall accompany, the Preliminary Plat. This map shall show all existing subdivisions, roads, and tract lines, together with the names of the owners of land immediately adjoining the proposed subdivision and between it and the nearest existing thoroughfares. It shall also show the most advantageous connections between the roads in the proposed subdivision and those of the neighboring areas.	Sheet 1	
28	Preliminary Plat Fees: Payment/Check made out to LUC Regional Planning Commission, based on the current fee schedule.	\$805 cashier's check delivered to Union County Treasurer on 02/13/15.	

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No.	Date	Revision	Approved	Date
2	2-19-15	PRELIMINARY PLAN SUBMITAL		
1	1-22-15	PRELIMINARY PLAN SUBMITAL		

PREPARED FOR
ELTI, LLC
6179 MEMORIAL DRIVE
DUBLIN, OHIO 43017
(937) 431-4664

PRELIMINARY PLAN
BRITONWOOD
VIRGINIA MILITARY SURVEY NO. 2991



EDB INTERNATIONAL, INC.
6375 SHER-FINGS ROAD, SUITE F
DUBLIN, OHIO 43016
(614) 761-4700 office
(614) 761-8630 fax


DESIGNED BY:	PMA	CHECKED BY:	PMA
DRAWN BY:	MEP	DATE:	1-22-15

EXISTING SITE PLAN

HORIZ. SCALE:
VERT. SCALE:

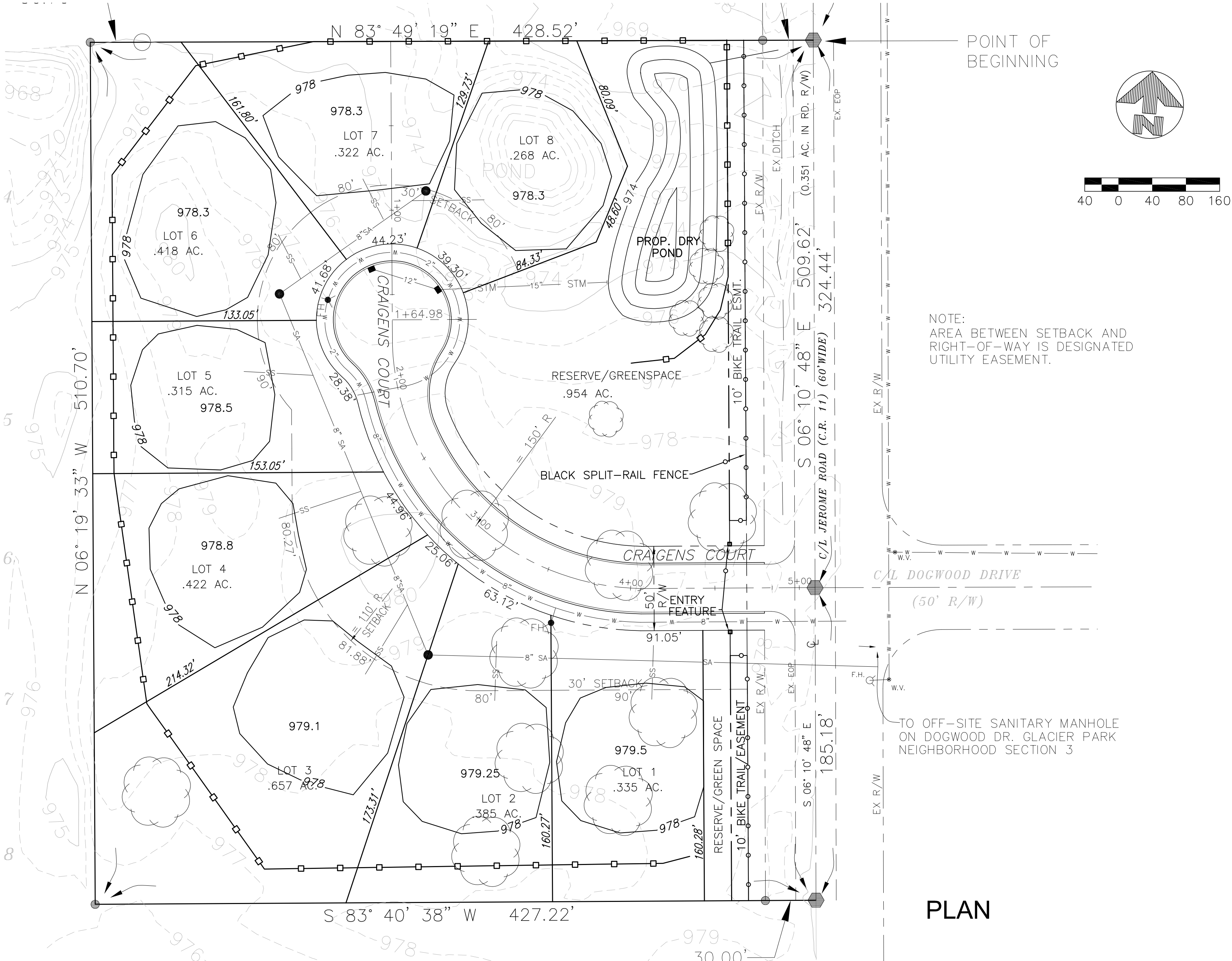
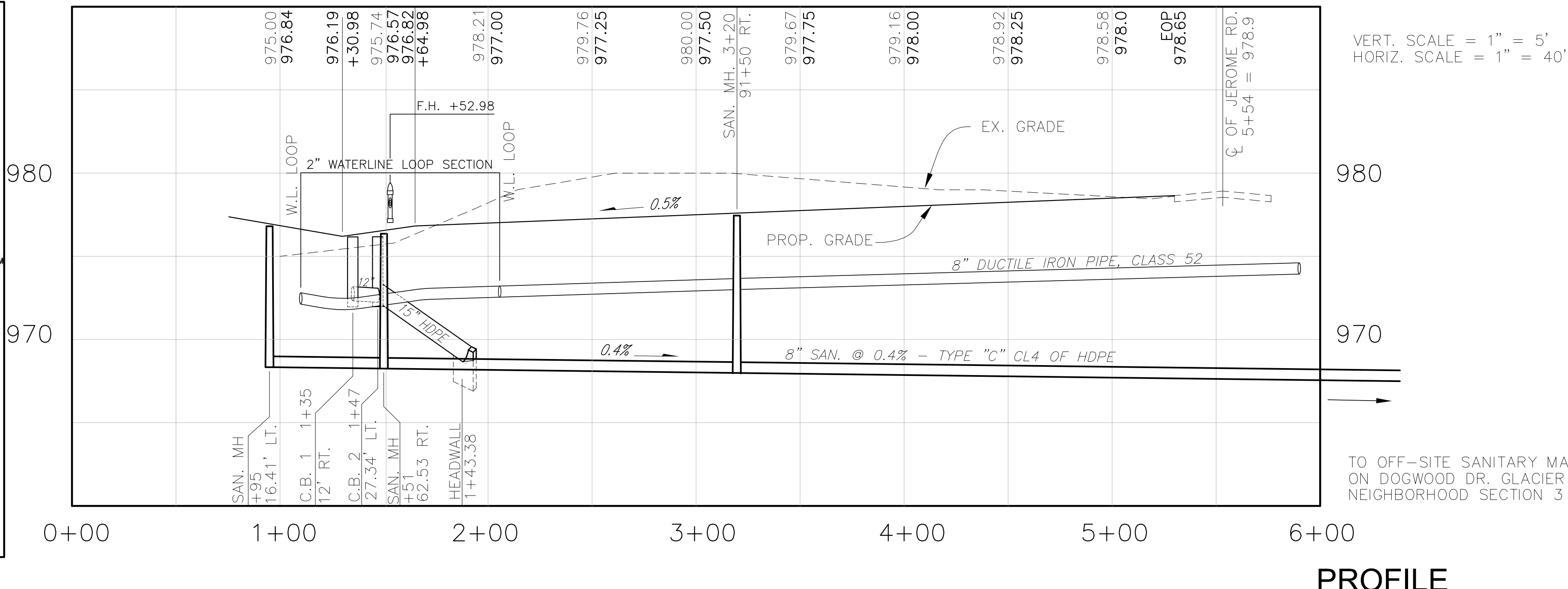
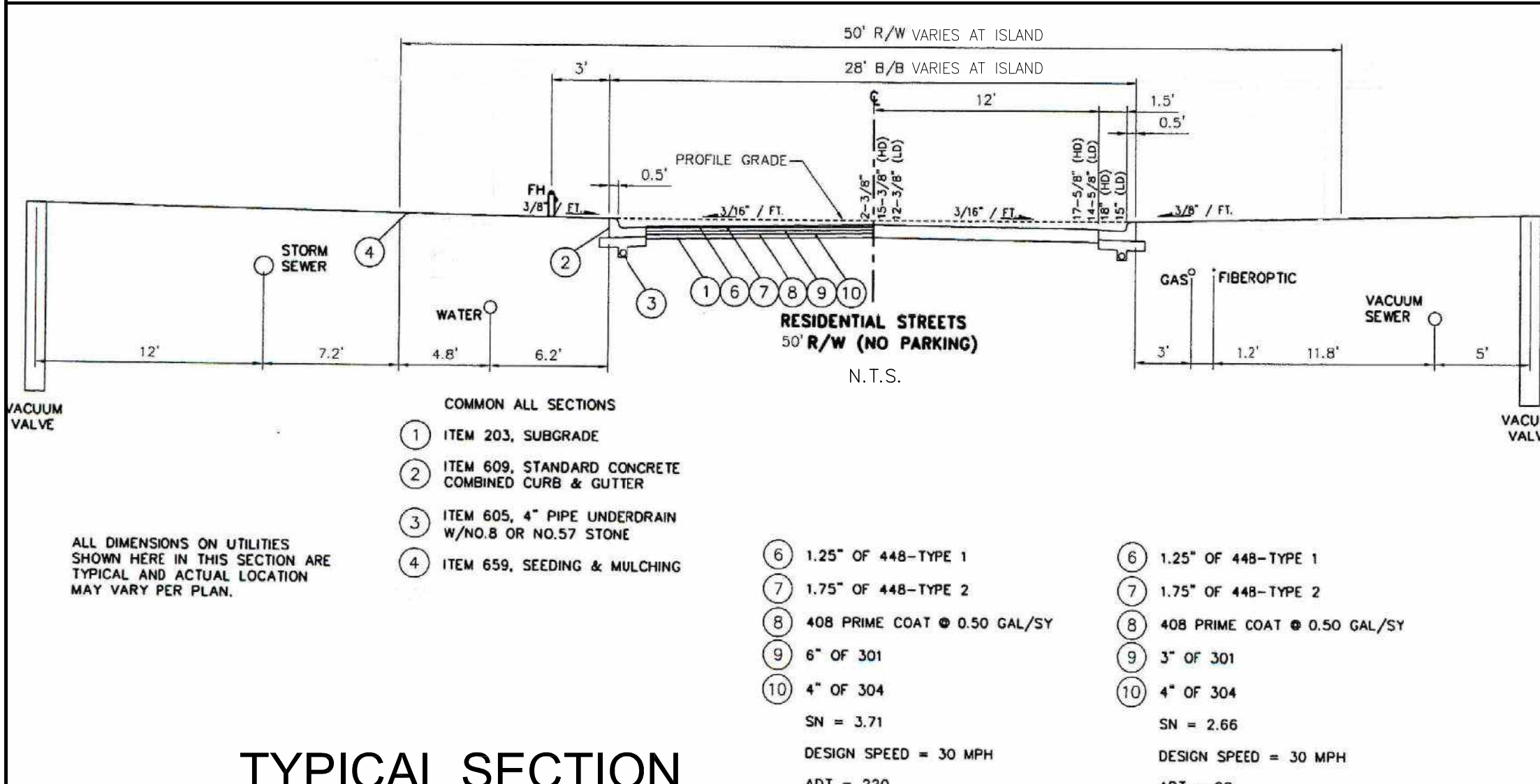
SHEET #
2 of 4

CONVENTIONAL SYMBOLS

EX. WATER VALVE	
WATER VALVE	
EX. FIRE HYDRANT	
FIRE HYDRANT	
MANHOLE	
CATCH BASIN	
CURB INLET	
UTILITY POLE	
TREE LINE	
EX. FENCE	
PROP. FENCE	
UNDERGROUND TELEPHONE	
CABLE TV	
GAS TRANSMISSION LINE	
WATER MAIN	
SANITARY SEWER	
STORM SEWER	
ELECTRICAL CONDUIT	
OVERHEAD ELECTRIC	
2' EXIST. CONTOUR	
5' EXIST. CONTOUR	
PROP. CONTOUR	
IRON PIN SET	
GRADING LIMITS/EROSION CONTROL	

NOTES:

1. THERE WILL NEED TO BE A PLATTED UTILITY EASEMENT SHOWN ON THE PLANS FOR ELECTRIC, PHONE, & CATV TO BE INSTALLED IN, SEPARATE FROM STORM WATER AND SANITARY EASEMENTS.
2. THE DEVELOPER WILL BE RESPONSIBLE FOR PROVIDING AND INSTALLING ROADWAY CROSSING CONDUITS AS NEEDED IN THE SUBDIVISION, WHERE REQUIRED BY UTILITY COMPANIES.
3. A STORMWATER MANAGEMENT REPORT WILL BE PERFORMED DURING THE FINAL CONSTRUCTION DRAWINGS REVIEW PHASE. THE REPORT WILL CONFORM AN ADEQUATE OUTLET EXISTS FOR DISCHARGE OF THE STORMWATER GENERATED FROM THIS SITE.
4. NO OPEN CUT WILL BE PERMITTED UNDER EXISTING COUNTY ROADWAYS FOR CONNECTION TO UTILITIES.
5. CONNECTION TO THE SANITARY SEWER SYSTEM TO BE AT STRUCTURE 26 ON EAST SIDE OF LOT 393. RESTORATION TO BE PROVIDED ALONG THE DISTURBANCE OF CONSTRUCTION WITHIN GPN-3 TO EXISTING CONDITION OF BETTER. VIDEO EVIDENCE TO BE PROVIDED TO JVCDA PRIOR TO CONSTRUCTION.
6. MANHOLE SPACING TO BE 300' MAXIMUM.
7. ENSURE THE SANITARY MAINTAINS 10' HORIZONTAL AND 1.5' VERTICAL OF SEPARATION OUTSIDE OF PIPE TO OUTSIDE OF PIPE TO WATERLINES, AND SANITARY SERVES OF PER OSPA REQUIREMENTS, WHICHEVER IS GREATER.

[illegible]

ULTI, LLC
179 MEMORIAL DRIVE
COLUMBUS, OHIO 43201
(614) 431-4664

PRELIMINARY PLAN
BRITONWOOD

VIRGINIA MILITARY SURVEY NO. 2991

DB INTERNATIONAL, INC.
375 SHIER-RINGS ROAD, SUITE F
UBLIN, OHIO 43016
614) 761-4700 office
614) 761-8630 fax



DESIGNED BY:	PMA	CHECKED BY:	PMA
DRAWN BY:	MEP	DATE:	1-22-15

GRADING & UTILITY PLAN

HORIZ. SCALE: 1" = 40'

VERT. SCALE: 1" = 5'

4 OF 4



VICINITY MAP

BRITONWOOD

LOTS 1 THRU 8
PRODUCT TYPE: 1700 S.F. MINIMUM
AREA: 5.011 ACRES
OF UNITS: 8 UNITS – SINGLE FAMILY RES.
UNITS/ACRE: 8/5.011 = 1.59 UNITS/ACRE

TIME SCHEDULE:

BRITONWOODS
START: FEBRUARY 2015
COMPLETION: JUNE 2015

ZONING:

JEROME TWP. TRUSTEES
RE-ZONED PROPERTY
R-PUD IN DECEMBER 2014
FOR 8 SF – RESIDENTIAL LOTS

UTILITIES:

SANITARY SEWER:
JEROME VILLAGE PRIVATE SANITARY SYSTEM

WATER SERVICES:
CITY OF MARYSVILLE

STORMWATER:
NEW STREET STORM SEWER AND ON SITE
DETENTION FACILITIES.

YARD REQUIREMENTS:

FRONT YARD: LOTS 1 THRU 8 = 25 FEET
SIDE YARD: 7.5 FEET
FRONTAGE: 80 FEET MIN.

DRIVEWAY SETBACK: 3' FROM SIDE LOTLINE

AREA SUMMARY BRITONWOOD

LOTS 3.122 ACRES
R/W .935 ACRES
GREEN SPACE .954 ACRES
TOTAL 5.011 ACRES

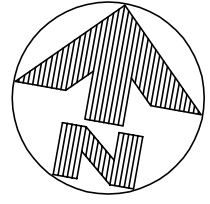
OPEN SPACE SUMMARY BRITONWOOD

RESERVE/GREEN SPACE = .954
% GROSS OPEN SPACE: .954/5.011 = 19.03%

AN ADDITIONAL 0.996 ACRES MINIMUM WILL BE MADE
AVAILABLE FROM JEROME VILLAGE TO SATISFY 40% OPEN
SPACE REQUIREMENT IN CONSERVANCY DISTRICT.

TRAFFIC:

ESTIMATED TRAFFIC VOLUME GENERATED FROM
BRITON WOODS
TOTAL DAILY TRIPS – 80



40 0 40 80 160

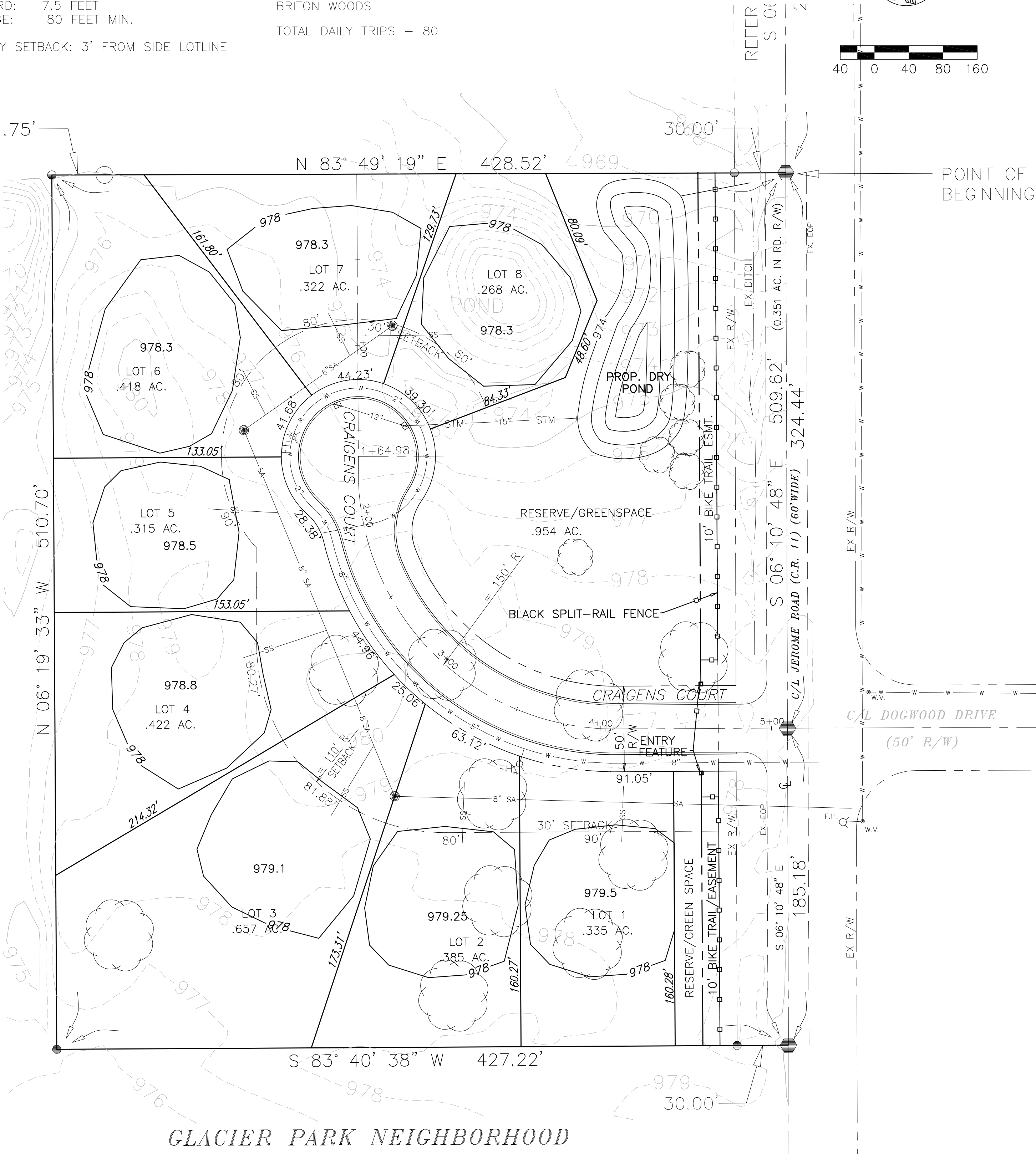
POINT OF
BEGINNING

SITE

NOTES:

ALL STORMWATER INFRASTRUCTURE OUTSIDE OF THE
RIGHT-OF-WAY SHALL BE PLACED ON THE DITCH.
MAINTENANCE PROGRAM, TO BE MAINTAINED BY UNION
COUNTY ENGINEER/USWCD. THIS PROCESS WILL BE
INITIATED DURING THE CONSTRUCTIONPLAN REVIEW PHASE.

FINAL CONSTRUCTION PLAN TO INCLUDE CROSS-SECTIONS
OF DITCH ALONG FRONTAGE (JEROME RD.) OF DEVELOPEMENT,
WITH POSSIBLE DITCH SETBACK.



SOIL ASSOCIATIONS

- 1 Blount-Metzel-Pewame association: Somewhat poorly drained and very poorly drained soils that formed in moderately fine textured glacial till; on uplands
- 2 Blount-Metzel-Pewame association: Somewhat poorly drained, moderately well drained, and very poorly drained soils that formed in moderately fine textured glacial till; on uplands
- 3 Morley-Blount association: Moderately well drained and somewhat poorly drained soils that formed in moderately fine textured glacial till; on uplands
- 4 Nipponese-Paulding-St. Clair association: Somewhat poorly drained, very poorly drained, and moderately well drained soils that formed in wave-modified, fine-textured glacial till; on old glacial lakebeds
- 5 Brookston-Croby association: Very poorly drained and somewhat poorly drained soils that formed in medium-textured glacial till; on uplands
- 6 Fox-Lipincott association: Well-drained and very poorly drained soils that formed in medium-textured outwash material underlain by stratified sand and gravel; on terraces
- 7 Genesee-Eal-Shoals-Fox association: Well drained, moderately well drained, and somewhat poorly drained soils that formed in medium textured or moderately fine textured material; on flood plains and terraces

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS AND SOIL
OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER
GENERAL SOIL MAP
UNION COUNTY, OHIO

Scale 1:190,080
1 0 1 2 3 4 Miles

Compiled 1973

PREPARED FOR
ELTI, LLC
6179 MEMORIAL DRIVE
DUBLIN, OHIO 43017
(937) 431-4664

PRELIMINARY PLAN
BRITONWOOD

VIRGINIA MILITARY SURVEY NO. 2991

EDB INTERNATIONAL, INC.
6375 SHER-PINGS ROAD, SUITE F
DUBLIN, OHIO 43016
(614) 761-4700 office
(614) 761-8630 fax

edb

SITE PLAN

HORIZ. SCALE:
VERT. SCALE:

SHEET #
3 of 4

OWNERS:

PARCEL #:1260000049000
PARCEL #:1260000050000
ACREAGE: 4.99
EXISTING ZONING: A-1
FRANK W. JR. & MAGGIE PHARAZYN
CONTACT: STEVE LENKER
(614) 793-1500

SITE DATA:

EXISTING USE: RESIDENTIAL/BUSINESS
PROPOSED USE: SINGLE FAMILY RESIDENTIAL - PUD

DEVELOPER

ELTI, LLC
CONTACT: STEVE LENKER
6179 MEMORIAL DRIVE
DUBLIN, OH 43017
(614) 793-1500

ENGINEER

AGENT:
EDB INTERNATIONAL INC.
CONTACT: PATRICK ALTVATER, P.E.
6375 SHIER-RINGS ROAD, SUITE F
DUBLIN, OH 43016
(614) 761-4700

SURVEYOR

AGENT:
PAGE ENGINEERING, INC.
CONTACT: JIM PAGE
112 E. 5TH ST.
MARYSVILLE, OH 43040
(937) 644-1272

BASIS OF BEARING:

BENCHMARK #1
TOP OF IRON ROD WITH CAP SET BY SAVKO ON
ADJACENT GLACIER PARK NEIGHBORHOOD SECTION 3,
BEING SAVKO CONTROL POINT #101 AND BEING LOCATED
APPROXIMATELY 124 FEET EAST OF JEROME RD. AND
69 FEET SOUTH OF THE RE-ALIGNED WELLS RD.
ELEVATION = 963.173

DATE OF SURVEY:

SEPTEMBER 26, 2014

REFERENCE BEARING S 06° 10' 48" E ASSUMED FROM
GLACIER PARK NEIGHBOR HOOD SECTION 3 (PLAT
BOOK 5, PAGE 341 F).

FLOOD_ZONE:

BASED ON THE INFORMATION SHOWN ON
FLOOD MAP, COMMUNITY PANEL NUMBER
39159C0395D, DATED 12/16/08, AS
FURNISHED BY THE FEDERAL EMERGENCY
MANAGEMENT AGENCY (FEMA), THROUGH
THE NATIONAL FLOOD INSURANCE PROGRAM.
THE PROPERTY SHOWN IS NOT IN A FLOOD
ZONE AREA.

RESIDENTIAL PLANNED UNIT DEVELOPMENT

FOR

Britonwood

JEROME TOWNSHIP, UNION COUNTY, OHIO

VIRGINIA MILITARY SURVEY NO. 2991

PRELIMINARY PLAN



LOCATION MAP
N.T.S.

INDEX OF SHEETS

TITLE SHEET	1
EXISTING SITE PLAN	2
SITE PLAN	3
GRADING & UTILITES PLAN	4

APPROVALS

THE UNION COUNTY SIGNATURES ON THIS PLAN SIGNIFY ONLY
CONCURRENCE WITH THE GENERAL PURPOSE AND LOCATION OF THE
PROPOSED IMPROVEMENTS. ALL TECHNICAL DETAILS REMAIN THE
RESPONSIBILITY OF THE PROFESSIONAL ENGINEER WHO PREPARED AND
CERTIFIED THESE PLANS.

REGISTERED PROFESSIONAL ENGINEER NO. DATE

THE CITY OF MARYSVILLE SIGNATURES ON THIS PLAN (BELOW)
SIGNIFY ONLY CONCURRENCE WITH THE GENERAL PURPOSES
AND GENERAL LOCATION OF THE PROPOSED IMPROVEMENTS.
ALL TECHNICAL DETAILS REMAIN THE RESPONSIBILITY OF THE
PROFESSIONAL ENGINEER WHO PREPARED AND CERTIFIED THESE
PLANS.

UNION COUNTY ENGINEER DATE

CITY OF MARYSVILLE,
PUBLIC SERVICE DIRECTOR DATE

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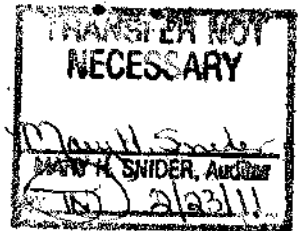
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JEROME VILLAGE

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Jerome Township, Union County, Ohio

MASTER DEED DECLARATION, RESTRICTIONS AND BYLAWS ³

This Instrument was Prepared by:
Kephart Fisher LLC
207 N. Fourth Street
Columbus, Ohio 43215
David W. Fisher, Esq.

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EXHIBIT A – Master Plan Area for Jerome Village

EXHIBIT B – Initial Property owned by the Declarant and the Master Developer Subject to this
Master Declaration

EXHIBIT C – Initial Property owned by Adjoining Owners subject to this Master Declaration

EXHIBIT D – Open Space Plan for Common Property

EXHIBIT D-1 – Delaware County Open Space

EXHIBIT E – Bylaws of the Master Association

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MASTER DEED DECLARATION, RESTRICTIONS AND BYLAWS

This Master Deed Declaration, Restrictions and Bylaws (the "Master Declaration") is made on or as of this 17 day of February, 2011, by Jerome Village Company, LLC, an Ohio limited liability company of Columbus, Ohio (hereinafter, the "Declarant" and "Master Developer") and J.A.S. Limited Partnership; William H. Marx, Jr., and Christine S. Marx, husband and wife; Scott E. Sonnenberg and Jennifer L. Sonnenberg, husband and wife; and Barbara Wilcox, Trustee of the Charles Wilcox Trust (collectively, the "Adjoining Owners"), subject to the provisions of Article XV hereof.

STATEMENT OF PURPOSE

A. The Master Developer has assembled, planned and zoned a master planned mixed use community known as "Jerome Village" that generally encompasses the geographic area depicted on the attached Exhibit A, located in Jerome Township, Union County, Ohio and Concord Township, Delaware County, Ohio ("Jerome Village").

B. Jerome Village includes and encompasses real property currently owned by the Master Developer, real property that the Master Developer has options or contracts to purchase from certain Adjoining Owners, and real property planned and zoned by the Master Developer for certain Adjoining Owners.

C. The Master Developer is presently the owner of certain real estate located in Jerome Township, Union County, Ohio, that is a part of Jerome Village.

D. The Adjoining Owners are presently the owners of that certain real estate located in Jerome Township, Union County, Ohio, that is a part of Jerome Village being more particularly described in the attached Exhibit C (the "Adjoining Owner Property").

E. The Master Developer desires to develop Jerome Village into a high-quality, comprehensively planned, mixed use community to consist of residential subdivisions, including, without limitation, single family home subdivisions, multi-family home subdivisions and condominium subdivisions, a town center consisting of a mix of housing types and commercial uses and other facilities for commercial, educational, recreational, civic and governmental uses and open spaces, and to restrict the use and occupancy of Jerome Village for the protection and benefit of all future owners thereof.

F. Detailed guidelines, consisting of the Development and Architectural Documents, as hereinafter defined, have been established to regulate all development, architecture and construction within Jerome Village. Each Parcel, as hereinafter defined, agrees to and shall be bound by such guidelines.

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G. The Master Developer deems it desirable to establish a master association for the purpose of governing the maintenance of certain areas and/or improvements constructed as part of Jerome Village, to provide for the establishment of a design review board and other management mechanisms, and to establish and provide for sub-associations to govern and maintain certain subareas and condominium regimes created within Jerome Village, for the purpose of addressing conditions and circumstances unique to individual subareas and condominium regimes created within Jerome Village.

H. To ensure the proper application of the Development and Architectural Documents, and to further the development of Jerome Village and the separate subdivisions and condominium regimes therein, the Master Developer hereby declares that all of the Property, as hereinafter defined, now or hereafter becoming a part of Jerome Village, as provided herein, shall be held, developed, encumbered, leased, occupied, improved, used and conveyed subject to the following covenants, easements, conditions, restrictions and assessments, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner of any portion of the Property.

I. This Master Declaration shall inure to the benefit of all future owners of all or any portion of the Property and all others claiming under or through them, as well as the Master Developer, the Adjoining Owners, and their respective heirs, successors and assigns.

NOW THEREFORE, in pursuance of a general plan for the protection, benefit, and mutual advantages of the Property, as presently constituted and as it may hereafter be constituted, the following restrictions, conditions, easements, covenants, obligations and charges are hereby created, declared and established:

ARTICLE I. APPLICABILITY

Upon the recordation hereof, this Master Declaration shall apply to the entire Property, subject to the provisions of Article XV hereof. The Property consists of approximately 1,395 acres of land, more or less, from which the Master Developer and the Adjoining Owners intend to subdivide several single-family and multi-family residential subdivisions, condominium regimes, subdivisions for a town center and commercial, office, educational, government, institutional and civic uses (each subdivision or condominium regime, whether residential or commercial, may be referred to herein as a "Development Phase"). The Master Developer reserves the right, but not the obligation, to acquire additional acreage adjacent to the Property and to add the same to the Property and Jerome Village and subject it to this Master Declaration, so as to benefit and encumber such additional property as fully as if it were a part of the Property and Jerome Village on the date hereof. If and as the Master Developer acquires and/or develops additional parcels adjacent to the Property, the Master Developer may add such additional

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parcels to, and declare them to be, subsequent Development Phases of Jerome Village. Upon such addition the Master Developer shall have the right, but not the obligation, to subject such additional parcels to the terms and conditions of this Master Declaration. The Master Developer may subject additional adjacent parcels to this Master Declaration without modification, or the Master Developer may supplement and amend this Master Declaration as it applies to such additional phases of development. As to each new Development Phase of Jerome Village, the Master Developer may re-record this Master Declaration with an attached exhibit which modifies and/or supplements this Master Declaration with respect to such Development Phase, or the Master Developer may incorporate this Master Declaration by reference into a supplemental declaration which establishes the modifications and/or supplemental provisions desired by the Master Developer to be applicable to such phase. The modifications and/or supplemental provisions applicable to different phases of development at Jerome Village may be comparable to, or more restrictive than, the parallel provisions applicable to other Development Phases, as determined to be appropriate by the Master Developer in the exercise of its sole discretion. In the event of any inconsistency between the provisions of this Master Declaration and the provisions of any phase-specific modifications and/or supplements hereto, the more restrictive of the conflicting provisions shall control.

Jerome Village is not a "planned community" for purposes of Chapter 5312 of the Ohio Revised Code, as amended (the "Planned Community Statute"), due to the fact that the Planned Community Statute applies only to communities comprised of individual subdivided parcels which are occupied or intended to be occupied as dwelling units for use and occupancy for residential purposes by a single household or family. While certain portions of Jerome Village consist of such dwelling units, this Master Declaration also applies to Commercial Parcels. Those portions of Jerome Village that constitute a "planned community" for purposes of the Planned Community Statute shall be subject to the Jerome Village Residential Property Owners Association created as a Sub-Association hereunder, which shall comply with the provisions of the Planned Community Statute.

ARTICLE II. DEFINITIONS

In addition to the words and terms defined elsewhere in this Master Declaration, the following words and terms, as used herein, shall have the following meanings:

A. "Additional Property" - real property that may in the future be identified, as determined by the Master Developer in its sole and unfettered discretion, as real property to be part of Jerome Village and subjected to the provisions hereof, and may include any real property presently planned by the Master Developer to become part of Jerome Village in the future, adjacent or contiguous with the Property as it is then constituted, provided that, with respect to other real property, the owner or owners thereof concur and join in with the subjecting of same to the provisions hereof.

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B. "Administrative Expenses" - all costs and expenses incurred by the Master Association, the Board of the Master Association and/or the Design Review Board in conducting their respective affairs and generally discharging their respective duties and obligations under this Master Declaration. Administrative Expenses shall include, by way of example, but not limited to: necessary office overhead, salaries and expenses; legal fees and expenses; fees and expenses of consultants and professionals such as architects and engineers; accounting, bookkeeping and audit expenses; fees and costs incurred for a Manager; costs of insurance as provided in Article XI Paragraph G hereof; reserves deemed necessary by the Board of the Master Association; and other usual and customary costs of master association administration.

C. "Articles" and "Articles of Incorporation" - the articles of incorporation, when filed with the Secretary of State of Ohio, incorporating the Master Association, the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association, as applicable, each organized as a non-profit corporation under the provisions of Chapter 1702 of the Ohio Revised Code.

D. "Board" - the board of directors or other management body of each of the Master Association, the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association, as applicable.

E. "Bylaws" - the Bylaws of each of: (i) Jerome Village Master Property Owners Association, Inc., as further provided in Article VII Paragraph E hereof, (ii) the Jerome Village Commercial Property Owners Association, as further provided in Article VIII Paragraph F hereof, (iii) the Jerome Village Residential Property Owners Association, as further provided in Article IX Paragraph F hereof, and (iv) the Jerome Village Town Center Property Owners Association, as further provided in Article X Paragraph F hereof, as applicable in each case, also constituting the applicable code of regulations pursuant to the provisions of Chapter 1702 of the Ohio Revised Code, as amended.

F. "Commercial Parcels" - a legally separate tax parcel created or subdivided from the Property on which commercial activities are contemplated to be conducted. Commercial Parcels include those portions of the Jerome Village Town Center used for commercial purposes, except for purposes of membership in the Commercial Property Owners Association, of which Commercial Parcels in the Town Center shall not be members, due to the fact that they are members of the Town Center Property Owners Association created hereunder.

G. "Commercial Property Owners Association" - Jerome Village Commercial Property Owners Association, being the legal entity (and its successors and assigns) formed as a Sub-Association hereunder pursuant to Article VIII hereof for the purpose of owning and/or maintaining certain portions of the Common Property on behalf of the Owners of Commercial Parcels. The Commercial Property Owners Association shall be named JEROME VILLAGE COMMERCIAL PROPERTY OWNERS ASSOCIATION, INC., and shall be formed as an Ohio

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non-profit corporation or other appropriate non-profit entity. Commercial Parcels located in the Town Center shall not be included in the Commercial Property Owners Association, but shall be included in the Town Center Property Owners Association.

H. "Commercial Property Declaration" - the Commercial Property Owners Association Deed Declaration, Restrictions and Bylaws recorded in the Recorder's Office of Union County, Ohio, as amended from time to time, encumbering all Commercial Parcels other than those located in the Town Center.

I. "Common Property" - all real property designated as such on any subdivision plat or otherwise with respect to Jerome Village. All such Common Property shall be owned by the Community Authority, a Sub-Association or a governmental entity. Common Property shall also include personal property used in connection therewith. Common Property includes all real property shown on the Open Space Plan for Common Property attached hereto as Exhibit D, as the same may be amended and modified with respect to final subdivision plats of Jerome Village; provided that at the full build out and completion of Jerome Village, Common Property shall equal at least forty percent (40%) of all real property included within Jerome Village.

J. "Community Authority" - the Jerome Village Community Authority established in connection with Jerome Village, as further provided in Article XIV hereof.

K. "Condominium" or "Condominium Parcel" - the portions of the Property designated as areas in which residential condominium/multi-family development is to occur pursuant to Chapter 5311 of the Ohio Revised Code, as amended. The individual residential units developed on the Condominium Parcel and their respective undivided interests in related common elements are referred to herein as Units. Condominiums and Condominium Parcels shall not include condominium regimes created for commercial use (such as offices or retail establishments) which shall be considered Commercial Parcels for all purposes hereof, or condominium regimes designed solely for common ownership of multiple units by investors as for rent apartments, which shall be considered Multi-Family Parcels for all purposes hereof.

L. "Condominium Association" - a condominium association organized in connection with a condominium created pursuant to Ohio Revised Code Section 5311.01 et seq., as amended, upon any Condominium Parcel.

M. "Declarant" - JEROME VILLAGE COMPANY, LLC, an Ohio limited liability company, and any successor or assign thereof to which the Declarant specifically assigns all, but not less than all, of its rights, duties and obligations under this Master Declaration by a written instrument, as further provided in Article XVIII hereof.

N. "Design Review Board" - the Design Review Board created, governed and operated as provided in Article V Paragraph A hereof, consisting of the group of individuals

having the power and authority to establish and enforce development and architectural standards governing the development, construction and architectural detail of Jerome Village.

O. "Developer" - a person or entity to whom a Development Phase has been transferred by the Master Developer for the development, construction and sale or lease thereon of residential Lots, Units or Commercial Parcels.

P. "Development and Architectural Documents" - the Jerome Village Property Code, the Jerome Village Commercial Center Property & Architectural Design Code and the Jerome Village Architectural Pattern Book, as modified, amended and amplified from time to time as provided in Article V Paragraph G hereof.

Q. "Development Phase" - an individual portion of the Property, subdivided from the Property, that has not yet been fully developed, on which a single-family residential subdivision, multi-family residential subdivision (including a Condominium) or non-residential development (such as a commercial development) is to be developed and constructed.

R. "Directors" - those natural Persons appointed or elected to the Board of the Master Association as provided in Article VII Paragraph C hereof and the Bylaws of the Master Association, those natural Persons appointed or elected to the Board of the Commercial Property Owners Association as provided in Article VIII Paragraph E hereof and the Bylaws of the Commercial Property Owners Association, those natural Persons appointed or elected to the Board of the Residential Property Owners Association as provided in Article IX Paragraph E hereof and the Bylaws of the Residential Property Owners Association, and those natural Persons appointed or elected to the Board of the Town Center Property Owners Association as provided in Article X Paragraph E hereof and the Bylaws of the Town Center Property Owners Association, as applicable.

S. "Exempt Property" - the portions of real property comprising Jerome Village that are (a) now or hereafter dedicated to common public use or owned by the United States, the State of Ohio, Union County, Jerome Township, any school board, or similar governmental body, or any instrumentality or agency of any such entity, for so long as any such entity or instrumentality or agency shall be the owner thereof, (b) owned by a Sub-Association, or (c) owned by the Community Authority; provided in any such case, the same is not utilized as a residence.

T. "Governing Documents" - as applicable, each of the Master Association's Articles of Incorporation, the Master Association Bylaws, this Master Declaration, and all amendments thereto, the Development and Architectural Documents, and all amendments thereto, the Community Authority Declaration, as defined in Article XIV hereof, applicable building and zoning laws, subdivision and other plats of property in Jerome Village, if any, and the provisions of the covenants, conditions, restrictions, governing organizational documents

(including governing organizational documents for any Sub-Association) and rules imposed on or encumbering any Parcel within Jerome Village.

U. "Improvements" - any and all alterations to the Property which cause the Property to deviate from its natural condition or condition as of the date hereof or the date any real property is added to this Master Declaration, including but not limited to: changes in grade, slope or elevation and changes in drainage patterns; all buildings, outbuildings, sheds, garages and other structures; recreational courts, fixtures and facilities, including tree houses, children's recreational equipment or structures, swing sets, playhouses, forts, basketball hoops and playground equipment; swimming pools and related facilities and equipment; pet houses, runs and enclosures; overhead, above ground and underground installations, including without limitations, utility facilities and systems, lines, pipes, wires, towers, cables, conduits, poles and antennae; walkways, fences, mailboxes, trellises, walls, retaining walls, exterior stairs, decks, patios, and porches; any change in exterior colors, materials or elevations; exterior lighting; roads, driveways, curb cuts, parking lots, parking structures, uncovered parking areas, drive aisles and other such areas; planted trees, hedges, shrubs and all other forms of landscaping; and all other structures or improvements of every type or character, constructed, installed or maintained on any property within Jerome Village.

V. "Lot" - a discrete parcel of real property now or hereafter identified upon a recorded residential subdivision plat of any Development Phase in Jerome Village, or any portion thereof, or recorded re-subdivision thereof, and any other discrete parcel of real property designated as a Lot, and subjected to the provisions of this Master Declaration, excluding any Exempt Property, any Condominium Parcel, Multi-Family Parcel, Commercial Parcel, the Common Property, and any Property dedicated for public use; provided that, for purposes hereof (unless specifically provided otherwise) if a separate parcel of real estate is designed for, intended to be, and is conveyed by the Master Developer to a builder or Developer, for purposes of constructing dwellings declared under law to be Condominium Units, that parcel shall be considered and deemed to contain that number of "Lots" that equals the number of Condominium Units that are authorized by law, and approved by the Master Developer, to be so constructed and declared on that parcel of real estate.

W. "Manager"- a Person retained by the Master Association Board to assist in the management of the Master Association.

X. "Master Association" - Jerome Village Master Property Owners Association, Inc. being the legal entity (and its successors and assigns) formed for the purpose of enforcing the provisions of this Master Declaration. The Association shall be named JEROME VILLAGE MASTER PROPERTY OWNERS ASSOCIATION, INC., and shall be formed as an Ohio non-profit corporation or other appropriate non-profit entity.

Y. "Master Developer" - JEROME VILLAGE COMPANY, LLC, an Ohio limited liability company, and any successor or assign thereof to which the Master Developer specifically assigns all, but not less than all, of its rights, duties and obligations under this Master Declaration by a written instrument, as further provided in Article XVIII hereof.

Z. "Member" - any person or entity (i) entitled to membership in the Master Association, as provided for in Article VII Paragraph A hereof, (ii) entitled to membership in the Commercial Property Owners Association, as provided for in Article VIII Paragraph B hereof, (iii) entitled to membership in the Residential Property Owners Association, as provided for in Article IX Paragraph B hereof, or (iv) entitled to membership in the Town Center Property Owners Association, as provided for in Article X Paragraph B hereof, as applicable.

AA. "Multi-Family Parcel" - a legally separate tax parcel created or subdivided from the Property on which residential apartment units are to be developed and constructed, other than Condominium Units.

BB. "Owner" - the record owner, whether one or more Persons or entities, of fee simple title to a Parcel, including contract sellers, but excluding (i) those having an interest merely as security for performance of an obligation and (ii) the Master Developer.

CC. "Parcel" - a legally separate tax parcel subdivided or created from the Property. Parcels include Lots, Units, Multi-Family Parcels and Commercial Parcels.

DD. "Person"- a natural individual, trust or trustee, corporation, limited liability company, partnership, or other legal entity capable of holding title to real property.

EE. "Property" - the real property presently owned by the Master Developer described on the attached Exhibit B, together with the Adjoining Owner Property described on attached Exhibit C, subject, in the case of the Adjoining Owner Property, to the terms and conditions of Article XV hereof, and together with such additional real property as may be added hereto from time to time by the Master Developer as provided in Article I hereof, it being the express intention of the Master Developer that all real property constituting Jerome Village shall be a part of the Property hereunder.

FF. "Residential Parcel" - means each Lot and the platted subdivision of which it is a part, each residential Condominium Unit, its undivided interest in the common elements of the Condominium of which it is a part, the Condominium of which it is a part, and each Multi-Family Parcel.

GG. "Residential Property Owners Association" - Jerome Village Residential Property Owners Association, Inc. being the legal entity (and its successors and assigns) formed as a Sub-Association hereunder pursuant to Article IX hereof for the purpose of owning and/or maintaining certain portions of the Common Property on behalf of the Owners of Lots, Units or

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Multi-Family Parcels. The Residential Property Owners Association shall be named JEROME VILLAGE RESIDENTIAL PROPERTY OWNERS ASSOCIATION, INC., and shall be formed as an Ohio non-profit corporation or other appropriate non-profit entity.

HH. "Residential Property Declaration" – the Residential Property Owners Association Deed Declaration, Restrictions and Bylaws recorded in the Recorder's Office of Union County, Ohio, as amended from time to time, encumbering all Residential Parcels.

II. "Rules"- the rules and regulations governing use, occupancy and appearance of the Property and the Common Property, as may be established by the Master Association Board from time to time.

JJ. "State" - the State of Ohio, and, unless the context requires otherwise, any political subdivision thereof exercising jurisdiction over the Property.

KK. "Sub-Association" - The Commercial Property Owners Association, the Residential Property Owners Association, the Town Center Property Owners Association and each additional sub-association (if any) created in connection with a Development Phase of the Property, subject to the terms and conditions of Article XVII hereof.

LL. "Town Center" – That area cross-hatched on the attached Exhibit A, being the area zoned and planned as the Jerome Village Town Center.

MM. "Town Center Property Declaration" – the Town Center Property Owners Association Deed Declaration, Restrictions and Bylaws recorded in the Recorder's Office of Union County, Ohio, as amended from time to time, encumbering all Commercial Parcels within the Town Center.

NN. "Town Center Property Owners Association" - Jerome Village Town Center Property Owners Association, Inc. being the legal entity (and its successors and assigns) formed as a Sub-Association hereunder pursuant to Article X hereof for the purpose of owning and/or maintaining certain portions of the Common Property on behalf of the Owners of Commercial Parcels within the Town Center. The Town Center Property Owners Association shall be named JEROME VILLAGE TOWN CENTER PROPERTY OWNERS ASSOCIATION, INC., and shall be formed as an Ohio non-profit corporation or other appropriate non-profit entity. Lots, Units or Multi-Family Parcels located within the Town Center shall not be part of the Town Center Property Owners Association, but shall be a part of the Residential Property Owners Association.

OO. "Turnover Date" – the first to occur of (i) the sale by the Master Developer of the last residential Lot owned by the Master Developer in the single family subdivisions planned for Jerome Village (whether or not developed), or (ii) the waiver by the Master Developer of its exclusive right to appoint Directors of the Master Association.

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PP. "Unit" or "Condominium Unit" - a discrete parcel of real property a part of Jerome Village identified as a "Unit" in a duly recorded declaration of Condominium and shown on filed drawings for the Condominium, or on duly recorded or filed amendments thereto, together with their respective undivided interests in related common elements subject to the limitations on the use of the term Condominium contained in the definition of "Condominium" herein.

ARTICLE III. GOALS

The restrictions, conditions, easements, covenants, obligations and charges contained in this Master Declaration are declared to be in furtherance of the following purposes:

- A. Compliance with all zoning and similar governmental regulations;
- B. Promotion of the health, safety and welfare of all Owners and residents of the Property;
- C. Preservation, beautification and maintenance of the Property and all Improvements;
- D. Establishment of requirements for Jerome Village and use of the Property;
- E. To create, maintain and preserve the quality of life for all Owners and residents of Jerome Village; and
- F. To provide for mandatory membership of all Owners in the Master Association, as it may be constituted from time to time, and certain Sub-Associations, and the collection of funds to fulfill its objectives.

ARTICLE IV. USE RESTRICTIONS

The following restrictions and covenants concerning the use and occupancy of the Property shall run with the land and be binding upon the Master Developer, the Adjoining Owners (subject to the provisions of Article XV hereof), each Developer, and upon every Owner, tenant or occupant, their respective heirs, successors and assigns, as well as their family members, guests, and invitees.

- A. Use. Except as otherwise permitted herein, each Lot, all Multi-Family Parcels, all Condominium Parcels and all other areas of the Property designated or zoned for residential development shall be occupied and used exclusively for residential purposes and purposes customarily incidental to residential occupancy thereof. Commercial Parcels shall be used only for purposes permitted by and under applicable zoning regulations relative to such Commercial Parcels. No Improvements may be constructed, modified or demolished by a Developer or

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Owner on any Parcel unless and until the plans therefor have been approved by the Design Review Board, as further provided in Article V hereof.

B. Use of Common Property. Any Common Property may be used only in accordance with the purposes for which it is intended pursuant to Exhibit D and/or any applicable revisions thereto. All uses of the Common Property shall benefit or promote the health, safety, welfare, convenience, comfort, recreation, and enjoyment of the Owners and occupants of the Parcels and shall comply with the provisions of this Master Declaration, the laws of the State of Ohio, and the Rules.

C. Use of Condominium Parcel. Condominium Parcels may be utilized for the development thereon of a Condominium pursuant to Chapter 5311 of the Ohio Revised Code, as amended. No Improvements may be constructed on any Condominium Parcel until and unless the plans therefore have been approved by the Design Review Board, as further provided in Article V hereof.

D. Hazardous Actions or Materials. Nothing shall be done or kept in or on any Parcel, or in or on any portion of the Common Property that is unlawful or hazardous (excluding hazardous materials kept, maintained and used in accordance with all applicable environmental laws), that might reasonably be expected to increase the cost of casualty or public liability insurance covering the Common Property or that might unreasonably disturb the quiet occupancy of any person residing on any other Parcel. This paragraph shall not be construed so as to prohibit the Master Developer or Developers from construction activities consistent with good construction practices, nor any Commercial Parcel Owner from any permitted non-residential use.

E. Signs. All signage located within Jerome Village shall comply with the signage requirements of the Development and Architectural Documents.

F. Animals. No person may keep, breed, board or raise any animal, livestock, reptile or poultry of any kind for breeding or other commercial purpose on any Parcel or in or upon any part of the Common Property, unless expressly permitted by the Rules. No animals shall be kept which constitute a nuisance or which unreasonably interfere with any Owner's right to the quiet enjoyment of his or her property. Domestic animals must be kept in a contained area or on a leash, chain or rope at all times when not inside of a residence. The foregoing shall not apply to pet stores located on Commercial Parcels. Up to two (2) horses may be kept on any residentially planned and zoned Parcel having in excess of five (5) acres that is not a Condominium.

G. Nuisances. No noxious or offensive trade or activity shall be permitted on the Property or within any dwelling located on the Property, nor shall any use be made, nor condition allowed to exist, on any Parcel, or within any Unit or dwelling or structure erected on

any Parcel which unreasonably disturbs or interferes with the quiet occupancy of any person residing on any other Lot, Unit or Parcel.

H. Business. No industry, business, trade, occupation or profession of any kind may be conducted, operated or established on the Lots, Multi-Family Parcels or Condominium Parcels without the prior written approval of the Master Association Board. The provisions of this Section shall not prohibit a Lot or Unit Owner or resident from conducting a "home business" which does not involve non-resident employees at, or retail sales to customers visiting, the Lot, Unit or apartment unit located on a Multi-Family Parcel from which such home business is conducted. No exterior signs or signage visible from the exterior of a dwelling unit shall be permitted in connection with a "home business" conducted from a dwelling unit.

I. Storage. No open storage of any kind is permitted on any Lot, Multi-Family Parcel or Condominium Parcel. Except as hereinafter provided in this Paragraph I, no storage buildings of any kind are permitted on Lots, Multi-Family Parcels or Condominium Parcel, including, without limitation, sheds or barns. Storage buildings shall be permitted on Multi-Family Parcels and Condominium Parcels only as permitted by the Design Review Board pursuant to Article V hereof. Open storage and storage buildings shall be permitted on Commercial Parcels only as permitted by the Design Review Board pursuant to Article V hereof.

J. Hotel/Transient Uses; Leases. No Lot, Multi-Family Parcel or Condominium Unit may be used for hotel or transient uses, including without limitation, uses in which the occupant is provided customary hotel services such as room service for food and beverage, maid service, furnishing laundry and linen, or similar services, or leases to roomers or boarders. All residential leases shall be in writing and shall be subject to this Master Declaration.

K. Vehicles. The Master Association Board shall be entitled to create and enforce Rules concerning the parking of vehicles within Jerome Village (excluding parking on Multi-Family Parcels and Commercial Parcels) in accordance with plans approved by the Design Review Board. In addition to their authority to levy Parcel Assessments as penalties for the violation of the Rules, the Master Association Board shall be authorized to cause the removal of any vehicle violating the Rules. No trucks, commercial vehicles, boats, trailers, recreational vehicles, campers or mobile homes shall be parked or stored on any street, on any Lot or on any portion of any Multi-Family Parcel or Condominium Parcel (except in an enclosed structure shielded from view) for any time period longer than forty-eight (48) consecutive hours in any thirty (30) day period, provided, however, that nothing contained herein shall prohibit the reasonable use of such vehicles as may be necessary during construction or maintenance of residences on the Lots, Multi-Family Parcels and Condominium Parcel.

The word "trailer" shall include trailer coach, house trailer, mobile home, automobile trailer, camp car, camper or any other vehicle, whether or not self-propelled, constructed or existing in such a manner as would permit use and occupancy thereof, or for storage or the

conveyance of machinery, tools or equipment, whether resting on wheels, jacks, tires or other foundation. The word "truck" shall include and mean every type of motor vehicle other than passenger cars, sport utility vehicles, motorcycles, passenger vans and any vehicle other than a pickup truck or work van without a modified bed or enclosure which is used as a personal automotive vehicle by a resident or a member of a resident's family.

L. Trash. Except for the reasonably necessary activities of the Master Developer and Developers during the original development of the Property and Development Phases, no burning or storage of trash of any kind shall be permitted on the Property. All trash shall be deposited in covered sanitary containers, screened from view.

M. Antennae; Clotheslines. No outside television or radio aerial or antenna, or other aerial or antenna, including satellite receiving dishes, for reception or transmission, shall be maintained on any Lot, Multi-Family Parcel or Condominium Parcel, to the extent permissible under applicable statutes and regulations, including those administered by the Federal Communications Commission, except that this restriction shall not apply to satellite dishes with a diameter less than one meter, erected or installed to minimize visibility from the street which the dwelling fronts. No outdoor clotheslines shall be permitted on any Lot, Multi-Family Parcel or Condominium Parcel, nor shall the outdoor drying of laundered clothes on structures or improvements other than "clotheslines" (but which serve the same purpose), be permitted.

N. Utility Lines. All utility lines on the Property shall be underground, subject to the requirements of relevant governmental authorities and utility companies.

O. Holiday Displays. Any exterior holiday displays placed on any Lot, Unit, Multi-Family Parcel or Condominium, such as, but not limited to, exterior lights, holiday scenes, characters or music, shall be tasteful, not unduly large in size, not offensive to neighbors or other residents of the Property, and of limited duration. The Master Association Board shall be permitted to establish Rules regarding holiday displays.

P. Tanks; Wells. No tanks for the storage of propane gas or fuel oil shall be permitted to be located above or beneath the ground of any Lot, Multi-Family Parcel or Condominium Parcel except that propane gas grills are permitted. No wells of any sort or description shall be permitted on the Property. The foregoing restrictions as to propane gas and fuel oil tanks shall not apply to Parcels in excess of five (5) acres not developed as Condominiums, multi-family apartments or Commercial Parcels, and the foregoing restrictions as to wells shall not apply to water wells used to provide water to recharge ponds located on the Property.

Q. Street Trees. The Master Developer may designate trees to be planted along the street(s) adjacent to each Parcel. If the Master Developer determines to designate street trees, then Owners shall be deemed to have agreed to such uniform street trees. Each Owner shall be

responsible to care for (and if necessary, replace with a like kind tree) such street trees at the Owner's expense. The Master Developer may implement street tree planting requirements relative to Commercial Parcels and within Condominium Parcels and Multi-Family Parcels.

R. Mailboxes. The Master Developer shall designate a uniform style of curbside mailbox for all Lots in a Development Phase, and shall establish siting parameters for the locations thereof, with the intention of providing uniformity throughout each Development Phase. If any mailbox is damaged, destroyed or deteriorates, then each Lot Owner, at such Lot Owner's expense, shall repair or replace such mailbox with another of a like kind, design, pattern and color as designated by the Master Developer.

S. Yard Lights and Lamp Posts. All yard lights and lampposts shall conform to the design and location standards set forth by the Master Developer and as further provided in the Development and Architectural Documents.

T. Fencing. As further provided in the Development and Architectural Documents, the Design Review Board shall have the authority to establish standards according to which fencing and walls may be permitted at the Property. Said authority shall include the power to prohibit fencing or walls, or both, entirely, to prohibit or permit fencing or walls of certain types or in certain areas, and to prohibit or permit fencing or walls of certain types in certain areas. The Design Review Board may establish, and all fencing and walls shall conform to, specific standards for fencing. Separate specific standards may be set for perimeter yard fencing as distinct from pool enclosure fencing or other types of fencing. All fence plans must be approved by the Design Review Board, in writing, prior to the installation thereof.

U. Swimming Pools. No above ground swimming pool extending twelve (12) inches or more above the finished grade of the Lot shall be permitted upon any Lot except that this Article IV Paragraph U shall not be intended to prohibit the installation of a hot tub or sauna. If an in-ground pool is installed on any Lot, Multi-Family Parcel or Condominium Parcel, all fencing, screening and landscaping around said pool shall meet the Design Review Board standards. Notwithstanding the foregoing, all swimming pools and their related fencing, screening and landscaping are considered Improvements and must be approved by the Design Review Board.

V. Entrance Walls, Fencing, Subdivision Identification Signs, Earthen Mounds and Landscaping. The walls, fencing, subdivision identification signs, earthen mounds, electrical facilities, irrigation systems, utilities facilities and landscaping placed or installed on, over, under or through any of the Parcels by the Master Developer or by any Developer, shall not be removed or changed except with prior approval of the Design Review Board.

W. Tree Removal. No trees shall be removed from the Property except as disclosed in plans submitted to and approved by the Design Review Board. Any tree removed contrary to

the provisions hereof shall be replaced at a location and with a tree or trees (all as approved by the Design Review Board) of comparable caliper and species of the tree so removed. The Master Association Board may also levy a fine against any Owner who wrongly removes or permits the removal of one or more trees from the Property contrary to the provisions of this Paragraph W. The amount of such a fine shall be discretionary with the Master Association Board, but in any event shall not exceed two times the measurable economic gain to the Owner of having the tree(s) removed as determined by the Master Association Board.

X. Hunting, Trapping and Fishing. No hunting, trapping and fishing shall be permitted on any portion of Jerome Village.

Y. Compliance with Zoning Requirements. Certain provisions of this Master Declaration may have been included herein as a result of governmental requirements established through the zoning and development plan approval process in the State, County, City, Township and/or Village in which the Property is located. Compliance with all such governmental requirements, for so long as such requirements are effective and binding, is required by this Master Declaration. In the event, however, that such governmental entity(ies) change or agree to a modification of such underlying obligation(s), or if such obligations lapse or for any reason whatsoever become legally unenforceable, this Master Declaration shall be deemed modified, ipso facto and without need for further action on the part of the Master Developer or the Master Association, such that this Master Declaration requires compliance with the obligation as affected by such change or modification.

Z. Compliance with Subdivision Regulations. Notwithstanding the foregoing use restrictions contained in this Article IV, the Union County, Ohio Subdivisions Regulations as in effect from time to time shall control in the event of any conflict between these use restrictions and such Subdivision Regulations.

ARTICLE V. DEVELOPMENT AND ARCHITECTURAL STANDARDS

All Property at any time subject to this Master Declaration shall be governed and controlled by this Article.

A. Design Review Board. There is hereby created and constituted the Jerome Village Design Review Board, consisting at all times of not less than three (3) persons. Initially, all three (3) members of the Design Review Board shall be appointed by the Master Developer. Until the Turnover Date, the Master Developer shall retain exclusive control to appoint and remove all members of the Design Review Board. From and after the Turnover Date, the Master Association shall govern and control the Design Review Board and the Master Association Board shall appoint, elect and remove all three (3) members thereof; provided that at all times, at least one member of the Design Review Board shall be a licensed architect experienced in master planned mixed use communities such as Jerome Village. At all times, the Design Review Board

shall have the absolute authority and final say with respect to all plan reviews with respect to any Improvements constructed or to be constructed at or on the Property. The Design Review Board shall be governed in their review and approval by the Development and Architectural Documents.

The Design Review Board shall have the exclusive authority to interpret and define the Development and Architectural Documents. Each Developer and Owner shall submit all proposed development plans (preliminary and final), all proposed subdivision plats (preliminary and final), all proposed development and building plans, and all plans for Improvements to the Design Review Board for review and approval prior to submission to any governmental body for review and approval. Each Developer and Owner covenants and agrees by acceptance of a deed to a Parcel, to comply with, and to cause such Owner's property and any occupant thereof to comply with the standards promulgated by the Development and Architectural Documents, as interpreted by the Design Review Board. No Development of a Development Parcel shall be undertaken and no Improvement shall be placed, erected, constructed or installed on the Property by any Developer or Owner, no construction (which term shall include in its definition staking, clearing, excavation, grading, other site work, and building construction) by any Developer, other building company, contractor or Owner shall be permitted, and no other changes to the exterior elevation of any existing Improvement, including changes to exterior colors, fixtures, or roof shall be made, without, until and unless the Developer, builder, contractor or Owner first obtains the written approval thereof from the Design Review Board and otherwise complies with the provisions of this Master Declaration. Improvements, additions and modifications to structures and/or alterations to natural or permitted improved site conditions, including landscaping and tree removal, after the original site construction has been completed as approved by the Design Review Board, shall be subject to the prior written approval of the Design Review Board.

B. Modifications. No Person shall construct any Improvement on the Property, including without limitation, alter surfaces of existing Improvements, change paint colors or roofing materials, construct or modify fencing, or install any recreational device, without the prior written consent of the Design Review Board. Owners shall submit plans and specifications showing the nature, kind, shape, color, size, materials and location of Improvements and alterations to the Design Review Board for approval. Nothing contained herein shall be construed to limit the right of an Owner to remodel or decorate the interior of any building constructed on the Property.

C. Variances. To avoid unnecessary hardship and/or to overcome practical difficulties in the application of the provisions of this Master Declaration and the Development and Architectural Documents, the Design Review Board shall have the authority to grant reasonable variances from the provisions of this Article and the Development and Architectural Documents; provided that the activity or condition is not prohibited by applicable law; and provided further that, in the judgment of the Design Review Board, the variance is in the best

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interest of the community and is within the spirit of the standards of the Development and Architectural Documents. No variance granted pursuant to this Paragraph C shall constitute a waiver of any provision of this Master Declaration as applied to any other Person or any other part of the Property. Any variance granted by the Design Review Board pursuant to this Paragraph C shall apply solely to the Parcel for which a variance was requested and granted and not to any other similarly situated Parcel. The granting of a variance for a particular Parcel shall not be deemed to establish a course of conduct or a policy by the Design Review Board to grant similar variances to similarly situated Parcels.

D. Improvements by the Master Developer; Pre-Approved Plans. Notwithstanding the foregoing to the contrary, all Improvements and landscaping constructed by the Master Developer or its partners, members or shareholders shall be deemed to comply in all respects with the requirements of the Design Review Board and the Development and Architectural Documents, and separate approval therefore by the Design Review Board is not required. In addition, the Design Review Board shall have the right, upon review of submitted standard building plans from the individual Development Phase Developers, to pre-approve building plans. Upon approval by the Design Review Board, such building plans shall be deemed approved by the Design Review Board; subject, however, to the further requirement that such pre-approved building plans shall require further submissions to the Design Review Board for each use of such plans for review and approval by the Design Review Board of proposed construction materials, exterior colors, lot orientation, lot setbacks and landscaping.

E. Exclusive Jurisdiction of Design Review Board. The Design Review Board shall be the sole and exclusive design review board for Jerome Village and shall be the sole and exclusive authority for interpretation of the Development and Architectural Documents, subject to the provisions of Article V Paragraph G hereof.

F. Requirement to Receive Design Review Board Approval. No Person shall apply to any governmental unit, agency, authority or officer for any development plan approval, subdivision plat approval, condominium development approval, construction permit, building permit or variance pertaining to any Improvements to be developed, constructed or installed within Jerome Village unless and until the Design Review Board has endorsed its written approval thereon.

G. Amendments, Modifications and Amplifications of Development and Architectural Documents. Until the Turnover Date, the Master Developer shall have and retain sole and complete discretion to amend, modify and amplify the Development and Architectural Documents, subject to the terms and conditions of the zoning and governmental approvals pertaining to Jerome Village. From and after the Turnover Date, the Master Association Board, upon recommendation of the Design Review Board, or upon its own initiative, shall have the right to amend, modify and amplify the Development and Architectural Documents.

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H. Inspection License. During site development and the development and construction of any Improvements on a Parcel, the Design Review Board and its duly authorized representatives are granted an irrevocable license to come upon the Parcel on which site development is occurring or Improvements are being developed and constructed, to determine compliance with the development and building plans approved by the Design Review Board.

I. Liability Relating to Approvals. Neither the Master Developer, the Master Association, the Master Association Board, the Design Review Board, nor any member thereof, nor any of their respective heirs, personal representatives, successors and assigns, shall be liable to anyone submitting plans and specifications for approval by reason of mistakes of judgment, negligence, or nonfeasance arising out of, or in connection with, the approval or disapproval or failure to approve the same. Every Person and Parcel Owner who submits plans and/or specifications or otherwise requests approval from the Design Review Board agrees, by submission thereof, that they will not bring any action or suit, seek damages, or otherwise attempt to compel the approval of the same. Each Parcel Owner shall be responsible for ensuring that any Improvements constructed on their Parcel comply with any zoning ordinances and any easements, covenants and conditions of record.

J. Green Concept Development. Jerome Village is a "Green Concept Development", meaning key natural features will be identified and preserved within the Common Property. Storm water for Jerome Village will be handled through low impact designated drainage systems with extensive use of bio-swales, thus insuring rainwater will be returned to the aquifer. Major wetlands will be maintained and created to purify water and create wildlife habitat. The Master Developer, the Design Review Board and the Master Association shall each have enforcement rights hereunder to preserve and protect all bio-swales, wetlands and drainage systems installed with Jerome Village.

K. Enforcement. Failure of a person to comply with the provisions of this Article V will result in the Design Review Board exercising its enforcement rights pursuant to Article XIX Paragraph B hereof.

ARTICLE VI. EASEMENTS AND LICENSES

A. Easement of Access and Enjoyment Over Common Property. Every Owner shall have a right and easement (in common with all other Owners) of enjoyment in, over, and upon the Common Property, which rights shall be appurtenant to, and shall pass with the title to, such Owner's property, subject to the terms and limitations set forth in this Master Declaration, and subject to the Rules. An Owner may delegate such Owner's rights of access and enjoyment to family members, tenants, occupants, guests and invitees.

B. Right of Entry for Repair. The duly authorized Manager and its agents, officers, contractors, and employees of the Master Association shall have a right of entry and access to the

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Property, including without limitation the Lots, Condominium Parcels, Multi-Family Parcels and Commercial Parcels, for the purpose of performing the Master Association's rights or obligations set forth in this Master Declaration. The Master Association may enter any Parcel to remove or correct any violation of this Master Declaration or the Rules, or to maintain, repair, and replace the Common Property, but only during reasonable hours and after providing seventy-two (72) hours advance notice to the Owner, except in cases of emergency.

C. Easement for Utilities and Other Purposes. The Master Developer retains the right to and may convey easements over the Common Property or within any platted easement area on any Parcel, to any entity, public or private, for the purpose of constructing, installing, maintaining, and operating poles, pipes, conduit, wires, ducts, cables, and other equipment necessary to furnish electrical, gas, sewer, water, telephone, cable television, internet, and other similar utility or security services, whether of public or private nature, and to any entity for such other purposes as the Master Developer deems appropriate; provided that such equipment or the exercise of such easement rights shall not unreasonably interfere with the Owners' use and enjoyment of the Property. The Master Developer may grant such easements over all portions of the Property for the benefit of adjacent properties as the Master Developer deems appropriate; provided that the grant of such easements imposes no undue, unreasonable, or material burden or cost upon the Property; and further provided that except within existing platted easement areas, the Master Developer may not convey any easement over a Parcel which has previously been transferred to a Developer or Owner without the prior written consent of the Developer or Owner thereof (which consent shall not be unreasonably delayed, conditioned or withheld), as appropriate. The approval or consent of an Owner shall not be required for the Master Developer's grant of an additional easement within a platted easement area. The foregoing notwithstanding, each Development Phase Developer, and each Owner, by acceptance of a deed to any Parcel, grants an irrevocable and limited power of attorney to the Master Developer, which power shall be deemed coupled with an interest, for the purpose of conveying easement rights within existing platted easement areas to the extent and as deemed desirable by the Master Developer.

D. Easement for Services. A non-exclusive easement is hereby granted to all police, firefighters, ambulance operators, mail personnel, delivery personnel, garbage removal personnel, all similar persons, local governmental authorities and the Master Association (but not to the public in general) to enter upon the Common Property to perform their duties.

E. Reservation of Special Easements. The Master Developer hereby reserves special easements for the purpose of constructing Improvements or conveying rights deemed by the Master Developer to be beneficial to the Property including, but not limited to, easements for bio-swales. These special easement areas are also No-Build Zones. The special easement areas may be parts of individual Parcels instead of on Common Property. In such cases, the Owner(s) of the Property(ies) affected by the special easement(s) shall be and remain responsible for the ordinary care and maintenance of the special easement area. If special fencing, landscaping,

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storm water detention/retention, or community safety or entry features are constructed in a special easement area by the Master Developer, or any governmental entity exercising jurisdiction over the Property, or the Master Association, the responsibilities of the Owner on whose property such Improvement has been constructed shall not exceed ordinary grass cutting, trimming and watering around such Improvements. Nothing contained in this Section shall require that the Master Developer reserve or establish special easements.

F. No-Build Zones. Any areas designated on any recorded plat of Jerome Village, or in prior deed restrictions as "Open Space" shall be areas in which no Owner shall have the right to construct or locate any Improvements.

G. Compliance with Subdivision Regulations. Notwithstanding the foregoing easements and licenses contained in this Article VI, the Union County, Ohio Subdivision Regulations as in effect from time to time shall control in the event of any conflict between these easements and licenses and such Subdivision Regulations.

ARTICLE VII. THE MASTER ASSOCIATION

A. Membership. The Master Developer and each Owner shall have a membership in the Master Association, and by acceptance of a deed to a Parcel, every Owner agrees to and acknowledges being a Member of the Master Association. Membership is a right appurtenant to and inseparable from an Owner's fee simple title in a Parcel, and such right of membership shall automatically transfer to any transferee of fee simple title to a Parcel at the time such title is conveyed or at such time as a land installment contract is entered for the conveyance of fee simple title. The foregoing is not intended to include persons who hold an interest merely as security for the performance of an obligation, and the giving of a security interest or mortgage shall not terminate an Owner's membership. No Owner, whether one or more persons, shall have more than one membership per Parcel owned. In the event an Owner consists of more than one Person, such Persons shall have one membership in the Master Association as tenants in common.

B. Governance. Voting and all other matters regarding the governance and operation of the Master Association shall be set forth herein and in the Master Association's Articles of Incorporation and Bylaws, including all amendments hereto and thereto.

C. Composition of Master Association Board. At all times, the Master Association Board shall be composed of three (3) Directors. Until the Turnover Date, all Directors of the Master Association Board shall be appointed by the Master Developer. On the Turnover Date, all Directors of the Master Association appointed by the Master Developer shall resign and a new Board shall be constituted for the Master Association consisting of one (1) Director elected from each of the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association. Each Director of the Master

Association shall hold office for a three (3) year term; provided that the initial Director of the Master Association elected by the Commercial Property Owners Association shall be elected to a one (1) year term, the initial Director of the Master Association elected by the Town Center Property Owners Association shall be elected to a two (2) year term, and the initial Director of the Master Association elected by the Residential Property Owners Association shall be elected to a three (3) year term, in order that the terms of one-third (1/3) of all Directors of the Master Association expire annually.

D. Voting Rights. The Members of the Master Association shall not have any right to vote on any matter pertaining to this Master Declaration or the Master Association, except as otherwise provided herein or required by law. The Master Association shall be governed and controlled exclusively by the Master Association Board, who shall have and possess all voting rights and control hereunder.

E. Bylaws. The initial Bylaws of the Master Association shall be as set forth in the attached Exhibit E, subject to amendment as permitted therein.

ARTICLE VIII. THE COMMERCIAL PROPERTY OWNERS ASSOCIATION

A. Creation and Implementation. Prior to the development of the first Commercial Parcel (other than Commercial Parcels located in the Town Center), there shall be created as a Sub-Association of the Master Association, the Commercial Property Owners Association and the Commercial Property Declaration shall be filed against and encumber such Commercial Parcel. Thereafter, prior to the development of any additional Commercial Parcel (other than Commercial Parcels located in the Town Center), the Commercial Property Declaration shall be amended and expanded to encumber each such Commercial Parcel being developed, such that at all times, all Commercial Parcels (other than the Commercial Parcels located in the Town Center) shall be encumbered by the Commercial Property Declaration. At all times, the Commercial Property Owners Association shall be subject and subordinate to the Master Association.

B. Membership. The Master Developer and each Owner of a Commercial Parcel (except Owners of Commercial Parcels within the Town Center) shall have a membership in the Commercial Property Owners Association, and by acceptance of a deed to a Commercial Parcel, every Owner of a Commercial Parcel agrees to and acknowledges being a Member of the Commercial Property Owners Association. Membership in the Commercial Property Owners Association is a right appurtenant to and inseparable from a Commercial Parcel Owner's fee simple title in a Commercial Parcel, and such right of membership shall automatically transfer to any transferee of fee simple title to a Commercial Parcel at the time such title is conveyed or at such time as a land installment contract is entered for the conveyance of fee simple title. The foregoing is not intended to include persons who hold an interest merely as security for the performance of an obligation, and the giving of a security interest or mortgage shall not

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terminate a Commercial Parcel Owner's membership. No Commercial Parcel Owner, whether one or more Persons, shall have more than one membership per Commercial Parcel owned. In the event a Commercial Parcel Owner consists of more than one Person, such Persons shall have one membership in the Commercial Property Owners Association as tenants in common.

C. Governance. Voting and all other matters regarding the governance and operation of the Commercial Property Owners Association shall be set forth in the Commercial Property Owners Association's Articles of Incorporation and Bylaws, this Master Declaration and a separate declaration filed of record pertaining to the Commercial Property Owners Association, including all amendments hereto and thereto.

D. Classes of Membership. The Membership of the Commercial Property Owners Association shall be divided into two (2) classes, having the rights and obligations herein described:

1. Master Member. There shall be one (1) Master Member of the Commercial Property Owners Association, being the Master Developer. In all Commercial Property Owners Association matters involving a vote, the Master Member of the Commercial Property Owners Association shall have one (1) vote for each Commercial Parcel of the Property (whether or not such Commercial Parcel has been transferred to a Developer or individual Commercial Parcel Owner); until such time as the Commercial Parcel Owners become voting members of the Commercial Property Owners Association, as provided in Article VIII Paragraph D.2. hereof, after which time, the Master Member of the Commercial Property Owners Association shall no longer have any voting rights in its role as Master Member of the Commercial Property Owners Association but shall retain voting rights only as a Commercial Parcel Owner Member to the extent applicable.

2. Commercial Parcel Owner Members. Each Owner of a Commercial Parcel (excluding Commercial Parcels in the Town Center) shall be a member of the Commercial Property Owners Association. Sub-Associations created as permitted by Article XVII Paragraph B hereof shall not be Members of the Commercial Property Owners Association. The Commercial Parcel Owner Members shall not be voting members of the Commercial Property Owners Association until the Turnover Date, at which time, the Master Member of the Commercial Property Owners Association shall no longer have any voting rights in the Commercial Property Owners Association in its role as Master Member and each Commercial Parcel Owner (including the Master Developer, if applicable) shall be entitled to vote on Commercial Property Owners Association matters submitted to a vote. The number of votes to be possessed by each Commercial Parcel Owner shall be determined as follows:

One vote shall be given to each Owner and additional votes shall be given to Owners of Commercial Parcels on which building Improvements have been developed and constructed, at a ratio of one vote for each 15,000 sq. ft. of building Improvements (or portion thereof if less than 15,000 sq. ft.).

Irrespective of whether the Commercial Parcel Owners have voting rights, they shall have enforcement rights for any violation of development and use restrictions as provided for herein.

E. Composition of Board. At all times, the Commercial Property Owners Association shall be comprised of three (3) Directors. Until the Turnover Date, all Directors of the Commercial Property Owners Association shall be appointed by the Master Developer and the same natural Persons may be Directors of one or more of the Master Association, the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association. On the Turnover Date, all Directors of the Commercial Property Owners Association appointed by the Master Developer shall resign and a new Board shall be constituted for the Commercial Property Owners Association consisting of three (3) natural persons who own or represent the owners of Commercial Parcels (other than Commercial Parcels located in the Town Center). Each Director of the Commercial Property Owners Association shall hold office for a three (3) year term; provided that the initial Directors elected by the members on the Turnover Date shall be elected to staggered terms with one (1) Director elected to a one (1) year term, one (1) Director elected to a two (2) year term, and one (1) Director elected to a three (3) year term, determined on the number of votes cast for each Director, with the Director receiving the most votes being elected to the longest term (3 years) and in descending order therefrom. Consequently, after the Turnover Date, the term of one third (1/3) of all Directors of the Commercial Property Owners Association shall expire annually.

ARTICLE IX. THE RESIDENTIAL PROPERTY OWNERS ASSOCIATION

A. Creation and Implementation. Prior to the development of the first Residential Parcel, there shall be created as a Sub-Association of the Master Association, the Residential Property Owners Association and the Residential Property Declaration shall be filed against and encumber such Residential Parcel. Thereafter, prior to the development of any additional Residential Parcel, the Residential Property Declaration shall be amended and expanded to encumber each such Residential Parcel being developed, such that at all times, all Residential Parcels shall be encumbered by the Residential Property Declaration. At all times, the Residential Property Owners Association shall be subject and subordinate to the Master Association.

B. Membership. The Master Developer, each Lot or Unit Owner and each Owner of a Multi-Family Parcel shall have a membership in the Residential Property Owners Association,

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and by acceptance of a deed to a Lot, Unit or Multi-Family Parcel, every Lot, Unit or Multi-Family Parcel Owner agrees to and acknowledges being a Member of the Residential Property Owners Association. Membership in the Residential Property Owners Association is a right appurtenant to and inseparable from a Lot, Unit or Multi-Family Parcel Owner's fee simple title in a Lot, Unit or Multi-Family Parcel, and such right of membership shall automatically transfer to any transferee of fee simple title to a Lot, Unit or Multi-Family Parcel at the time such title is conveyed or at such time as a land installment contract is entered for the conveyance of fee simple title. The foregoing is not intended to include persons who hold an interest merely as security for the performance of an obligation, and the giving of a security interest or mortgage shall not terminate a Lot, Unit or Multi-Family Parcel Owner's membership. No Lot, Unit or Multi-Family Parcel Owner, whether one or more Persons, shall have more than one membership per Lot, Unit or Multi-Family Parcel owned. In the event a Lot, Unit or Multi-Family Parcel Owner consists of more than one Person, such Persons shall have one membership in the Residential Property Owners Association as tenants in common.

C. Governance. Voting and all other matters regarding the governance and operation of the Residential Property Owners Association shall be set forth in the Residential Property Owners Association's Articles of Incorporation and Bylaws, this Master Declaration and a separate declaration filed of record pertaining to the Residential Property Owners Association, including all amendments hereto and thereto.

D. Classes of Membership. The Membership of the Residential Property Owners Association shall be divided into two (2) classes, having the rights and obligations herein described:

1. Master Member. There shall be one (1) Master Member of the Residential Property Owners Association, being the Master Developer. In all Residential Property Owners Association matters involving a vote, the Master Member of the Residential Property Owners Association shall have one (1) vote for each planned residential Lot, each Unit and each Multi-Family Parcel of the Property (whether or not such Lot, Unit or Multi-Family Parcel has been transferred to a Developer or individual Lot, Unit or Multi-Family Parcel Owner); until such time as the Lot, Unit or Multi-Family Parcel Owners become voting members of the Residential Property Owners Association, as provided in Article IX Paragraph D.2. hereof, after which time, the Master Member of the Residential Property Owners Association shall no longer have any voting rights in its role as Master Member of the Residential Property Owners Association but shall retain voting rights only as a Lot, Unit or Multi-Family Parcel Owner Member to the extent applicable.

2. Lot, Unit or Multi-Family Parcel Owner Members. Each Owner of a residential Lot in one of the single-family subdivisions, each Unit Owner in a Condominium and each Owner of a Multi-Family Parcel shall be a member of the Residential Property Owners Association. Sub-Associations created as permitted by

Article XVII hereof and Condominium Associations shall not be Members of the Residential Property Owners Association. The Lot, Unit or Multi-Family Parcel Owner Members shall not be voting members of the Residential Property Owners Association until the Turnover Date, at which time the Master Member of the Residential Property Owners Association shall no longer have any voting rights in the Residential Property Owners Association in its role as Master Member of the Residential Property Owners Association and each Lot, Unit or Multi-Family Parcel Owner (including the Master Developer, if applicable) shall be entitled to vote on Residential Property Owners Association matters submitted to a vote. The number of votes to be possessed by each Lot, Unit or Multi-Family Parcel Owner shall be determined as follows:

Each Lot Owner shall have one vote, each Unit Owner shall have one vote and the Owner of a Multi-Family Parcel shall have one vote.

Irrespective of whether the Lot, Unit or Multi-Family Parcel Owners have voting rights, they shall have enforcement rights for any violation of development and use restrictions as provided for herein.

E. Composition of Board. At all times, the Residential Property Owners Association shall be comprised of three (3) Directors. Until the Turnover Date, all Directors of the Residential Property Owners Association shall be appointed by the Master Developer and the same natural Persons may be Directors of one or more of the Master Association, the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association. On the Turnover Date, all Directors of the Residential Property Owners Association appointed by the Master Developer shall resign and a new Board shall be constituted for the Residential Property Owners Association consisting of three (3) natural persons who own or represent the Lot, Unit and Multi-Family Parcel Owners. Each Director of the Residential Property Owners Association shall hold office for a three (3) year term; provided that the initial Directors elected by the members on the Turnover Date shall be elected to staggered terms with one (1) Director elected to a one (1) year term, one (1) Director elected to a two (2) year term, and one (1) Director elected to a three (3) year term, determined on the number of votes cast for each Director, with the Director receiving the most votes being elected to the longest term (3 years) and in descending order therefrom. Consequently, after the Turnover Date, the term of one third (1/3) of all Directors of the Residential Property Owners Association shall expire annually.

ARTICLE X. THE TOWN CENTER PROPERTY OWNERS ASSOCIATION

A. Creation and Implementation. Prior to development of any portions of the Town Center as a Commercial Parcel, there shall be created as a Sub-Association of the Master Association, the Town Center Property Owners Association and the Town Center Property Declaration shall be filed against and encumber such portions of the Town Center thereby

developed as a Commercial Parcel. Thereafter, prior to the development of any additional Commercial Parcel in the Town Center, the Town Center Property Declaration shall be amended and expanded to encumber each such Commercial Parcel being developed in the Town Center, such that at all times, all Commercial Parcels located in the Town Center shall be encumbered by the Town Center Property Declaration. At all times, the Town Center Property Owners Association shall be subject and subordinate to the Master Association.

B. Membership. The Master Developer and each Owner of a Town Center Commercial Parcel shall have a membership in the Town Center Property Owners Association, and by acceptance of a deed to a Town Center Commercial Parcel, every Owner of a Town Center Commercial Parcel agrees to and acknowledges being a Member of the Town Center Property Owners Association. Membership in the Town Center Property Owners Association is a right appurtenant to and inseparable from a Town Center Commercial Parcel Owner's fee simple title in a Town Center Commercial Parcel, and such right of membership shall automatically transfer to any transferee of fee simple title to a Town Center Commercial Parcel at the time such title is conveyed or at such time as a land installment contract is entered for the conveyance of fee simple title. The foregoing is not intended to include persons who hold an interest merely as security for the performance of an obligation, and the giving of a security interest or mortgage shall not terminate a Town Center Commercial Parcel Owner's membership. No Town Center Commercial Parcel Owner, whether one or more Persons, shall have more than one membership per Town Center Commercial Parcel owned. In the event a Town Center Commercial Parcel Owner consists of more than one Person, such Persons shall have one membership in the Town Center Property Owners Association as tenants in common.

C. Governance. Voting and all other matters regarding the governance and operation of the Town Center Property Owners Association shall be set forth in the Town Center Property Owners Association's Articles of Incorporation and Bylaws, this Master Declaration and a separate declaration filed of record pertaining to the Town Center Property Owners Association, including all amendments hereto and thereto.

D. Classes of Membership. The Membership of the Town Center Property Owners Association shall be divided into two (2) classes, having the rights and obligations herein described:

1. Master Member. There shall be one (1) Master Member of the Town Center Property Owners Association, being the Master Developer. In all Town Center Property Owners Association matters involving a vote, the Master Member of the Town Center Property Owners Association shall have one (1) vote for each Town Center Commercial Parcel of the Property (whether or not such Town Center Commercial Parcel has been transferred to a Developer or individual Town Center Commercial Parcel Owner); until such time as the Town Center Commercial Parcel Owners become voting members of the Town Center Property Owners Association, as provided in Article X Paragraph D.2. hereof, after which time, the Master Member of the Town Center

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Property Owners Association shall no longer have any voting rights in its role as Master Member of the Town Center Property Owners Association but shall retain voting rights only as a Town Center Commercial Parcel Owner Member to the extent applicable.

2. Town Center Commercial Parcel Owner Members. Each Owner of a Town Center Commercial Parcel shall be a member of the Town Center Property Owners Association. Sub-Associations created as permitted by Article XVII hereof shall not be Members of the Town Center Property Owners Association. The Town Center Commercial Parcel Owner Members shall not be voting members of the Town Center Property Owners Association until the Turnover Date, at which time the Master Member of the Town Center Property Owners Association shall no longer have any voting rights in the Town Center Property Owners Association in its role as Master Member and each Town Center Commercial Parcel Owner (including the Master Developer, if applicable) shall be entitled to vote on Town Center Property Owners Association matters submitted to a vote. The number of votes to be possessed by each Town Center Commercial Parcel Owner shall be determined as follows:

One vote shall be given to each Owner and additional votes shall be given to Owners of Town Center Commercial Parcels on which building Improvements have been developed and constructed, at a ratio of one vote for each 5,000 sq. ft. of building Improvements (or portion thereof if less than 5,000 sq. ft.).

Irrespective of whether the Town Center Commercial Parcel Owners have voting rights, they shall have enforcement rights for any violation of development and use restrictions as provided for herein.

E. Composition of Board. At all times, the Town Center Property Owners Association shall be comprised of three (3) Directors. Until the Turnover Date, all Directors of the Town Center Property Owners Association shall be appointed by the Master Developer and the same natural Persons may be Directors of one or more of the Master Association, the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association. On the Turnover Date, all Directors of the Town Center Property Owners Association appointed by the Master Developer shall resign and a new Board shall be constituted for the Town Center Property Owners Association consisting of three (3) natural persons who own or represent the Town Center Commercial Parcel Owners. Each Director of the Town Center Property Owners Association shall hold office for a three (3) year term; provided that the initial Directors elected by the members on the Turnover Date shall be elected to staggered terms with one (1) Director elected to a one (1) year term, one (1) Director elected to a two (2) year term, and one (1) Director elected to a three (3) year term, determined on the number of votes cast for each Director, with the Director receiving the most votes being elected to the longest term (3 years) and in descending order therefrom. Consequently, after the

Turnover Date, the term of one third (1/3) of all Directors of the Town Center Property Owners Association shall expire annually.

ARTICLE XI. RIGHTS AND OBLIGATIONS OF THE MASTER ASSOCIATION

A. Personal Property and Real Property for Common Use. The Master Association may acquire, hold, mortgage and dispose of tangible and intangible personal property and real property.

B. Rules and Regulations. The Master Association may make and enforce reasonable rules and regulations governing the use of the Property, which shall be consistent with this Master Declaration and the Governing Documents. The Master Association shall have the power to impose sanctions on Owners, including without limitation, suspension of the right to use the Common Property. In addition, the Board shall have the power to seek relief in any court for violations or to abate unreasonable disturbances.

C. Implied Rights. The Master Association may exercise any other right or privilege given to it expressly by the laws of the State and this Master Declaration, and every other right or privilege reasonably implied from the existence of any right or privilege granted in this Master Declaration, or reasonably necessary to effect any such right or privilege.

D. Joint Use and Cost-Sharing Agreements. The Master Association may enter into agreements with any other homeowners association and/or master association, including but not limited to, Sub-Associations, whereby: (i) any other homeowners association, master association and/or Sub-Association agrees to maintain, repair and replace the Common Property (and any other common improvements or areas benefiting the Property), and (ii) the Master Association and any other homeowners association, master association and/or Sub-Association grant reciprocal rights and licenses to members of each such association to use and enjoy common areas, subject to such rules, regulation, restrictions and fees as the board of trustees of each homeowners association may from time to time determine.

E. Managing Agent. The Master Association may retain and employ a Manager, which may be the Master Developer (or an affiliate thereof), a Developer or an independent third-party, and may delegate to the Manager such duties as the Master Association Board might otherwise be authorized or obligated to perform. The compensation of the Manager shall be an Administrative Expense. Any management agreement shall allow for termination by either party, without cause, and without penalty upon not less than thirty (30) nor more than ninety (90) days' prior written notice.

F. Insurance.

1. The Master Association shall be required to obtain and maintain adequate blanket property insurance and flood insurance covering all of the Common Property

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owned by the Master Association, and liability insurance pertaining to the Common Property, in each case in amounts as are commonly required by comparable master associations. The cost of such insurance shall be an Administrative Expense.

2. The Master Association may, in the Board's discretion, obtain and maintain the following insurance as an Administrative Expense: (a) fidelity bond coverage and workers' compensation insurance for all officers, directors, board members and employees of the Master Association and all other persons handling or responsible for handling funds of the Master Association; (b) adequate comprehensive general liability insurance; (c) directors, officers and trustees liability insurance; (d) additional insurance against such other hazards and casualties as is required by law; and (e) any other insurance the Master Association deems necessary.

G. Condemnation. The Master Association shall represent the Owners in any condemnation proceedings or in negotiations, settlements and agreements with the condemning authority for acquisition of the Common Property, or any portion thereof. Each Owner hereby appoints the Master Association as its attorney-in-fact for such purpose. The awards or proceeds of any condemnation action shall be payable to the Master Association, to be held in trust or used for the benefit of the Owners.

H. Books, Records. Upon reasonable request of any Member, the Master Association shall be required to make available for inspection all books, records and financial statements of the Master Association during regular business hours. Any copies requested by a Member shall be charged at a reasonable fee per copy as established by the Master Association Board from time to time. Notwithstanding the foregoing, none of the books, records or documents pertaining to any of the following matters may be examined or copied without the express approval of the Master Association Board:

1. information that pertains to personnel matters;
2. communications with legal counsel or attorney work product pertaining to potential, threatened or pending litigation, or other property-related matters;
3. information that pertains to contracts or transactions currently under negotiation, or information that is contained in a contract or other agreement containing confidentiality requirements and that is subject to those requirements;
4. information that relates to the enforcement of the Master Declaration, Bylaws or Rules of the Master Association against other Owners; and
5. information, the disclosure of which is prohibited by state or federal law.

ARTICLE XII. ADMINISTRATIVE EXPENSES REIMBURSEMENT

All Administrative Expenses incurred shall be paid and reimbursed by the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association as provided in this Article XII.

A. Allocation of Administrative Expenses. On an annual calendar year basis, the Board of the Master Association shall make a determination of the allocation of Administrative Expenses among the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association. Such allocation need not be equal but shall be based on the services and administrative tasks required by the Master Association, the Board of the Master Association and the Design Review Board in relation to the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association and their respective Members. Such allocation shall be final and shall apply until a further allocation is determined by the Board of the Master Association.

B. Billing for Administrative Expenses. Based on the allocation established pursuant to Paragraph A above, the Master Association (or the Manager on behalf of the Master Association) shall invoice the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association their respective shares of Administrative Expenses on a routine basis, such as monthly or quarterly, and all such Administrative Expenses shall be due and payable within thirty (30) days after invoice. Any Administrative Expenses not paid in full within thirty (30) days after invoice shall incur a late charge of one percent (1%) per month.

C. Covenant to Assess. It shall be a requirement for approval by the Master Association of all Sub-Association documents that the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association pursuant to Article XVII Paragraph E hereof, that each of the Commercial Property Owners Association, the Residential Property Owners Association and the Town Center Property Owners Association covenant and agree therein to pass through and assess their respective Members all Administrative Expenses allocated and invoiced hereunder.

ARTICLE XIII. MAINTENANCE

A. Maintenance by Association. The owner of Common Property shall maintain and keep in good repair the Common Property. This maintenance shall include, without limitation, maintenance, repair, and replacement of all landscaping and other flora, structures, and improvements situated upon the Common Property and all personal property used in connection with the operation of the Common Property. The cost of installing and maintaining entry features and related improvements, and common areas, located entirely within, and for the sole

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benefit of any Multi-Family Parcel, Commercial Parcel or Condominium, which are available solely to the Multi-Family Parcel's residents, the Commercial Parcel's tenants, occupants and invitees or the Condominium Unit Owners, shall not be shared in any way with the Owners of Lots in the single-family subdivisions at the Property.

B. Maintenance by Owner. Each Owner or occupant shall repair, replace, and maintain in good order and condition, at his/her expense, portions of, improvements to, structures on, and equipment and components used in connection with his/her property. This maintenance responsibility includes, without limitation, promptly furnishing all necessary materials and performing or causing to be performed at his/her own expense all maintenance, repairs and replacements within such property that, if omitted, would adversely affect the safety and usefulness of the Common Property. Each Owner shall maintain those portions of his/her property that are adjacent to any portion of the Common Property in accordance with the Rules and the requirements set forth in this Master Declaration.

ARTICLE XIV. JEROME VILLAGE COMMUNITY AUTHORITY

Jerome Village shall, in all respects, be subject at all times to the Declaration of Covenants, Restrictions and Agreements for the Community Authority recorded on February 26, 2010 as Instrument No. 366051, Union County Recorder's Office, and in Volume 859, Page 275, Delaware County Recorder's Office, as amended from time to time (the "Community Authority Declaration").

ARTICLE XV. ADJOINING OWNER PROPERTY

A. Joinder of Adjoining Owners. The Adjoining Owners are joining in the execution and delivery of this Master Declaration in order to provide for their respective Adjoining Owner Properties to be a part of Jerome Village and restrict their respective Adjoining Owner Property upon development as hereinafter provided. The Adjoining Owners were parties to the Planned Unit Development zoning undertaken by the Master Developer in Jerome Township, Union County, Ohio to create Jerome Village. Each of the Adjoining Owners covenants and agrees not to seek a rezoning or other reclassification for zoning purposes of its respective Adjoining Owner Property without the express written consent of the Master Developer.

B. Application of Master Declaration, Commercial Property Declaration, Residential Property Declaration, and Town Center Declaration to Adjoining Owners and Adjoining Owner Property. Notwithstanding anything contained herein to the contrary, with the exception of Article XV Paragraph A hereof, the terms and conditions of this Master Declaration shall not apply to an Adjoining Owner until such time as such Adjoining Owner, its heirs, successors and assigns, undertakes any development of such Adjoining Owner's Adjoining Owner Property by seeking any preliminary or final development plan approval for such Adjoining Owner Property. At all times thereafter, the Master Declaration shall apply and the Adjoining Owner shall execute

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and cause to be recorded against such Adjoining Owner's Adjoining Owner Property being developed the Commercial Property Declaration, the Residential Property Declaration and/or the Town Center Declaration, as applicable, in order that at all times, the Master Association shall apply to all developed portions of Jerome Village. The Commercial Property Declaration shall apply and encumber all Commercial Parcels (other than Town Center Commercial Parcels), the Residential Property Declaration shall apply to and encumber all Residential Parcels, and the Town Center Declaration shall apply to and encumber all Commercial Parcels located in the Town Center.

C. Heirs, Successors and Assigns Bound. This Master Declaration shall run with the land and shall be binding and enforceable against the heirs, successors and assigns of the Adjoining Owners in and to the Adjoining Owner Properties.

ARTICLE XVI. COMMON PROPERTY

A. All Common Property as delineated on any subdivision plat of the Property shall be and remain Common Property in perpetuity and shall not be developed or used for any purpose other than as Common Property for the benefit of all Owners and the Master Association, and in the case of Common Property owned by the Community Authority, the public at large; provided, however, that any Common Property located on discrete and distinct Development Phases owned by a Sub-Association and designated as Common Property for the use of such Development Phase may be reserved for the exclusive use of the residents of such Development Phase and their invitees.

B. No hunting, trapping or fishing shall be permitted on any Common Property and the Master Association shall be authorized to post signs accordingly.

C. The Common Property described on the attached Exhibit D-1, consisting of approximately 10 acres located in Concord Township, Delaware County, Ohio is hereby declared to be Common Property as of the date of recording this Master Declaration with the Delaware County, Ohio Recorder and shall at all times remain as undeveloped open space for Jerome Village.

ARTICLE XVII. SUB-ASSOCIATIONS

A. Sub-Association for Residential Areas. A Sub-Association for all residential areas of Jerome Village consisting of all Lots and Units, being the Residential Property Owners Association, has been created pursuant to Article IX hereof and its Articles of Incorporation. Additional Sub-Associations shall be permitted to be created within any residential Development Phase or in connection with any Condominium, provided that any such additional Sub-Associations shall be subject and subordinate to this Master Declaration and the Residential Property Owners Association.

B. Sub-Associations in Commercial Areas. A Sub-Association for all Commercial Parcels (except the Town Center) located in Jerome Village, being the Commercial Property Owners Association, has been created pursuant to Article VIII hereof and its Articles of Incorporation. Additional Sub-Associations shall be permitted to be created for Development Phases of the Property developed for commercial, retail, office and institutional purposes, provided that any additional Sub-Associations shall be subject and subordinate to this Master Declaration and the Commercial Property Owners Association.

C. Sub-Association for Town Center. A Sub-Association for Commercial Parcels located in the Town Center located in Jerome Village, being the Town Center Property Owners Association, has been created pursuant to Article X hereof and its Articles of Incorporation. No additional Sub-Associations pertaining to Commercial Parcels located in the Town Center shall be permitted hereunder without the consent of the Master Association Board.

D. Subordination of Sub-Associations. All Sub-Associations shall be subject and subordinate to this Master Declaration and at all times shall comply with all terms and conditions of this Master Declaration and the applicable Sub-Association declaration.

E. Approval of Sub-Association Documents. All documents creating, organizing or governing Sub-Associations, including all amendments thereto, shall be subject to review and approval by the Master Developer prior to the Turnover Date, and after the Turnover Date, shall be subject to review and approval by the Master Association Board. Such approvals shall be for the sole purpose of establishing compliance with this Master Declaration and the development standards of Jerome Village and shall not be unreasonably withheld, conditioned or delayed.

F. Sub-Association Limitations. Sub-Associations shall administer restrictions and assessments solely relating to the property within and matters related solely to, the property that is the subject of such Sub-Association, as the case may be, and the Owners of Parcels that constitute portions of such property.

**ARTICLE XVIII. MASTER DEVELOPER AS SOLE MASTER DEVELOPER;
ASSIGNMENT OF MASTER DEVELOPER ROLE; RESTRICTIONS ON REZONINGS**

A. Jerome Village Company, LLC, an Ohio limited liability company, is the named Declarant and the Master Developer in this Master Declaration and is filing and recording the Master Declaration in its role as the Master Developer of Jerome Village. At all times, there shall be only one Master Developer of Jerome Village, until such time as Jerome Village is fully developed and built out, such that there is no longer a need for a Master Developer. Except as otherwise provided in Article XIX Paragraph D hereof, in the event Jerome Village Company,

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LLC desires to assign, transfer and convey its rights and obligations hereunder as the Master Developer of Jerome Village, it shall only be permitted to do so if all, but not less than all, of such rights and obligations are assigned, transferred and conveyed to a single Person who agrees in writing to assume all such rights and obligations. Any such assignment shall be recorded in the Official Records of Union County, Ohio and Delaware County, Ohio.

B. Due to the fact that Jerome Village is a planned community and zoned as a planned unit development pursuant to Section 519.021(B) of the Ohio Revised Code, as amended, until the Turnover Date, only the Master Developer shall be permitted to seek zoning amendments (legislative or administrative) or rezonings from applicable governmental authorities pertaining to the Property. From and after the Turnover Date, Owners shall be permitted to seek zoning amendments (legislative or administrative) or rezonings from applicable governmental authorities pertaining to the Property only with the prior written consent of the Master Association Board.

C. The Township of Jerome, Union County, Ohio shall be a third party beneficiary of this Article XVIII, entitled to enforce the provisions of this Article XVIII.

ARTICLE XIX. MISCELLANEOUS

A. Term. This Master Declaration shall bind and run with the land for a term of thirty (30) years from and after the date this Master Declaration is filed for recording with the appropriate governmental office, and thereafter shall automatically renew for successive periods of ten (10) years each unless and until an election is made by the Master Association Board to terminate this Master Declaration.

B. Enforcement; Waiver. This Master Declaration and all provisions hereof may be enforced by any proceeding at law or in equity by the Master Developer, the Design Review Board, any Owner, the Master Association, the Master Association Board, and their respective heirs, successors and assigns, against any person(s) violating, or attempting to violate, any covenant or restriction, to restrain and/or to enjoin violation, to obtain a decree for specific performance as to removal of any nonconforming Improvement, and to recover all damages, costs of enforcement and any other costs incurred (including without limitation reasonable attorneys' fees). Failure of the Master Developer, the Design Review Board, the Master Association, the Master Association Board or any Owner to enforce any provision of this Master Declaration or the Rules in any manner shall not constitute a waiver of any right to enforce any violation of such provision. By accepting a deed to a Parcel, each Developer and Owner is deemed to waive the defenses of laches and statute of limitations in connection with the enforcement of this Master Declaration or the Rules.

C. Amendments. The Master Developer may unilaterally amend this Master Declaration from time to time, without the consent of any Developer or any Owners, if such

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amendment is: (a) necessary to bring any provision hereof into compliance with any applicable governmental statute, rule, regulation or judicial order, (b) necessary to enable any reputable title insurance company to issue title insurance coverage on the Parcels, (c) necessary to conform to the requirements then governing the making of a mortgage loan or the purchase, guaranty or insurance of mortgages by an institutional lender or an institutional guarantor or insurer of mortgages on Lots, Units or Multi-Family Parcels, including but not limited to, the United States Federal Housing Administration, (d) necessary to correct typographical, factual or obvious errors or omissions, (e) deemed appropriate by the Master Developer for the orderly development of Jerome Village; provided, however, any such amendment permitted pursuant to clauses (b) or (e) above shall not materially adversely affect the title to any real property as of the date of such amendment unless the Owner thereof on such date has consented to such amendment in writing. From and after the Turnover Date, the Master Association Board shall have and possess all rights to amend this Master Declaration as provided in the preceding sentence without the consent of any Developer or any Owner; provided, however, that from and after the Turnover Date, the Master Association Board shall have no right or power to modify or amend the provisions of Article XVIII hereof. The Master Developer shall have the right and power, but neither the duty nor the obligation, in its sole and absolute discretion and by its sole act, to subject additional property to this Master Declaration at any time and from time to time by executing and recording in the appropriate governmental office, an amendment to this Master Declaration specifying that such additional property is part of the Property. An amendment to this Master Declaration shall not require the joinder or consent of any Developer, the Master Association, the Master Association Board, other Owners, mortgagees or any other person. In addition, such amendments to the Master Declaration may contain such supplementary, additional, different, new, varied, revised or amended provisions and memberships as may be necessary or appropriate, as determined by the Master Developer prior to the Turnover Date, and thereafter by the Master Association Board, to reflect and address the different character or intended development of any such additional property. Except as provided herein, this Master Declaration and the attached Bylaws may be amended only by the Master Association Board. No amendment to this Master Declaration shall be effective until it is filed of record in the Official Records of Union County, Ohio and Delaware County, Ohio.

D. Master Developer's Rights to Complete Development. The Master Developer, and within each Development Phase the applicable Developer, with the written approval of the Master Developer, shall have the right to: (a) complete development, construction, promotion, marketing, sale, resale and leasing of any Development Phase; (b) construct or alter Improvements on any property owned by the Master Developer; (c) within each Development Phase, maintain model homes, offices for construction, sales or leasing purposes; storage areas, construction yards or similar facilities on any property owned by the Master Developer, the Developer or the Master Association; or (d) post signs incidental to development, construction, promotion, marketing, sale and leasing of property within the Property. Further, the Master Developer and each Developer shall have the right of ingress and egress through the streets, paths and walkways located in the Property for any purpose whatsoever, including, but not

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limited to, purposes related to the construction, maintenance and operation of Improvements. Nothing contained in this Master Declaration shall limit the rights of the Master Developer or require the Master Developer to obtain approval to: (i) excavate, cut, fill or grade any property owned by the Master Developer, or to construct, alter, remodel, demolish or replace any Improvements on any Common Property or any property owned by the Master Developer as a construction office, model home or real estate sales or leasing office in connection with the sale of any property; or (ii) require the Master Developer to seek or obtain the approval of the Master Association Board or the Design Review Board for any such activity or Improvement on any Common Property or any property owned by the Master Developer. Nothing in this Section shall limit or impair the reserved rights of the Master Developer or Developers as elsewhere provided in this Master Declaration. Each, some or all of the rights reserved by the Master Developer herein may be assigned, in whole or in part and with or without limitations or restrictions, to the Developer(s) of each such Development Phase, to the extent and as the Master Developer sees fit in its sole and absolute discretion.

E. Master Developer's Rights to Replat the Master Developer's Property. The Master Developer reserves the right, at any time and from time to time, to amend, alter or replat any plat or development plan and to amend any zoning ordinance which affects all or any portion of the Property; provided, however, that only real property owned by the Master Developer shall be the subject of any such amendment, alteration or replatting unless the owner(s) of such other real property as is to be affected by such replatting, alteration or amendment consents in writing to the same. Each Developer, Owner and Member and the Master Association, for themselves and their successors and assigns, hereby consents to and approves any such amendment, alteration or replatting and shall be deemed to have joined in the same.

F. Mortgage Rights. A holder or insurer of a first mortgage upon any Parcel, upon written request to the Master Association (which request shall state the name and address of such holder or insurer and a description of the property) shall be entitled to timely written notice of:

1. any amendment of this Master Declaration or the Bylaws;
2. any termination of the Master Association; and
3. any default under this Master Declaration which gives rise to a cause of action by the Master Association against the Owner of the Parcel subject to the mortgage of such holder or insurer, where the default has not been cured in sixty (60) days.

Each holder and insurer of a first mortgage on any Parcel shall be entitled, upon request and at such mortgagee's expense, to inspect the books and records of the Master Association during normal business hours, subject to the limitations contained in Article XI Paragraph I hereof.

G. Indemnification. The Master Association shall indemnify every Master Association Board member, officer and trustee thereof and the Design Review Board and each member thereof against any and all claims, liabilities, expenses, including attorneys fees reasonably incurred by or imposed upon any officer, trustee or board member in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the Master Association Board), to which he/she may be a party by reason of being or having been an officer, trustee or board member. The Master Association Board members, officers and trustees of the Master Association and the members of the Design Review Board shall not be liable for any mistake of judgment, negligent or otherwise, except for their own individual willful misconduct, bad faith or gross negligence. The Master Association Board members, officers and trustees of the Master Association shall have no personal liability with respect to any contract or other commitment made by them in good faith, on behalf of the Master Association (except to the extent that such Master Association Board members, officers or trustees may also be Members of the Master Association), and the Master Association shall indemnify and forever hold its Master Association Board members, officers and trustees free from and harmless against any and all liability to others on account of any such contract or commitment. Any right to indemnification provided herein shall not be exclusive of any other rights to which any Master Association Board or Design Review Board member, officer or trustee, or former Master Association Board or Design Review Board member, officer or trustee, may be entitled.

H. Severability. If any article, section, paragraph, sentence, clause or word in this Master Declaration is held by a court of competent jurisdiction to be in conflict with any law of the State, then the requirements of such law shall prevail and the conflicting provision or language shall be deemed void in such circumstance; provided that the remaining provisions or language of this Master Declaration shall continue in full force and effect.

I. Captions. The caption of each Article, section and paragraph of this Master Declaration is inserted only as a matter of reference and does not define, limit or describe the scope or intent of the provisions of this Master Declaration.

J. Notices. Notices to an Owner shall be given in writing, by personal delivery, at the property owned, or by depositing such notice in the United States Mail, first class, postage prepaid, to the address of the Owner of the property as shown by the records of the Master Association, as shown on the tax duplicate for the Parcel, or as otherwise designated in writing by the Owner.

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Signature page to follow.

IN WITNESS WHEREOF, Jerome Village Company, LLC, as the Declarant and the Master Developer, has caused this Master Declaration to be executed by its duly authorized representative as of the day and year first above written.

JEROME VILLAGE COMPANY, LLC, an Ohio limited liability company

By: Nationwide Realty Investors, Ltd., its member and manager

By: [Signature]
Brian J. Ellis, President and Chief Operating Officer

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

The foregoing instrument was acknowledged before me this 2nd day of February 2011, by Brian J. Ellis, the President and Chief Operating Officer of Nationwide Realty Investors, Ltd., a member and the manager of JEROME VILLAGE COMPANY, LLC, on behalf of Jerome Village Company, LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal on the date and year aforesaid.



JANICE L. GRESKO
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

[Signature]
Notary Public

Stewart Title Agency
of Columbus Box

120101153 LM

IN WITNESS WHEREOF, J.A.S. Limited Partnership has caused this Master Declaration to be executed by its duly authorized representative as of the day and year first above written.

J.A.S. LIMITED PARTNERSHIP,
as an Adjoining Owner

By: *[Signature]*
Name: *Dan Stane*
Title: *Member*

STATE OF OHIO
COUNTY OF *Franklin*) SS:

The foregoing instrument was acknowledged before me this *3rd* day of *February* 2011, by *Dan Stane*, the *Member* of J.A.S. LIMITED PARTNERSHIP, on behalf of J.A.S. Limited Partnership.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal on the date and year aforesaid.

Marcia A. McCoy
Notary Public **MARCIA A. McCOY**
Notary Public
State of Ohio
My Commission Expires April 15, 2012

{00019142-16}

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OR 907 PG 615

IN WITNESS WHEREOF, William H. Marx, Jr., and Christine S. Marx, husband and wife, have caused this Master Declaration to be executed as of the day and year first above written.

WILLIAM H. MARX, JR.,
as an Adjoining Owner

William H. Marx, Jr.

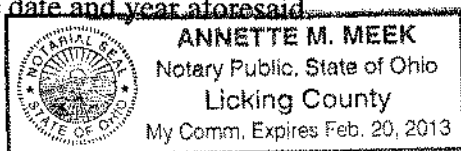
CHRISTINE S. MARX,
as an Adjoining Owner

Christine S. Marx

STATE OF OHIO)
COUNTY OF Licking) SS:

The foregoing instrument was acknowledged before me this 15th day of February, 2011, by WILLIAM H. MARX, JR., as his free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal on the date and year aforesaid.

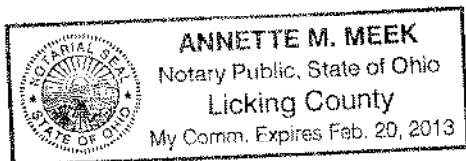


Annette M. Meek
Notary Public

STATE OF OHIO)
COUNTY OF Licking) SS:

The foregoing instrument was acknowledged before me this 15th day of February, 2011, by CHRISTINE S. MARX, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal on the date and year aforesaid.



Annette M. Meek
Notary Public

{00019142-16}

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OR 907 PG 616

IN WITNESS WHEREOF, Scott E. Sonnenberg and Jennifer L. Sonnenberg, husband and wife, have caused this Master Declaration to be executed as of the day and year first above written.

SCOTT E. SONNENBERG,
as an Adjoining Owner

Scott E. Sonnenberg

JENNIFER L. SONNENBERG,
as an Adjoining Owner

Jennifer L. Sonnenberg

STATE OF OHIO)
COUNTY OF Union) SS:

The foregoing instrument was acknowledged before me this 15 day of February 2011, by SCOTT E. SONNENBERG, as his free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal on the date and year aforesaid.



JANICE L. GRESKO
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

Janice L. Gresko
Notary Public

STATE OF OHIO)
COUNTY OF Union) SS:

The foregoing instrument was acknowledged before me this 15 day of February 2011, by JENNIFER L. SONNENBERG, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal on the date and year aforesaid.



JANICE L. GRESKO
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

Janice L. Gresko
Notary Public

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DR 907 PG 617

IN WITNESS WHEREOF, Barbara Wilcox, Trustee of the Charles Wilcox Trust, has caused this Master Declaration to be executed as of the day and year first above written.

BARBARA WILCOX, Trustee of the
Charles Wilcox Trust, as an Adjoining
Owner

Barbara J. Wilcox

STATE OF OHIO)
COUNTY OF Franklin) SS:

The foregoing instrument was acknowledged before me this 5th day of February 2011
by BARBARA WILCOX, Trustee of the Charles Wilcox Trust, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official
seal on the date and year aforesaid.



CHARLES G. KAPS, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

Charles G. Kaps
Notary Public

{00019142-16}

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OR 907 PG 618

LIST OF EXHIBITS

<u>EXHIBIT A</u>	Master Plan Area for Jerome Village
<u>EXHIBIT B</u>	Initial Property owned by the Declarant and the Master Developer Subject to this Master Declaration
<u>EXHIBIT C</u>	Initial Property owned by Adjoining Owners Subject to this Master Declaration
<u>EXHIBIT D</u>	Open Space Plan for Common Property
<u>EXHIBIT D-1</u>	Delaware County Open Space
<u>EXHIBIT E</u>	Bylaws of the Master Association

EXHIBIT A
MASTER PLAN AREA FOR JEROME VILLAGE

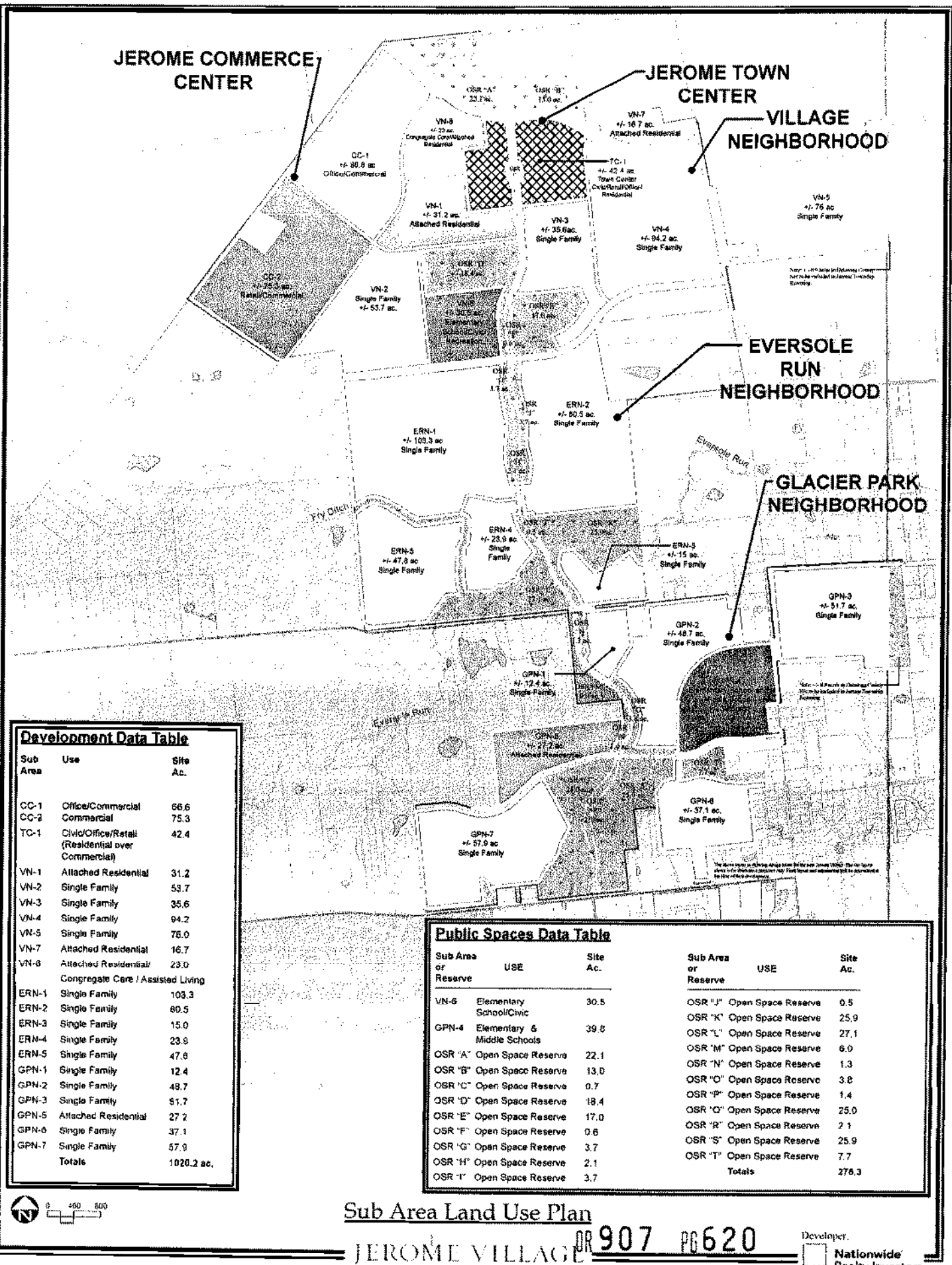


EXHIBIT B
INITIAL PROPERTY OWNED BY THE DECLARANT AND THE
MASTER DEVELOPER SUBJECT TO THIS MASTER DECLARATION

Tract A (Highland Capital Partners, LLC)

Situated in the State of Ohio, County of Union, Township of Jerome, being part of Virginia Military Survey No. 2991, and being all of that land described as Parcels 2, 3 and 4 in Certificate of Transfer to Mary Jo Edwards, Trustee of J.T. Edwards, Jr. Revocable Trust, Official Record Volume 40, Page 616 and to John V. Johnson, Trustee, reference made to Deed Volume 258, Page 281, Deed Volume 273, Page 370, and to Deed Volume 270, Page 929 of the Union County Recorder's Office, being more particularly described as follows:

Commencing at a spike found at the centerline intersection of Hyland-Croy Road (County Road 2) and Brock Road (County Road 17);

Thence South 85° 30' 00" West, along the centerline of Brock Road, for a distance of 1095.73 feet to a mag nail set at the southwest corner of a 1.314 acre tract conveyed to Kimberly C. and Douglas P. Anderson (O.R. 33, Pg. 674), said nail being the TRUE POINT OF BEGINNING for the herein described tract;

Thence South 85° 30' 00" West, continuing along the centerline of Brock Road, for a distance of 60.00 feet to a mag nail set at the southeast corner of a 1.4354 acre tract conveyed to Mark H. and Roberta J. Gordon (O.R. 52, PG 189);

Thence North 04° 25' 32" West, leaving said centerline and along the easterly line of said Gordon tract (passing a ½" square iron pin found at 30.08 feet), for a distance of 225.00 feet to a 5/8" iron pin found at 1 ¼" iron pipe at the northeast corner of said Gordon tract;

Thence South 85° 30' 00" West, along the northerly line of said Gordon tract, for a distance of 277.90 feet to the northwest corner of said tract;

Thence South 04° 22' 05" East, along the westerly line of said Gordon tract (passing a 1" iron pipe found, leaning South, at 0.25 feet, a 1" iron pipe found at 200.13 feet, and a spike found at 224.53 feet) for a distance of 225.00 feet to a point in the centerline of Brock Road;

Thence South 85° 30' 00" West, along the centerline of Brock Road, for a distance of 200.00 feet to a mag nail set at the southeast corner of a 33.72 acre tract conveyed to Jon E. and Kathy J. Hjelm (O.R. 279, Pg. 420);

Thence North 04° 16' 36" West, leaving said centerline and along the easterly line of said Hjelm tract (passing as ¾" iron pipe found at 25.34 feet, and a ¾" iron pipe set at 225.00 feet), for a distance of 1,419.37 feet to a 1 ¼" iron pipe found at an angle point in said easterly line;

Thence North 04° 22' 44" West, continuing along said easterly line, for a distance of 644.38 feet to the southwest corner of a 1.00 acre tract conveyed to Jon E. and Kathy J. Hjelm (O.R. 279, PG 420, Tract I);

Thence North 85° 43' 07" East, along the southerly line of said 1.00 acre tract (passing a 1 ¼" iron pipe found at 0.20 feet) for a distance of 108.99 feet to a 1 ¼" iron pipe found (1.5" deed) at the southeast corner of said 1.00 acre tract;

Thence North 04° 13' 11" West, along the easterly line of said 1.00 acre tract, for a distance of 399.90 feet to a 1 ¼" iron pipe found on the southerly line of a 29.925 acre tract conveyed to John P. Riepenhoff, III (O.R. 230, PG 535, being the northeast corner of said Hjelm 1.00 acre tract;

Thence North 85° 39' 17" East, along the southerly line of said Riepenhoff, III 29.925 acre tract, and along the southerly line of a 31.668 acre tract conveyed to William J. and Barbara Rueger (O.R. 13, PG 743), (passing a ½" iron pipe found at 678.07 feet at the northeast corner of Parcel 2, the northwest corner of Parcel 3 of the herein described Edwards-Johnson, Trustees tract; and passing a ¾" iron pipe found at 810.44, a common corner to the Riepenhoff, III tract and the Rueger Tract) for a total distance of 2,166.26

feet to a 1/2" square iron pin found on the westerly line of a 33.865 acre tract conveyed to Robert Siekmann, Trustee (O.R. 158, PG 444), said iron pin being the northeast corner of the herein described Parcel 3;

Thence South 04° 50' 18" East, along the westerly line of said Siekmann, Trustee tract, along the westerly line of a 17.8 acre tract conveyed to James A. Mechenbier, Trustee (O.R. 1, PG 523), and along part of the westerly line of a 17.65 acre tract conveyed to Betty J. Coleman, et al (O.R. 32, PG 848), (passing a 5/8" rebar found at 399.43 feet) for a distance of 1,033.80 feet to a 1" iron pipe found at the northeast corner of a 13.0758 acre tract conveyed to David Allen and Ladonna Lee Thomas (Deed Volume 298, Page 775), and the southeast corner of the above referenced Parcel 3;

Thence South 85° 19' 10" West, along the northerly line of said Thomas tract, for a distance of 656.37 feet to a 5/8" rebar found at the northwest corner of said tract, being the northeast corner of a 15.86 acre tract conveyed to Glenn L. Jordan, Sr. (O.R. 186, PG 366);

Thence South 85° 27' 17" West, along the northerly line of said Jordan, Sr. tract, for a distance of 839.53 feet to a rusted off, 3/4" iron pipe found at the northwest corner of said tract;

Thence South 04° 30' 15" East, along the westerly line of said Jordan, Sr. tract, and along part of the westerly line of a 4.548 acre tract conveyed to Robert M. Newman (Deed Volume 280, PG 439, Parcel II), (passing a 1 1/4" iron pipe found at 605.92 feet, 0.5' left, near the northwest corner of said Newman tract) for a total distance of 1,195.85 feet to the northeast corner of the previously mentioned 1.314 acre Anderson tract, referenced by a 1 1/4" iron pipe found, South 75° 37' 37" West, 1.38 feet from said corner;

Thence South 85° 30' 00" West, along the northerly line of said Anderson Tract, for a distance of 255.97 feet to a 1 1/4" iron pipe found at the northwest corner of said Anderson tract;

Thence South 04° 25' 32" East, along the westerly line of said Anderson tract (passing a 1 1/4" iron pipe found at 194.18 feet) for a distance of 225.00 feet to the TRUE POINT OF BEGINNING, containing 76.449 acres of land.

Together with and subject to Covenants, Easements and Restrictions of record, including a non-exclusive easement for ingress and egress, appurtenant to and for the benefit of Parcel 3 of the Mary Jo Edwards, Trustee and John V. Johnson, Trustees property as referenced in Official Record 40, Page 616, said Parcel 3 being a part of the above described tract. Said Easement crosses the David Allen and Ladonna Lee Thomas 13.0758 acre tract, and is referenced and described in Deed Volume 298, Page 775.

Tract B (Highland Capital Partners, LLC)

Situated in the State of Ohio, County of Union, Township of Jerome, being part of Virginia Military Survey No. 2991, and being the remaining acreage (45.991 acres by Auditor's Records; Parcel Number 026-00-00-50.003) of an original 90 acre tract referenced in Official Record 37, Page 423, Official Record 89, Page 169 and Official Record 101, Page 98 of the Union County Recorder's Office, being more particularly described as follows:

Commencing at a spike found at the southern centerline intersection of Jerome Road (County Road 11) and Wells Road (County Road 17), being the northeast corner of an original 1.56 acre tract (now a total 1.92 acre tract) conveyed to John W. Barry, Trustee, recorded in Official Record 70, Page 225;

Thence South 06° 11' 27" East, along the centerline of Jerome Road, for a distance of 720.18 feet to a spike found at the southeast corner of a 5.001 acre tract conveyed to Frank W. Pharazyn, Jr. and Maggie Pharazyn (O.R. 101, PG 641), said spike being the TRUE POINT OF BEGINNING for the herein described tract;

Thence South 06° 11' 27" East, continuing along the centerline of Jerome Road, for a distance of 659.80 feet to a spike found at the northeast corner of a 33.865 acre tract conveyed to Robert Siekmann, Trustee (O.R. 158, PG 444);

QR 907 PG 622

Thence South 83° 42' 33" West, leaving said centerline and along the northerly line of said Siekmann, Trustee tract (passing a 5/8" rebar found at 30.00 feet), for a distance of 1,772.53 feet to the southeast corner of a 33.088 acre tract conveyed to Robert W. and Robin Siekmann (O.R. 101, PG 119);

Thence North 06° 10' 52" West, along the easterly line of said Siekmann tract (passing a 5/8" rebar found at 0.32 feet) and along the easterly line of said 2.00 acre tract conveyed to John L. and Maryanne Friend (passing a 5/8" rebar found at 916.98 feet at the southeast corner of said 2.00 acre tract, and passing a 5/8" rebar at 1,353.07 feet), for a distance of 1,382.92 feet to a spike found in the centerline of Wells Road, at the northeast corner of said 2.00 acre tract being the northwest corner of the herein described tract;

Thence North 83° 48' 14" East, along the centerline of Wells Road for a distance of 1168.92 feet to a spike found at the northwest corner of a 1.00 acre tract conveyed to Edgar L. and Carol L. Kauffman (Deed Volume 241, Page 256);

Thence South 06° 09' 46" East, leaving the centerline of Wells Road, along the westerly line of said Kauffman 1.00 acre tract (passing a 5/8" rebar found at 29.89 feet) for a distance of 210.56 feet to a bent 3/4" iron pipe found at the southwest corner of said 1.00 acre tract;

Thence North 83° 48' 14" East, along the southerly line of said 1.00 acre tract for a distance of 174.83 feet to the northwest corner of the previously referenced 5.001 acre Frank W. Pharazyn, Jr. and Maggie Pharazyn tract;

Thence South 06° 20' 38" East, along the westerly line of said 5.001 acre tract (passing a 5/8" rebar found at 0.70 feet), for a distance of 510.71 feet to a 5/8" rebar found at the southwest corner of said 5.001 acre tract;

Thence North 83° 39' 30" East, along the southerly line of said 5.001 acre tract (passing 5/8" rebar found at 397.44 feet) for a distance of 427.28 feet to the TRUE POINT OF BEGINNING, containing 48.281 acres of land, more or less.

Together with that certain non-exclusive twenty (20) foot easement for public and private utilities as more particularly reserved in Official Record 101, Page 119, Recorder's Office, Union County, Ohio.

Tract F (Highland Capital Partners, LLC)

Situated in Jerome Township, Union County, State of Ohio, being part of Virginia Military Survey No. 2991, being that tract of land (33.865 acres by previous survey and description) conveyed to Robert Siekmann, Trustee, recorded in Official Record 158, Page 444 of the Union County Recorder's Office, being more particularly described as follows:

Commencing at a spike found at the southern centerline intersection of Jerome Road (County Road 11) and Wells Road (County Road 17), being the northeast corner of an original 1.56 acre tract (now a total 1.92 acre tract) conveyed to John W. Barry, Trustee, recorded in Official Record 70, Page 225;

Thence, South 06 degrees, 11 minutes, 27 seconds East, along the centerline of Jerome Road, for a distance of 1,379.99 feet to a spike found at the northeast corner of said Robert Siekmann, Trustee tract, the southeast corner of a 48.281 acre tract conveyed to Glacier Ridge Venture, LLC (Official Record 367, Page 134), said spike being the TRUE POINT OF BEGINNING for the herein described tract;

Thence, South 06 degrees, 10 minutes, 10 seconds east, continuing along the centerline of Jerome Road, for a distance of 293.67 feet to a mag nail set at the northeast corner of a 0.52 acre tract conveyed to Charles E. Wilcox (Deed Volume 295, Page 190);

OR 907 PG 623

Thence South 85 degrees, 16 minutes, 28 seconds west, leaving said centerline and along the northerly line of said Wilcox tract for a distance of 210.51 feet to a ¾" iron pipe found at the northwest corner of said tract;

Thence, South 06 degrees, 17 minutes, 31 seconds east along the west line of said Wilcox tract and along the west line three tracts: A 0.26 acre tract conveyed to Sylvia L. Mock (O.R. 172, Page 751); A 0.582 acre tract conveyed to John T. Edwards III (O.R. 293, Page 220); A 0.53 acre tract conveyed to William E. Dresnek, Jr. (O.R. 301, Page 633); (passing ¾" iron pipes found at 108.48 feet, 167.28 feet and at 292.64 feet) for a total distance of 403.25 feet to a 5/8" rebar found at a southeast corner of said Siekmann, Trustee tract, being on the northerly line of a 17.8 acre tract (by Auditor's records) conveyed to James A. Mechenbier, Trustee (O.R. 1, Page 523);

Thence, South 83 degrees, 50 minutes, 23 seconds west, along the northerly line of said Mechenbier, Trustee tract for a distance of 2,051.49 feet to a 5/8" rebar found on the easterly line of a 76.449 acre tract conveyed to Vincent Romanelli (O.R. 366, Page 946), being the northwest corner of the Mechenbier, Trustee tract;

Thence, North 06 degrees, 34 minutes, 23 seconds West, along the easterly line of the Romanelli tract, for a distance of 399.43 feet to a ½" square iron pin found at the northeast corner of said tract, the southeast corner of a 31.668 acre tract conveyed to William J. and Barbara Rueger (O.R. 13, Page 743);

Thence, North 06 degrees, 32 minutes, 17 seconds West, along the easterly line of the Rueger tract, for a distance of 287.07 feet to a 1 ½" iron pipe found at the northeast corner of said tract, being on the south line of a 33.088 acre tract conveyed to Robert W. and Robin Siekmann (O.R. 101, Page 119);

Thence, North 83 degrees, 42 minutes, 33 seconds east, along the southerly line of said Siekmann tract and along the southerly line of the previously referenced 48.281 acre tract conveyed to Glacier Ridge Venture, LLC (O.R. 367, Page 134), (passing a 5/8" rebar found at 2,235.74 feet) for a distance of 2,265.74 feet to the POINT OF BEGINNING, containing 33.874 acres of land, more or less.

Tract J (Highland Capital Partners, LLC)

Situated in the State of Ohio, County of Union, Township of Jerome, being part of Virginia Military Survey No. 2991, and being all of that land conveyed to David Allen and Ladonna Lee Thomas, recorded in Deed Volume 298, Page 775, of the Union County Recorder's Office, being more particularly described as follows:

Beginning at a spike found at the centerline intersection of Hyland-Croy Road (County Road 2) and Brock Road (County Road 16), being the southwest corner of the above referenced Thomas tract, the southeast corner of a 2.00 acre tract conveyed to John D. Hufnagle (Official Record 199, page 225);

Thence North 06° 14' 09" West, along the westerly line of said Thomas tract and the easterly line of the Hufnagle tract, along the easterly line of a 15.86 acre tract conveyed to Glenn L. Jordan, Sr., (O.R. 186, PG 366) (passing a 1 ½" iron pipe at 30.00 feet and passing a 5/8" rebar found at 264.00 feet) for a total distance of 1,421.53 feet to a 5/8" rebar found at the northwest corner of said Thomas tract, the northeast corner of said Jordan, Sr. tract and the being in a southerly line of 76.449 acre tract conveyed to Vincent Romanelli (O.R. 366, PG 946);

Thence North 83° 35' 05" East, along the southerly line of said Romanelli 76.449 acre tract for a distance of 656.37 feet to a 1" iron pipe found at the southeast corner of said Romanelli tract, the northeast corner of the Thomas tract and being on the westerly line of a 17.65 acre tract conveyed to Betty J. Coleman, et al (O.R. 32, PG 848);

Thence South 06° 29' 21" East, along the westerly line of said Coleman, et al tract, and along part of the westerly line of a 6.363 acre tract conveyed to Kimberly O'Donnell and the Bankruptcy Estate of Timothy Morley, Larry E. Staats, Trustee (O.R. 358, PG 289) passing a 5/8" rebar found at the northwest corner of

OR 907 PG 624

said 6.363 acre tract at 273.92 feet, for a total distance of 840.20 feet to a 1 1/4" iron pipe found at the northeast corner of a 1.968 acre tract conveyed to Judith Morley (Life Estate) etal (O.R. 358, PG 292);

Thence South 83° 32' 48" West, along the northerly line of said Morley, etal tract and along the north line of a 1.35 acre tract conveyed to Gerald N. and Dianna L. Upper for a distance of 200.33 feet to a 5/8" iron pipe found at the northwest corner of said Upper tract;

Thence South 06° 35' 59" East, along the westerly line of said Upper tract for a distance of 62.75 feet to a 1 1/2" iron pipe found at the northeast corner of a 3.4136 acre tract conveyed to J. Wesley and Patricia E. Williams (O.R. 62, PG 484);

Thence South 83° 59' 09" West, along the northerly line of said Williams tract (passing a 1 1/2" iron pipe found at 170.67 feet) for a distance of 399.16 feet to a 3/4" iron pipe found at the northwest corner of said Williams tract;

Thence South 06° 14' 09" East, along the westerly line of said Williams tract and along the westerly line of a 1.39 acre tract conveyed to the Trustees of the Jerome United Methodist Church (Deed Volume 265, Page 676) passing a 1 1/2" iron pipe found at 257.87 feet at the northwest corner of said 1.39 acre tract, and passing a 1 1/4" iron pipe found at 491.67 feet, for a total distance of 521.67 feet to a point in the centerline of Brock Road (County Road 16);

Thence South 83° 59' 50" West, along the centerline of Brock Road, for a distance of 61.00 feet to the TRUE POINT OF BEGINNING, containing 14.074 acres of land. Excepting a 1.00 acre tract of land conveyed to C. James and Juanita Fry, recorded in Deed Volume 238, Page 290 of the Union County Recorder's Office. Said 1.00 acre tract lies within the above described boundary and is more particularly described as follows:

Commencing at a spike found at the centerline intersection of Hyland-Croy Road (County Road 2) and Brock Road (County Road 16) being the southwest corner of the above-described Thomas tract, the southeast corner of a 2.00 acre tract conveyed to John D. Hufnagle (Official Record 199, Page 225);

Thence North 83° 59' 50" East, along the centerline of Brock Road for a distance of 61.00 feet to the southwest corner of a 1.39 acre tract conveyed to the Trustees of the Jerome United Methodist Church (Deed Volume 265, PG 676);

Thence North 06° 14' 09" West, along the westerly line of said 1.39 acre tract, and along the westerly line of a 3.4136 acre tract conveyed to J. Wesley and Patricia E. Williams (O.R. 62, PG 484), passing a 1 1/4" iron pipe at 30.00 feet, passing a 1 1/2" iron pipe at 263.80 feet, for a total distance of 521.67 feet to a 3/4" iron pipe found at the northwest corner of said 3.4136 acre tract, being a corner to the Thomas tract;

Thence North 06° 14' 09" West, crossing a portion of the above described Thomas tract, for a distance of 60.00 feet to a 3/4" iron pipe found at the southwest corner of the 1.00 acre Fry tract and the TRUE POINT OF BEGINNING for the herein described exception;

Thence North 06° 14' 09" West, along the west line of a said 1.00 acre tract, for a distance of 311.14 feet to a 3/4" iron pipe found at the northwest corner of said 1.00 acre tract;

Thence North 83° 59' 09" East, along the north line of said tract, for a distance of 140.00 feet to the northeast corner of said tract, being appoint in an existing pond;

Thence South 06° 14' 09" East, along the east line of said 1.00 acre tract (passing a 3/4" iron pipe found at 33.24 feet, 0.29' right) for a total distance of 311.14 feet to a 1" iron pipe found at the southeast corner of said tract;

Thence South 83° 59' 09" West, along the south line of said tract for a distance of 140.00 feet to the TRUE POINT OF BEGINNING, said exception containing 1.00 acres.

The herein described tract of land containing 13.074 acres, more or less (after said 1.00 acre exception).

Together with and subject to Covenants, Easements and Restrictions of record, including a non-exclusive easement for ingress and egress, appurtenant to and for the benefit of Parcel 3 of the Mary Jo Edwards, Trustee and John V. Johnson, Trustees property as referenced in Official Record 40, Page 616, said Parcel 3 now being a part of the Vincent Romanelli 76.449 acre tract (O.R. 366, PG 946). Also subject to an easement for ingress and egress for the C. James and Juanita Fry 1.00 acre tract referenced in Deed Volume 238, Page 290 and Deed Volume 298, Page 775. Also subject to an easement to Ohio Edison Company recorded in Deed Volume 208, Page 459.

Tract C (Hufnagle)

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being a resurvey of an original 2.00 acre tract of land conveyed to John D. Hufnagle by deed of record in Official Record 199, Page 225 and being more particularly described as follows:

Beginning at a railroad spike found at the intersection of the centerline of Brock Road (County Road 16-A) with the centerline of Hyland-Croy Road (County Road 2-E);

Thence along the centerline of Brock Road South 83° 50' 14" West a distance of 330.00 feet to a railroad spike set;

Thence along the easterly line of a 2.00 acre tract of land conveyed to the Robert M. Newman by deed of record in Deed Record 280, Page 439, North 06° 14' 14" West a distance 264.00 feet (passing a 2 inch diameter iron pipe at 29.92 feet, said pipe is 0.25 feet west of the property line) to a point, said point being referenced by a ¾ inch diameter iron pipe found bearing S 14° 19' 48" E at a distance of 0.40 feet;

Thence along the southerly line of a 15.856 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 669, Page 653, North 83° 50' 14" East a distance of 330.00 feet to a 5/8 inch diameter iron pipe found in the westerly line of a 171.678 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 669, Page 653;

Thence along the westerly line of said 171.678 acre tract South 06° 14' 14" East a distance of 264.00 feet (passing a 2 inch diameter iron pipe at 234.03 feet, said pipe being 0.36 feet west of the property line) to the POINT OF BEGINNING and containing 2.00 acres, more or less.

Tract E (Weeks Family Limited Partnership)

Parcel 1

Situated in Survey Number 3005, Survey Number 3244, and Survey Number 5234 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being a resurvey of the remainder of the original 139.20 acre tract of land and the original 30 acres tract of land conveyed to Ruth A. Weeks Family Limited Partnership by Deed of record in Official Record 174, Page 257 and the remainder of the original 25.000 acre tract of land conveyed to Ruth A. Weeks Family Limited Partnership by deed of record in Official Record 174, Page 270 and being more particularly described as follows:

Beginning at a survey nail set at the intersection of the centerline of U.S. Route 42 with the westerly line of VMS 3005, said point being the northeasterly corner of the hereinafter described tract;

Thence along the westerly line of VMS 3005, the easterly line of VMS 3244, and the westerly line of a 164.868 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 669 Page

OR 907 PG 626

653, South 07° 13' 09" East a distance of 753.47 feet (passing a 5/8 inch diameter iron pin found at 43.10 feet) to a 5/8 inch diameter iron pin found;

Thence along the southerly line of said 164.868 acre tract North 83° 08' 30" East a distance of 1363.76 feet to a 5/8 inch diameter iron pin found;

Thence along the westerly line of said 164.868 acre tract South 06° 24' 57" East a distance of 652.55 feet (passing a 5/8 inch diameter iron pin found at 470.00 feet) to a 5/8 inch diameter iron pin found;

Thence along the westerly line of a 194.363 acre tract of land conveyed to Jerome Village Company LLC by deed of record in O.R. 672, Page 527, South 06° 15' 42" East a distance of 2001.92 feet to a 5/8 inch diameter iron pin found;

Thence along the northerly line of a 193.75 acre tract of land conveyed to Select Sires Inc. by deed of record in D.V. 251, Page 498, South 83° 14' 19" West a distance of 1357.42 feet to a stone found;

Thence along the easterly line of said 193.75 acre tract North 06° 25' 30" West a distance of 223.89 feet to a stone found;

Thence along the northerly line of said 193.75 acre tract South 81° 32' 25" West a distance of 904.20 feet to an iron pin set at an angle point;

Thence continuing along the northerly line of said 193.75 acre tract North 56° 09' 17" West a distance of 1555.11 feet (passing a 3/4 inch diameter iron pipe found at 1525.44 feet) to a survey nail set in the centerline of U.S. Route 42;

Thence along the centerline of U.S. Route 42, North 36° 50' 53" East a distance of 1017.69 feet to a survey nail set at the southwesterly corner of a 5.00 acre tract of land conveyed to Kurt D. Ricker by Deed of record in Deed Volume 337, Page 427;

Thence along the southerly line of said 5.00 acre tract South 75° 09' 07" East a distance of 515.92 feet (passing an iron pin set at 32.36 feet) to a 3/4 inch diameter iron pipe found;

Thence along the easterly line of said 5.00 acre tract North 36° 50' 53" East a distance of 488.67 feet to an iron pin set;

Thence along the northerly line of said 5.00 acre tract North 64° 58' 27" West a distance of 488.72 feet (passing an iron pin set at 458.07 feet) to a survey nail set in the centerline of U.S. Route 42;

Thence along the centerline of U.S. Route 42, North 36° 50' 53" East a distance of 1433.77 feet to the POINT OF BEGINNING and containing 164.395 acres, more or less, of which 82.912 acres are in VMS 3005 (Dublin LSD), 24.278 acres are VMS 3244 (Fairbanks LSD), and 57.205 acres are in VMS 5234 (Fairbanks LSD).

Parcel 2

Situated in Virginia Military Survey 3005, Jerome Township, Union County, State of Ohio and being the same tract of land conveyed to Ruth A. Weeks Family Limited Partnership by deed of record in O.R. 174, Page 260 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of Jerome Road and Hill Road;

Thence along the centerline of Jerome Road North 11° 15' 03" West a distance of 2243.81 feet to a railroad spike found at the TRUE POINT OF BEGINNING;

Thence along the northerly line of a 194.363 acre tract of land conveyed to Jerome Village Company LLC by deed of record in O.R. 672, Page 527, South 83° 19' 38" West a distance of 659.75 feet (passing an iron pin found at 30.19 feet) to a 5/8 inch diameter iron pin found;

Thence continuing along the northerly line of said 194.363 acre tract North 11° 13' 29" West a distance of 734.25 feet to a 5/8 inch diameter iron pin found;

Thence continuing along the northerly line of said 194.363 acre tract South 83° 35' 44" West a distance of 1464.04 feet to a 5/8 inch diameter iron pin found;

Thence along the easterly line of a 164.868 acre tract of land conveyed to Jerome Village Company LLC by deed of record in O.R. 669, Page 653, North 10° 57' 19" West a distance of 652.74 feet to a 5/8 inch diameter iron pin found;

Thence along the southerly line of said 164.868 acre tract and a 20.079 acre tract of land conveyed to William H. Marx, Jr. and Christine S. Marx by deed of record in D.V. 294, Page 324, North 83° 17' 52" East a distance of 2119.43 feet (passing a 5/8 inch diameter iron pin found at 510.96 feet and an iron pin set at 2089.34 feet) to a railroad spike found in the centerline of Jerome Road;

Thence along the centerline of Jerome Road South 11° 15' 03" East a distance of 1395.27 feet to the TRUE POINT OF BEGINNING and containing 43.026 acres, more or less.

Tract H (Yerke)

Situated in the State of Ohio, County of Union, Township of Jerome, Virginia Military Survey Number 2991, and being the same 19.406 acre tract of land conveyed to Dan Slane by deed of record in Official Record 566, Page 845 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Hyland-Croy Road (County Road 2) with the centerline of Brock Road (County Road 16);

Thence along the centerline of Brock Road South 83° 50' 14" West a distance of 1693.80 feet to a survey nail set at the TRUE POINT OF BEGINNING;

Thence continuing along said centerline South 83° 50' 14" West a distance of 786.41 feet to a survey nail set;

Thence along the easterly line of a 17.693 acre tract of land conveyed to Mary Jo Edwards Trustee of the Mary Jo Edwards Revocable Trust by deed of record in D.V. 326, Page 508, North 06° 04' 55" West a distance of 1073.28 feet (passing an iron pin set at 30.00 feet and a 5/8 inch diameter iron pin found at 1072.29 feet) to a 10 inch wood fence post;

Thence along the southerly line of a 33.720 acre tract of land conveyed to Jon E. and Kathy K. Hjelm by deed of record in O.R. 279, Page 420, North 83° 51' 24" East a distance of 786.72 feet to an iron pin set;

Thence along the westerly line of said 33.720 acre tract South 06° 03' 56" East a distance of 1073.01 feet (passing an iron pin found at 1047.65) to the TRUE POINT OF BEGINNING and containing 19.378 acres, more or less.

Tract L (Highland Capital Partners, LLC)

Situated in Survey Number 3005 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being a resurvey of the remaining portion of an original 165.40 acre tract of land conveyed to Lee C. Schacherbauer, Trustee of the Lee C. Schacherbauer Trust dated September 29, 1993 by deed of record in Official Record 275, Page 646 and being more particularly described as follows:

OR 907 PG 628

Beginning at a monument box found at the intersection of the centerline of U.S. Route 42 with the centerline of Harriott Road (County Road 18);

Thence along the centerline of Harriott Road, the northerly line of VMS 3005, and the northerly line of Jerome Township North 84° 42' 48" East a distance of 1427.25 feet to a railroad spike found at the northwesterly corner of a 20.000 acre tract of land conveyed to the Presbytery of Scioto Valley by deed of record in Official Record 565, Page 852;

Thence along the westerly line of said 20.000 acre tract south 09° 58' 13" East a distance of 699.30 feet (passing a ¾ inch diameter iron pipe at 20.05 feet) to a ¾ inch diameter iron pipe found;

Thence along the southerly line of said 20.000 acre tract north 84° 42' 48" East a distance of 1250.00 feet to a ¾ inch diameter iron pipe found in the westerly line of a 2.000 acre tract of land conveyed to James C. Friday by deed of record in Official Record 337, Page 231;

Thence along the westerly line of said Friday tract, the westerly line of a 7.397 acre tract of land conveyed to Susan K. Lasley by deed of record in Official Record 176, Page 593, and the westerly line of a 20.079 acre tract of land conveyed to William H. Marx Jr. and Christine S. Marx by deed of record in Deed Volume 294, Page 324, South 09° 58' 13" East a distance of 1208.48 feet to a 5/8 inch diameter iron pin set in the northerly line of a 45 acre tract conveyed to Ruth A. Weeks Family Limited Partnership by deed of record in Official Record 174, Page 260;

Thence along the northerly line of said 45 acre tract South 84° 16' 57" West a distance of 510.96 feet to a 5/8 inch diameter iron pin set;

Thence along the westerly line of said 45 acre tract South 09° 58' 13" East a distance of 652.74 feet to a 5/8 inch diameter iron pin set in the northerly line of a 193.35 acre tract of land conveyed to William R. Miller and Kris A. Miller by deed of record in Deed Volume 322, Page 468;

Thence along the northerly line of said Miller tract South 84° 34' 54" West a distance of 2092.32 feet to a 5/8 inch diameter iron pin set in the easterly line of a 139.20 acre tract of land conveyed to the Ruth A. Weeks Family Limited Partnership by deed of record in Official Record 174, Page 257;

Thence along the easterly line of said 139.20 acre tract and a 30 acre tract of land also conveyed to the Ruth A. Weeks Family Limited Partnership by deed of record in Official Record 174, Page 257 North 05° 24' 49" West a distance of 652.25 feet to a 5/8 inch diameter iron pin set;

Thence along the northerly line of said 30 acre tract South 84° 07' 35" West a distance of 1363.76 feet to a 5/8 inch diameter iron pin set in the westerly line of VMS 3005 and in the westerly line of Jerome Township;

Thence along the easterly line of said 30 acre tract, the westerly line of VMS 3005, and the westerly line of Jerome Township North 06° 14' 03" West a distance of 753.74 feet (passing an iron pin set at 710.61 feet) to a survey nail set in the centerline of U.S. Route 42;

Thence along the centerline of U.S. Route 42, North 37° 50' 30" East a distance of 1233.77 feet to a survey nail set at an angle point in said centerline;

Thence continuing along the centerline of U.S. Route 42, North 37° 49' 07" East a distance of 367.43 feet to the point of beginning and containing 164.868 acres, more or less.

Tracts N & R
Parcel 1 (Miller)

OR 907 PG 629

Situated in Virginia Military Survey 3005, Jerome Township, Union County, State of Ohio and being the same tract of land conveyed to William R. and Kris A. Miller by deed of record in D.V. 322, Page 468 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of Jerome Road and Hill Road;

Thence along the centerline of Jerome Road North $11^{\circ} 14' 40''$ West a distance of 889.05 feet to a railroad spike found at the TRUE POINT OF BEGINNING;

Thence along the northerly line of a 1.646 acre tract of land conveyed to John and Lisa Dejarnette by deed of record in O.R. 318, Page 415 and a 45.890 acre tract of land conveyed to Parul R. and Mary R. Henderlong by deed of record in O.R. 329, Page 100 South $83^{\circ} 43' 01''$ West a distance of 2554.59 feet (passing an iron pin found at 30.19 feet) to an iron pin found in the northeasterly corner of a 52.000 acre tract of land conveyed to Barbara Wilcox Trustee by deed of record in O.R. 294, Page 397;

Thence along the northerly line of said 52.00 acre tract South $83^{\circ} 06' 35''$ West a distance of 1842.85 feet to a 5/8 inch diameter iron pin found in the easterly line of a 14.900 acre tract of land conveyed to Select Sires Inc. by deed of record in D.V. 251, Page 498;

Thence along the easterly line of said 14.900 acre tract and a 67.950 acre tract of land conveyed to Ruth A. Weeks Family Limited Partnership by deed of record in O.R. 174, Page 257, North $06^{\circ} 15' 42''$ West a distance of 2088.56 feet to a 5/8 inch diameter iron pin found in the southwesterly corner of a 164.868 acre tract of land conveyed to Glacier Ridge Venture LLC by deed of record in O.R. 613, Page 661;

Thence along the southerly line of said 164.868 acre tract and a 41.000 acre tract of land conveyed to Ruth A. Weeks Family Limited Partnership by deed of record in O.R. 174, Page 260, North $83^{\circ} 35' 44''$ East a distance of 3556.18 feet (passing a 5/8 inch diameter iron pin found at 2092.14 feet) to an iron pin set in the easterly line of said 41.000 acre tract;

Thence along the easterly line of said 41.000 acre tract South $11^{\circ} 13' 29''$ East a distance of 734.25 feet to an iron pin set in the southwesterly corner of said 41.000 acre tract;

Thence along the southerly line of said 41.000 acre tract North $83^{\circ} 19' 38''$ East a distance of 660.00 feet (passing an iron pin set at 629.90 feet) to a survey nail set in the centerline of Jerome Road;

Thence along the centerline of Jerome Road South $11^{\circ} 14' 40''$ East a distance of 1354.60 feet to the TRUE POINT OF BEGINNING and containing 194.363 acres, more or less.

LESS AND EXCEPT:

Situated in Survey Number 3005 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being part of a 194.363 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 672, Page 527 and being more particularly described as follows:

COMMENCING at a railroad spike found at the intersection of the centerline of Hill Road (Twp. Rd. 14) with the centerline of Jerome Road (Co. Rd. 11);

Thence along the centerline of Jerome Road North $11^{\circ} 15' 03''$ West a distance of 889.20 feet to a railroad spike found at the grantor's southeasterly corner and the northeasterly corner of a 1.646 acre tract of land conveyed to John and Lisa Dejarnette by deed of record in Official Record 318, Page 415, said point being the TRUE POINT OF BEGINNING;

Thence along the grantor's southerly line, the northerly line of said 1.646 acre tract, and the northerly line of a 45.090 acre tract of land conveyed to Paul and Mary Henderlong Trustees by deed of record in Official Record 329, Page 100, South $83^{\circ} 43' 01''$ West a distance of 1996.34 feet (passing a 5/8 inch diameter iron pin found at 30.08 feet) to an iron pin set;

OR 907 PG 630

Thence North 11° 10' 46" West a distance of 266.61 feet to an iron pin set;

Thence North 83° 56' 03" East a distance of 1996.68 feet (passing an iron pin set at 1966.56 feet) to a survey nail set in the grantor's easterly line, said point being the centerline of Jerome Road;

Thence along the grantor's easterly line and the centerline of Jerome Road South 11° 15' 03" East a distance of 259.04 feet to the POINT OF BEGINNING and containing 12.000 acres, more or less.

Parcel 2 (Bonta)

Situated in Virginia Military Survey 2991, Jerome Township, Union County, State of Ohio and being the same tract of land conveyed to Lisa M. Bonta by deed of record in D.V. 312, Page 114 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of Brock Road and Jerome Road;

Thence along the centerline of Brock Road South 84° 01' 23" West a distance of 1272.72 feet to a railroad spike found at the TRUE POINT OF BEGINNING;

Thence continuing along said centerline, South 84° 01' 23" West a distance of 225.26 feet to a survey nail set in the southeasterly corner of a 2.430 acre tract of land conveyed to Roger B. and Mildred E. Lusk by deed of record in O.R. 254, Page 153;

Thence along the easterly line of said 2.430 acre tract, North 09° 19' 47" West a distance of 498.74 feet (passing an iron pin set at 30.05 feet) to an iron pin set in the northeasterly corner of said 2.430 acre tract;

Thence along the northerly line of said 2.430 acre tract, South 84° 05' 13" West a distance of 231.00 feet to an iron pin set in the northeasterly corner of a 3.951 acre tract of land conveyed to Shawn and Heidi C. Savage by deed of record in D.V. 313, Page 31;

Thence along the northerly line of said 3.951 acre tract, South 85° 40' 52" West a distance of 171.80 feet to an iron pipe found;

Thence along the easterly line of said 3.951 acre tract, North 05° 54' 30" West a distance of 648.58 feet to an iron pin set in the southerly line of a 17.650 acre tract of land conveyed to Betty J. Coleman Life Estate by deed of record in O.R. 32, Page 848;

Thence along the southerly line of said 17.650 acre tract, the southerly line of a 1.000 acre tract of land conveyed to Roger L. and Linda M. Coleman by deed of record in D.V. 338, Page 216 and the southerly line of a 1.350 acre tract of land conveyed to Roger L. and Linda M. Coleman by deed of record in D.V. 338, Page 218 North 84° 05' 39" East a distance of 1344.22 feet to a stone found in the northwesterly corner of a 0.347 acre tract of land conveyed to Christopher Gerardi and Jun Kawabe by deed of record in O.R. 599, Page 990;

Thence along the westerly line of said 0.347 acre tract, the westerly line of a 0.668 acre tract of land conveyed to Mark D. and Cynthia L. Faulk by deed of record in O.R. 621, Page 975, the westerly line of a 0.780 acre tract of land conveyed to Florence M. Faulk by deed of record in O.R. 85, Page 512 and the westerly line of a 2.020 acre tract of land conveyed to Aaron D. Plank by deed of record in O.R. 300, Page 512, South 06° 19' 44" East a distance of 653.98 feet to an iron pin set;

Thence along the northerly line of said 2.020 acre tract, the northerly line of a 4.000 acre tract of land conveyed to Larry E. and Patricia J. Hopper by deed of record in D.V. 333, Page 530 and the northerly line of a 1.444 acre and a 1.442 acre tract of land conveyed to Patrick R. and Diedre J. Rengel by deed of record in D.V. 332, Page 75, South 83° 44' 47" West a distance of 693.00 feet to an iron pin set in the northwesterly corner of said 1.444 acre tract;

DR 907 PG 631

Thence along the westerly line of said 1.442 acre tract, South 06° 06' 29" East a distance of 492.71 feet (passing an iron pin set at 462.71 feet) to the TRUE POINT OF BEGINNING and containing 22.965 acres, more or less.

Tract O (Highland Capital Partners, LLC)

Situated in the State of Ohio, County of Union, being part of Virginia Military Survey No. 2991, in the Township of Jerome, and being that land conveyed to Glenn L. Jordan, Sr. (15.860 acres by deed), recorded in Official Record 189, Page 366, Union County Recorder's Office, being more particularly described as follows:

Commencing at a spike found at the centerline intersection of Hyland-Croy Road (County Road 2) and Brock Road (County Road 16) being the southeast corner of a 2.00 acre tract conveyed to John D. Hufnagle (Official Record 199, Page 225);

Thence North 06 Deg. 14' 09" West along the easterly line of the Hufnagle 2.00 acre tract (passing an 1 1/2" iron pipe found at 30.00 feet) for a distance of 264.00 feet to a 5/8" rebar found at the northeast corner of said Hufnagle tract, the southeast corner of the herein described Jordan tract, being the TRUE POINT OF BEGINNING of the tract for the herein described tract;

Thence South 83° 45' 55" West along the northerly line of said Hufnagle 2.00 acre tract for a distance of 329.98 feet to a 3/4" iron pipe set on the east line of Parcel III (2.00 acres) conveyed to Robert M. Newman (Deed Volume 280, Page 439), being the northwest corner of said Hufnagle tract;

Thence North 06° 14' 20" West, along the east line of said Newman Parcel III and along the east line of Parcel I (3.00 acres), conveyed to said Newman as part of D. Vol. 280, Page 439 (passing a 1 1/4" iron pipe at 62.18 feet) for a distance of 551.32 feet to the northeast corner of said Parcel I;

Thence South 83° 43' 18" West along the north line of said Parcel I (passing a 1 1/4" iron pipe found at 0.50 feet) and along the northerly line of Parcel II, conveyed to said Newman (passing a 1 1/4" iron pipe found at 508.99 feet), for a distance of 509.49 feet to the northwest corner of said Parcel II, being a point on the east line of a 76.449 acre tract conveyed to Glacier Ridge Ventures, LLC (Official Record 391, Page 869);

Thence North 06° 14' 20" West along an easterly line of said Glacier Ridge Venture, LLC 76.449 acre tract for a distance of 605.92 feet to a rusted-off 3/4" iron pipe found at the northwest corner of the herein described tract;

Thence North 83° 43' 12" East, along a southerly line of said 76.449 acre tract for a distance of 839.53 feet to a 5/8" rebar found at the northeast corner of the herein described tract, being the northwest corner of a 13.074 acre tract conveyed to Glacier Ridge Venture, LLC (Official Record 399, Page 894);

Thence South 06° 14' 09" East along the westerly line of said Glacier Ridge Venture, LLC 13.074 acre tract for a distance of 1157.53 feet to the TRUE POINT OF BEGINNING, containing 15.856 acres of land, more or less.

Tract P (Coleman)

Situated in Virginia Military Survey 2991, Jerome Township, Union County, State of Ohio and being an original 0.682 acre tract of land conveyed to Roger L. and Linda M. Coleman by deed of record in D.V. 338, Page 220, an original 1.000 acre tract of land conveyed to Roger L. and Linda M. Coleman by deed of record in D.V. 338, Page 216, and an original 1.350 acre tract of land conveyed to Roger L. and Linda M. Coleman by deed of record in D.V. 338, Page 218 and being more particularly described as follows:

OR 907 PG 632

Beginning at a ¾ inch diameter iron pipe found at the northwesterly corner of the northern terminus of Faulk Street (30' wide) in the Village of Jerome (formerly Frankfort), said point also being the northwesterly corner of Lot 38 on the Plat of said Village;

Thence along the westerly line of said Lot 38, Lot 40 and Faulk Street (30 feet wide) South 06° 11' 08" East a distance of 120.11 feet to a ¾ inch diameter iron pipe found;

Thence along the northerly line of a 0.544 acre tract of land conveyed to Kent and Susan Kinzer by deed of record in O.R. 228, Page 353, South 83° 54' 05" West a distance of 246.93 feet to a ¾ inch diameter iron pipe found;

Thence along the westerly line of said 0.544 acre tract South 06° 07' 16" East a distance of 105.86 feet to a stone found at the northeasterly corner of a 22.965 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 672, Page 530;

Thence along the northerly line of said 22.965 acre tract South 84° 05' 39" West a distance of 454.35 feet (passing a ¾ inch diameter iron pipe at 226.89 feet) to a 5/8 inch diameter iron pin found;

Thence along the easterly line of a 20 acre tract conveyed to Betty J. Coleman (Life Estate) by deed of record in O.R. 32, Page 848, North 06° 11' 53" West a distance of 226.06 feet to a 5/8 inch diameter iron pin found;

Thence along the southerly line of said 20 acre tract North 84° 08' 41" East a distance of 454.66 feet to a ¾ inch diameter iron pipe found;

Thence continuing along the southerly line of said 20 acre tract North 83° 49' 46" East a distance of 246.79 feet to the POINT OF BEGINNING and containing 3.036 acre, more or less, of which 0.680 acres were found to be in the original 0.682 acre tract, 1.000 acre was found to be in the original 1.000 acre tract, and 1.356 acres were found to be in the original 1.350 acre tract.

Tract Q (Coleman)

Situated in Virginia Military Survey 2991, Jerome Township, Union County, State of Ohio and being the remainder of an original 20 acre tract of land conveyed to Betty J. Coleman (Life Estate) by deed of record in O.R. 32, Page 848 and being more particularly described as follows:

Beginning at a ¾ inch diameter iron pipe found at the northwesterly corner of the northern terminus of Faulk Street (30' wide) in the Village of Jerome (formerly Frankfort) said point also being the northwesterly corner of Lot 38 in Plat of said Village;

Thence along the northerly line of a 0.682 acre tract of land conveyed to Roger L. and Linda M. Coleman by deed of record in D.V. 338, Page 220, South 83° 49' 46" West a distance of 246.79 feet to a ¾ inch diameter iron pipe found;

Thence along the northerly line of a 1.350 acre tract of land conveyed to Roger L. and Linda M. Coleman by deed of record in D.V. 338, Page 218, South 84° 08' 41" West a distance of 454.66 feet to a 5/8 inch diameter iron pin found;

Thence along the westerly line of said 1.350 acre tract South 06° 11' 53" East a distance of 226.06 feet to a 5/8 inch diameter iron pin found in the northerly line of a 22.965 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 672, Page 530;

Thence along the northerly line of said 22.965 acre tract South 84° 05' 39" West a distance of 889.87 feet to a 5/8 inch diameter iron pin found;

OR 907 PG 633

Thence along the northerly line of a 3.951 acre tract conveyed to Shawn and Heidi Savage by deed of record in O.R. 673, Page 353 and a 6.987 acre tract conveyed to Andrew P. and Judith Dejacco, Trustees by deed of record in O.R. 583, Page 130, South 84° 11' 46" West a distance of 330.30 feet to a 5/8 inch diameter iron pin found;

Thence along the easterly line of a 171.678 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 669, Page 653, North 06° 30' 15" West a distance of 274.00 feet to a ¾ inch diameter iron pipe found;

Thence continuing along the easterly line of said 171.678 acre tract North 06° 35' 13" West a distance of 288.82 feet to a 5/8 inch diameter iron pin found;

Thence along the southerly line of a 17.8 acre tract of land conveyed to James A. Mechenbier, Trustee by deed of record in O.R. 1, Page 523, North 83° 38' 46" East a distance of 1074.97 feet to a 5/8 inch diameter iron pin found;

Thence continuing along the southerly line of said 17.8 acre tract of land South 33° 51' 59" East a distance of 223.91 feet to a 5/8 inch diameter iron pin found;

Thence continuing along the southerly line of said 17.8 acre tract of land and a 3.000 acre tract of land conveyed to Jerome Methodist Church, Inc. by deed of record in D.V. 313, Page 249, North 83° 00' 43" East a distance of 756.71 feet (passing a ¾ inch diameter iron pipe found at 451.67 feet) to an iron pin set;

Thence along the westerly line of a 0.46 acre tract of land conveyed to Rodney and Dorothy Coleman by deed of record in D.V. 272, Page 480, South 06° 50' 14" East a distance of 161.46 feet to an iron pin set in the northern terminus of Faulk Street and in the northerly line of Lot 38 in the Village of Jerome;

Thence along the northern terminus line of Faulk Street and the northerly line of Lot 38 in the Village of Jerome South 83° 49' 46" West a distance of 12.37 feet to the TRUE POINT OF BEGINNING and containing 18.040 acres, more or less.

Tract T (Highland Capital Partners, LLC)

Situated in the State of Ohio, in Survey Number 2365 of the Virginia Military Lands, Jerome Township, Union County, and Concord Township, Delaware County, and being a resurvey of an original 5.3422 acres tract of land conveyed to Joseph L. Andrews and Norma J. Andrews by deed of record in Deed Book 275, Page 876, Union County Recorder's Office, and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Jerome Road (Union County Road 11-D) with the centerline of Wells Road (Jerome Township Road 17-B);

Thence along the centerline of Jerome Road and the westerly line of VMS 2365, South 07 Deg. 45' 00" East, a distance of 1261.18 feet (passing a railroad spike found at the intersection of Wells Road (Union County Road 17-A) and Jerome Road at 300.18 feet) to a survey nail set and the TRUE POINT OF BEGINNING;

Thence along the southerly line of a 58.627 acre tract of land conveyed to Joe L. Andres and Ruth D. Gamble by deed of record in Deed Record 291, Page 234 North 85 Deg. 24' 34" East, a distance of 674.78 feet (passing an iron pin set at 30.05 feet) to an iron pin set;

Thence continuing along the southerly line of said 58.627 acre tract North 07 Deg. 46' 52" West, a distance of 200.08 feet to a 1 inch diameter iron pipe found;

Thence continuing along the southerly line of said 58.627 acre tract North 85 Deg. 24' 06" East, a distance of 552.60 feet to an iron pin set;

OR 907 PG 634

Thence continuing along the southerly line of said 58.627 acre tract South 07 Deg. 17' 37" East, a distance of 300.09 feet to a 1 inch diameter iron pin found at the northeasterly corner of a 16.189 acre tract of land conveyed to William and Tracy Robson by deed of record in Official Record 344, page 504;

Thence along the northerly line of said Robson tract and the northerly line of a 7 acre cemetery conveyed to the Trustees of Jerome Township by deed of record in Deed Record 193, Page 556, South 85 Deg. 23' 33" West, a distance of 1224.86 feet (passing a 5/8 inch diameter iron pin found at 565.32 feet and a 1/4 inch diameter iron pipe found at 1184.83 feet) to a survey nail set in the centerline of Jerome Road and in the westerly line of VMS 2365;

Thence along the centerline of Jerome Road and the westerly line of VMS 2365, North 07 Deg. 45' 00" West, a distance of 100.43 feet to the POINT OF BEGINNING containing 5.346 acres, more or less.

Tract U (Highland Capital Partners, LLC)

Situated in the State of Ohio, in Survey Number 2365 of the Virginia Military Lands, Jerome Township, Union County, and Concord Township, Delaware County and being a resurvey of an original 58.627 acres tract of land conveyed to Joe L. Andrews and Ruth D. Gamble, Trustees by deeds of record in Deed Record 291, Page 234 and Official Record 511, Page 675, Union County, Recorder's Office and by deed of record in Deed Volume 463, Page 448, Delaware County Recorder's Office, and being more particularly described as follows:

Beginning at a railroad spike found at the intersection of the centerline of Jerome Road (Union County Road 11-D) with the centerline of Wells Road (Jerome Township Road 17-B);

Thence along the centerline of Wells Road north 85 Deg. 18' 43" East, a distance of 1778.21 feet (passing an old tract line at 1234.20 feet) to a railroad spike found on the Union-Delaware County line;

Thence crossing the County Line along the centerline of Cook Road (Concord Township Road 132) North 85 Deg. 34' 05" East, a distance of 173.19 feet to a railroad spike found, said point being the northwest corner of the Coolmore Estates (Plat Cabinet 1, Slide 478, Delaware County Recorder's Office);

Thence along the Grantors easterly line and the westerly line of Lanes End Subdivision (Plat Cabinet 3, Slide 363, Delaware County Recorder's Office) South 07 Deg. 36' 07" East, a distance of 1557.43 feet (passing a 5/8 inch diameter iron pin found at 30.00 feet and being 0.13 feet west of line and also passing a 5/8 inch diameter iron pin found at 775.81 feet) to a 1/4 inch diameter iron pin found;

Thence along the northerly line of a 8.804 acre tract conveyed to Karen R. Schirmer by deeds of record in Official Record 190, Page 713, Union County Recorder's Office and Official Record 668, Page 430, Delaware County Recorder's Office, South 85 Deg. 32' 06" West, a distance of 724.19 feet (passing the Delaware-Union County line at 321.01 feet) to a point in an osage orange tree, said point being in the easterly line of a 16.189 acre tract of land conveyed to William and Tracy Robson by deed of record in Official Record 344, Page 504, Union County Recorder's Office;

Thence along the easterly line of said Robson tract north 07 Deg. 18' 48" West, a distance of 192.18 feet to a 1 inch diameter iron pipe found;

Thence along the easterly line of a 5.3422 acre tract of land conveyed to Joseph L. and Norma J. Andrews by deed of record in Deed Record 275, Page 878, Union County Recorder's Office, North 07 Deg. 17' 37" West, a distance of 300.09 feet to an iron pin set;

Thence along the northerly line of said Andrews 5.3422 acre tract South 85 Deg. 24' 06" West, a distance of 552.60 feet to a 1 inch diameter iron pin found;

Thence along the westerly line of said Andrews 5.3422 acre tract South 07 Deg. 46' 52" East, a distance of 200.08 feet to an iron pin set;

OR 907 PG 635

Thence continuing along the northerly line of said Andrews 5.3422 acre tract South 85 Deg. 24' 34" West, a distance of 674.78 feet (passing an iron pin set at 644.73 feet) to a survey nail set in the centerline of Jerome Road (Union County Road 11-D) and in the westerly line of VMS 2365;

Thence along the centerline of Jerome Road and the westerly line of VMS 2365, North 07 Deg. 45' 00" West, a distance of 1261.18 feet (passing a railroad spike found at the intersection of Wells Road (Union County Road 17-A) and Jerome Road at 961.00 feet) to the POINT OF BEGINNING containing 58.772 acres, more or less, of which 8.823 acres are located in Delaware County and 49.949 acres are located in Union County.

Tract V (Newman)

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being a resurvey of an original 3.000 acre tract, 4.548 acre tract, and a 2.000 acre tract of land conveyed to Robert M. Newman by deed of record in Deed Volume 280, Page 439 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Brock Road (County Road 16-A) with the centerline of Hyland-Croy Road (County Road 2-E);

Thence along the centerline of Brock Road South 83° 50' 14" West a distance of 330.00 feet to a railroad spike found at the southeasterly corner of the hereinafter described tract and the POINT OF BEGINNING;

Thence continuing along the centerline of Brock Road South 83° 50' 14" West a distance of 509.16 feet to a survey nail set at the southeasterly corner of a 1.314 acre tract of land conveyed to Kimberly and Douglas Anderson by deed of record in O.R. 33, Page 674;

Thence along the easterly line of said 1.314 acre tract North 06° 19' 26" West a distance of 223.86 feet (passing an iron pin found at 28.60 feet) to an iron pin set at the northeasterly corner of said 1.314 acre tract;

Thence along the easterly line of a 171.678 tract conveyed to Jerome Village Company, LLC by deed of record in O.R. 669, Page 653, North 06° 10' 15" West a distance of 591.07 feet to an iron pin set at the southwesterly corner of a 15.856 acre tract conveyed to Jerome Village Company, LLC by deed of record in O.R. 669, Page 653;

Thence along the southerly line of said 15.856 acre tract North 83° 47' 37" East a distance of 509.49 feet to an iron pin set;

Thence along the westerly line of said 15.856 acre tract South 06° 10' 01" East a distance of 551.32 feet (passing a 2 inch diameter iron pipe found at 489.12 feet) to a ¾ inch diameter iron pipe found;

Thence along the westerly line of a 2.00 acre tract conveyed to Jerome Village Company, LLC by deed of record in O.R. 739, Page 62, South 06° 14' 14" East a distance of 264.00 feet (passing a ¾ inch diameter pipe found at 234.01 feet) to a railroad spike found in the centerline of Brock Road, which is the POINT OF BEGINNING, containing 9.533 acres, more or less.

Tract W (Mechenbier)

Situated in Virginia Military Survey 2991, Jerome Township, Union County, State of Ohio and being the same tract of land conveyed to James A. Mechenbier, Trustee by deed of record in O.R. 1, Page 523 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of Jerome Road (Co. Rd. 11-D) and Scioto Road (Co. Rd. 13);

DR 907 PG 636

Thence along the centerline of Jerome Road North 06° 10' 48" West a distance of 689.87 feet to a survey nail set at the TRUE POINT OF BEGINNING;

Thence along the northerly line of a 0.50 acre tract of land and a 3.000 acre tract of land conveyed to Jerome Methodist Church, Inc. by deed of record in BK 240, Page 298, and BK 313, Page 249, South 83° 00' 43" West a distance of 627.96 feet (passing an iron pin set at 30.00 feet and a 3/4 inch diameter iron pipe found at 181.06 feet) to a 3/4 inch diameter iron pipe found;

Thence along the westerly line of said 3.000 acre tract South 06° 10' 48" East a distance of 313.50 feet to a 3/4 inch diameter iron pipe found in the northerly line of a 18.040 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 743, Page 641;

Thence along the northerly line of said 18.040 acre tract South 83° 00' 43" West a distance of 451.67 feet to an iron pin set;

Thence continuing along the northerly line of said 18.040 acre tract of land north 33° 51' 59" West a distance of 223.91 feet to an iron pin set;

Thence continuing along the northerly line of said 18.040 acre tract South 83° 38' 46" West a distance of 1074.97 feet to an iron pin set in the easterly line of a 171.678 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 669, Page 653;

Thence along the easterly line of said 171.678 acre tract North 06° 35' 13" West a distance of 344.85 feet to a 5/8 inch diameter iron pin found;

Thence along the southerly line of said 171.678 acre tract and the southerly line of a 0.530 acre tract of land conveyed to William R. Dresnek, Jr. by deed of record in O.R. 301, Page 633, North 83° 49' 28" East a distance of 2260.97 feet (passing an iron pin set at 2230.97 feet) to a railroad spike found in the centerline of Jerome Road;

Thence along the centerline of Jerome Road South 06° 10' 48" East a distance of 210.95 feet to the TRUE POINT OF BEGINNING and containing 18.199 acres, more or less.

Tract X (Fry)

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being a resurvey of an original 1.000 acres tract of land conveyed to C. Jas Fry and Juanita Fry by deed of record in Deed Volume 268, Page 707 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Brock Road (County Road 16-A) with the centerline of Hyland-Croy Road (County Road 2-E);

Thence along the westerly line of a 13.074 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 669, Page 653, North 06° 14' 14" West a distance of 581.32 feet to a point;

Thence crossing said 13.074 acre tract North 83° 45' 46" East a distance of 60.77 feet to a 3/4 inch diameter iron pipe found at the southwesterly corner of the hereinafter described tract and the POINT OF BEGINNING;

Thence North 06° 15' 37" West a distance of 311.14 feet to a 3/4 inch diameter iron pipe found;

Thence North 83° 57' 41" East a distance of 140.00 feet to a point in a private pond;

Thence South 06° 15' 37" East a distance of 311.14 feet (passing a 3/4 inch diameter iron pipe found at 33.04 feet) to a 3/4 inch diameter iron pipe found;

OR 907 PG 637

Thence South 83° 57' 41" West a distance of 140.00 feet to the POINT OF BEGINNING and containing 1.000 acres, more or less.

Tract Y

Parcel 1 (Wilcox)

Situated in Survey Number 3005 of the Virginia Military Survey, Jerome Township, Union County, State of Ohio and being part of an original 52.00 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397 and being more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin found at the intersection of the southerly line of VMS 3005 with the easterly line of VMS 5234, said point being the southwesterly corner of VMS 3005;

Thence along the southerly line of VMS 3005, North 83° 21' 07" East a distance of 1807.57 feet to an iron pin set at the POINT OF BEGINNING;

Thence North 06° 46' 09" West a distance of 876.16 feet to an iron pin set in the southerly line of a 194.363 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 672, Page 527;

Thence along the southerly line of said 194.363 acre tract North 83° 06' 35" East a distance of 1397.69 feet to a 5/8 inch diameter iron pin found at the northwesterly corner of a 11.578 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 714, Page 974;

Thence along the westerly line of said 11.578 acre tract South 11° 20' 11" East a distance of 891.26 feet to a 1/2 inch diameter iron pipe found in the common line between VMS 3005 and VMS 2991, said point being in the northerly line of a 40.51 acre tract of land conveyed to John R. Andrews Trustee by deed of record in O.R. 585, Page 748;

Thence along the southerly line of VMS 3005, the northerly line of said 40.51 acre tract, and the northerly line of a 45.288 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 697, Page 861, South 83° 40' 24" West a distance of 1105.10 feet (passing a 3/4 inch diameter iron pipe at 351.05 feet) to a 5/8 inch diameter iron pin found;

Thence continuing along the southerly line of VMS 3005 and the northerly line of a 142.00 acre tract conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397, South 83° 21' 07" West a distance of 363.58 feet to the POINT OF BEGINNING and containing 29.000 acres, more or less.

Parcel 2 (Wilcox)

Situated in Survey Number 3005 of the Virginia Military Survey, Jerome Township, Union County, State of Ohio and being part of an original 52.00 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397, and being more particularly described as follows:

Beginning at a 5/8 inch diameter iron pin found at the intersection of the southerly line of VMS 3005 with the easterly line of VMS 5234, said point being the southwesterly corner of VMS 3005 and the southwesterly corner of the hereinafter described tract;

Thence along the westerly line of VMS 3005, the easterly line of VMS 5234, and the easterly line of a 236.57 acre tract of land conveyed to Select Sires by deed of record in D.V. 251, Page 498, North 06° 25' 30" West a distance of 479.12 feet to a 5/8 inch diameter iron pin found;

OR 907 PG 638

Thence along the southerly line of said 236.57 acre tract North 83° 14' 36" East, a distance of 1356.38 feet to a 5/8 inch diameter iron pin found;

Thence along the easterly line of said 236.57 acre tract North 06° 18' 31" West a distance of 392.60 feet to a 5/8 inch diameter iron pin found at the southwesterly corner of a 194.363 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 672, Page 527;

Thence along the southerly line of said 194.363 acre tract North 83° 06' 35" East a distance of 445.16 feet to a 5/8 inch diameter iron pin found;

Thence along the westerly line of a 29.00 acre tract of land conveyed to Jerome Village Company LLC by deed of record in O.R. 722, Page 832, South 06° 46' 09" East a distance of 876.16 feet to a 5/8 inch diameter iron pin found in the common line between VMS 3005 and VMS 2991, said point being in the northerly line of a 142.00 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397;

Thence along the southerly line of VMS 3005 and the northerly line of said 142.00 acre tract South 83° 21' 07" West a distance of 1807.57 feet to the POINT OF BEGINNING and containing 23.968 acres, more or less.

Parcel 3 (Weeks)

Situated in Survey Number 3244 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being the remainder of an original 25.000 acre tract of land conveyed to Ruth A. Weeks Family Limited Partnership by deed of record in Official Record 174, Page 270 and being more particularly described as follows:

Commencing at a survey nail found at the intersection of the centerline of U.S. Route 42 with the easterly line of VMS 3244;

Thence along the centerline of U.S. Route 42, South 36° 50' 53" West a distance of 1855.77 feet to a survey nail set at the TRUE POINT OF BEGINNING, said point being the westerly corner of a 5.00 acre tract of land conveyed to Kurt D. Ricker by deed of record in Deed Volume 337, Page 427;

Thence along the southerly line of said 5.00 acre tract South 57° 09' 10" East a distance of 479.52 feet (passing an iron pin set at 30.07 feet) to a 5/8 inch diameter iron pin found at the southerly corner of said 5.00 acre tract;

Thence North 75° 09' 07" West a distance of 515.92 feet (passing a 5/8 inch diameter iron pin found at 483.56 feet) along the northerly line of a 164.395 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 715, page 335 to a survey nail found in the centerline of U.S. Route 42;

Thence along the centerline of U.S. Route 42, North 36° 50' 53" East a distance of 159.81 feet to the TRUE POINT OF BEGINNING, and containing 0.877 acres, more or less;

Tract AA (Johnston)

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being the same 50.00 acre tract of land conveyed to Mary Jane Johnston by deed of record in Official Record 114, Page 129 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Jerome Road (County Road 11) with the centerline of Wells Road (County Road 17);

Thence along the centerline of Wells Road, South 83° 48' 41" West a distance of 2908.58 feet to a railroad spike found at the TRUE POINT OF BEGINNING;

Thence continuing along said centerline South 83° 48' 41" West a distance of 750.75 feet to a survey nail set in the southeasterly corner of a 142.000 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397;

Thence along the easterly line of said 142.000 acre tract, North 06° 00' 33" West a distance of 2910.94 feet (passing an iron pin set to 30.00 feet) to an iron pin set in the northerly line of VMS 2991 and in the southerly line of a 52.000 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397;

Thence along said VMS line and the southerly line of said 52.000 acre tract, North 83° 40' 24" East a distance of 754.05 feet an iron pin found in the northwesterly corner of a 40.510 acre tract of land conveyed to John R. Andrews by deed of record in Official Record 585, Page 748;

Thence along the westerly line of said 40.510 acre tract, South 05° 54' 02" East a distance of 1521.51 feet to an iron pin found in the northwesterly corner of a 34.245 acre tract of land conveyed to Scott E. and Jennifer Sonnenberg by deed of record in Official Record 176, Page 217;

Thence along the westerly line of said 34.245 acre tract and the westerly line of a 2.755 acre tract of land conveyed to Scott E. and Jennifer Sonnenberg by deed of record in Official Record 176, Page 217, South 05° 59' 32" East a distance of 1391.26 feet (passing an iron pin found at 1361.26 feet) to the TRUE POINT OF BEGINNING and containing 50.295 acres, more or less.

Tract DD (Henderlong)

Situated in Survey Number 3005 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being part of a 45.090 acre tract of land conveyed to Paul and Mary Henderlong Trustees by Deed of record in Official Record 329, Page 100 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Hill Road (Twp. Rd. 14) with the centerline of Jerome Road (Co. Rd. 11);

Thence along the centerline of Jerome Road North 11° 15' 03" West a distance of 60.22 feet to a point at the northeasterly corner of a 40.51 acre tract of land conveyed to John R. Andrews, Trustee by deed of record in Official Record 585, Page 748;

Thence along the Grantor's southerly line and the northerly line of said 40.51 acre tract South 83° 40' 24" West a distance of 1828.08 feet to a ¾ inch diameter pipe found at the TRUE POINT OF BEGINNING;

Thence continuing along the Grantor's southerly line and the northerly line of said 40.51 acre tract of land South 06° 19' 36" East a distance of 60.00 feet to a ¾ inch diameter iron pipe found in the common line between V.M.S. 3005 and V.M.S. 2991;

Thence continuing along the Grantor's southerly line, northerly line of said 40.51 acre tract, and southerly line of V.M.S. 3005, South 83° 40' 24" West a distance of 719.75 feet to a ½ inch diameter iron pipe found in the southeasterly corner of a 52.000 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397;

Thence along the Grantor's westerly line and easterly line of said 52.000 acre tract North 11° 20' 11" West a distance of 891.26 feet to a 5/8 inch diameter iron pin found in the southerly line of a 194.363 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 672, Page 527;

Thence along the Grantor's northerly line and southerly line of said 194.363 acre tract North 83° 43' 01" East a distance of 558.15 feet to an iron pin set;

OR 907 PG 640

Thence South 11° 10' 46" East a distance of 830.41 feet to an iron pin set;

Thence North 83° 40' 24" East a distance of 169.18 feet to the POINT OF BEGINNING and containing 11.578 acres, more or less.

Tract FF (Select Sires)

Situated in Survey Number 3005 Virginia Military Lands, Jerome Township, Union County, State of Ohio and being part of an original 236.57 acre tract of land conveyed to Select Sires by deed of record in D.V. 251, Page 498 and being more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin found at the northwesterly corner of VMS 2991, said point also being the southwesterly corner of VMS 3005;

Thence along the Grantor's easterly line, the common line between VMS 3005 and VMS 5234, and the westerly line of a 23.968 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 739, Page 121, North 06° 25' 30" West a distance of 479.12 feet to a 5/8 inch diameter iron pin found at the TRUE POINT OF BEGINNING;

Thence continuing along the westerly line of VMS 3005, North 06° 25' 30" West a distance of 479.12 feet to a stone found at the southwesterly corner of a 164.395 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 716, Page 335;

Thence along the Grantor's northerly line and the southerly line of said 164.395 acre tract, North 83° 14' 19" East a distance of 1357.42 feet to a 5/8 inch diameter iron pin found in the westerly line of a 182.363 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 672, Page 527;

Thence along the Grantor's easterly line and the westerly line of said 182.363 acre tract, South 06° 15' 42" East a distance of 86.65 feet to a 5/8 inch diameter iron pin found;

Thence continuing along the Grantor's easterly line and the westerly line of previously said 23.968 acre tract South 06° 18' 31" East a distance of 392.60 feet to a 5/8 inch diameter iron pin found;

Thence along the Grantor's southerly line and the northerly line of said 23.968 acre tract South 83° 14' 36" West a distance of 1356.38 feet to the POINT OF BEGINNING and containing 14.926 acres, more or less.

Tract KK (Williams)

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being a resurvey of an original 3.413 acres tract of land conveyed to J. Wesley Williams and Patricia E. Williams by deed of record in Official Record 62, Page 484 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Brock Road (County Road 16-A) with the centerline of Hyland-Croy Road (County Road 2-E);

Thence along the centerline of Brock Road North 84° 01' 23" East a distance of 291.00 feet to a railroad spike set at the southwesterly corner of the hereinafter described tract and the POINT OF BEGINNING;

Thence along the easterly line of a 1.39 acre tract of land conveyed to the Trustees of the Jerome United Methodist Church by deed of record in Deed Volume 265, Page 676, North 06° 15' 37" West a distance of 264.01 feet (passing a 1-1/4 inch diameter iron pipe at 30.13 feet) to a 1-1/4 inch diameter iron pipe found;

OR 907 PG 641

Thence along the northerly line of said 1.39 acre tract South 83° 58' 31" West a distance of 230.00 feet to a 1-1/4 inch diameter iron pipe found in the easterly line of a 13.074 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 669, Page 653;

Thence along the easterly line of said 13.074 acre tract North 06° 15' 37" West a distance of 257.78 feet to a ¾ inch diameter iron pipe found;

Thence continuing along the southerly line of said 13.074 acre tract North 83° 57' 27" East a distance of 399.52 feet to a 1-1/4 inch diameter iron pipe found in the westerly line of a 1.35 acre tract of land conveyed to Gerald N. Upper and Diana L. Upper by deed of record in Deed Volume 336, page 636;

Thence along the westerly line of said 1.35 acre tract South 06° 35' 13" East a distance of 522.07 feet (passing a 1-1/4 inch diameter iron pipe found at 257.91 feet and a ¾ inch diameter iron pin at 501.17 feet) to a railroad spike found in the centerline of Brock Road, said point being South 84° 01' 23" West a distance of 2448.39 feet from a railroad spike found at the intersection of the centerline of Brock Road with the centerline of Jerome Road (County Road 11);

Thence along the centerline of Brock Road South 84° 01' 23" West a distance of 172.50 feet to the POINT OF BEGINNING and containing 3.410 acres, more or less.

Tract United Methodist Church

Situated in the Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being a resurvey of an original 1.394 acres tract of land conveyed to The Jerome United Methodist Church by deed of record in Deed Book 265, Page 676, and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Brock Road (County Road 16-A) with the centerline of Hyland-Croy Road (County Road 2-E);

Thence along the centerline of Brock Road North 84° 01' 23" East a distance of 61.00 feet to a railroad spike found at the southwesterly corner of the hereinafter described tract and the POINT OF BEGINNING;

Thence along the easterly line of a 13.074 acre tract of land conveyed to Jerome Village Company, L.L.C. by deed of record in O.R. 669, Page 653, North 06° 15' 37" West a distance of 263.82 feet (passing an iron pin set at 30.00') to a 1-1/4 inch diameter iron pipe found;

Thence along the southerly line of a 3.410 acre tract of land conveyed to Patricia E. Williams by deed of record in O.R. 790, Page 886, North 83° 58' 31" East a distance of 230.00 feet to a 1-1/4 inch diameter iron pipe found in the westerly line of said 3.410 acre tract;

Thence along the westerly line of said 3.410 acre tract South 06° 15' 37" East a distance of 264.01 feet (passing a 1-1/4 inch diameter iron pin found at 233.88") to a railroad spike set;

Thence along the centerline of Brock Road South 84° 01' 23" West a distance of 230.00 feet to the POINT OF BEGINNING and containing 1.394 acres, more or less.

Former Barbara Wilcox, Trustee Tract

Situated in Survey Number 2991 of the Virginia Military Survey, Jerome Township, Union County, State of Ohio and being a part of the original 142.00 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397 and being more particularly described as follows;

Commencing at a 5/8 inch diameter iron pin found at the northwest corner of VMS 2991;

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Thence along the westerly line of VMS 2991 and the grantors westerly line South 05° 17' 33" East a distance of 2893.87 feet (passing a survey nail set in the centerline of Wells Road (County Road 17) at 2844.94 feet) to a 5/8 inch diameter iron pin found at the grantors southwesterly corner;

Thence along the grantors southerly line and the centerline of Wells Road North 83° 48' 29" East a distance of 723.90 feet (passing a survey nail set at 91.77 feet) to a survey nail set at the Point of Beginning;

Thence North 06° 11' 31" West a distance of 230.08 feet (passing an iron pin set at 40.00 feet) to an iron pin set;

Thence North 83° 48' 29" East a distance of 244.84 feet to an iron pin set;

Thence South 06° 11' 31" East a distance of 230.08 feet (passing an iron pin set at 190.08 feet) to a survey nail set in the centerline of Wells Road;

Thence along the centerline of Wells Road South 83° 48' 29" West a distance of 20.00 feet to a survey nail set;

Thence North 06° 11' 31" West a distance of 210.08 feet (passing an iron pin set at 40.00 feet) to an iron pin set;

Thence South 83° 48' 29" West a distance of 204.84 feet to an iron pin set;

Thence South 06° 11' 31" East a distance of 210.08 feet (passing an iron pin set at 190.08 feet) to a survey nail set in the centerline of Wells Road;

Thence along the centerline of Wells Road South 83° 48' 29" West a distance of 20.00 feet to the POINT OF BEGINNING and containing 0.305 acres, more or less.

And

Situated in Survey Number 2991 of the Virginia Military Survey, Jerome Township, Union County, State of Ohio and being a part of the original 142.00 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397 and being more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin found at the northwest corner of VMS 2991;

Thence along the westerly line of VMS 2991 and the grantors westerly line South 05° 17' 33" East a distance of 2893.87 feet (passing a survey nail set in the centerline of Wells Road (County Road 17) at 2844.94 feet) to a 5/8 inch diameter iron pin found at the grantor southwesterly corner;

Thence along the grantors southerly line and the centerline of Wells Road North 83° 48' 29" East a distance of 743.90 feet (passing a survey nail set at 91.77 feet) to survey nail set the Point of Beginning;

Thence North 06° 11' 31" West a distance of 210.08 feet (passing an iron pin set at 40.00 feet) to an iron pin set;

Thence North 83° 48' 29" East a distance of 204.84 feet to an iron pin set;

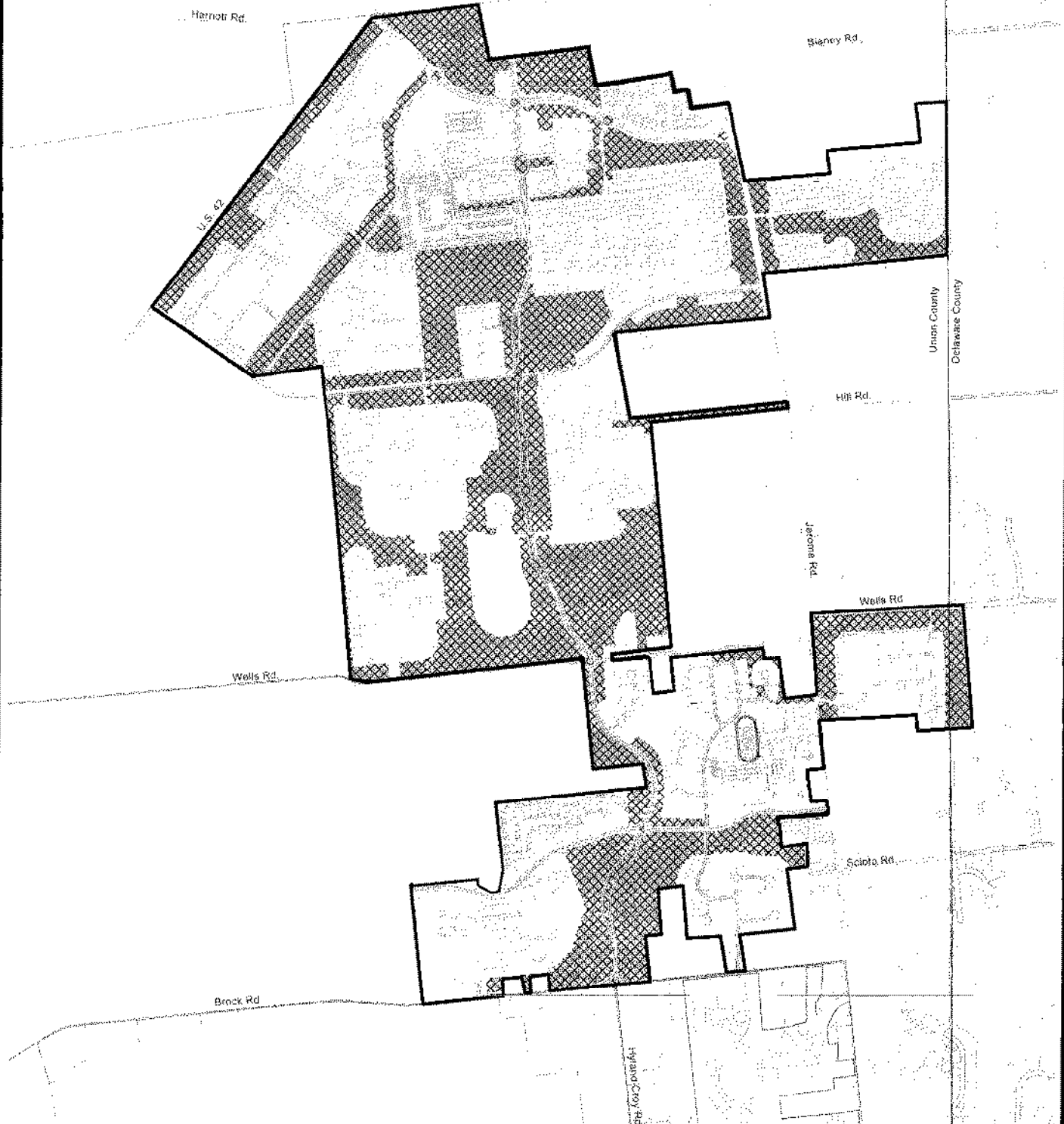
Thence South 06° 11' 31" East a distance of 210.08 feet (passing an iron pin set at 170.08 feet) to a survey nail set in the centerline of Wells Road;

Thence along the centerline of Wells Road South 83° 48' 29" West a distance of 204.84 feet to the POINT OF BEGINNING and containing .988 acres, more or less.


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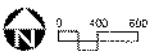
EXHIBIT D

Open Space Plan for Common Property



OPEN SPACE KEY

 Public Open Space




Public Open Space Plan

JEROME VILLAGE

Presented with a planning commission and for the record. No warranty is made by the developer for the accuracy of the information, the data and the results of the planning commission.

Developer

 **Nationwide**
Realty Investors

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Scale: 1" = 400'

EXHIBIT E

BYLAWS (CODE OF REGULATIONS) OF JEROME VILLAGE MASTER PROPERTY OWNERS ASSOCIATION, INC.

SECTION I: NAME AND LOCATION

The name of the Master Association is Jerome Village Master Property Owners Association, Inc. (the "Master Association"), which is a nonprofit corporation created by Jerome Village Company, LLC, an Ohio limited liability company ("Declarant"), pursuant to the provisions of Ohio Revised Code Chapter 1702 in connection with the creation of a mixed use master planned community known as "Jerome Village" (the "Jerome Village Planned Community").

The principal office of the Master Association shall be as set forth in its Articles of Incorporation (the "Articles") filed with the Secretary of State of Ohio, and the place of meetings of Owners and of the Board of the Master Association (the "Board") shall be as set forth herein.

SECTION II: DEFINITIONS

All of the terms used herein that are not otherwise defined shall have the same meanings as set forth in the Master Deed Declaration, Restrictions and Bylaws (the "Master Declaration"), recorded simultaneously with these Bylaws with the Recorder of Union County, Ohio and the Recorder of Delaware County, Ohio.

SECTION III: MASTER ASSOCIATION

1. Membership in Master Association. Membership in the Master Association shall consist of the Declarant as Master Developer and the Owner Members, as further provided in Article VII, Paragraph A of the Master Declaration, who shall collectively be referred to herein as the "Members".

2. Organization of Master Association. The Master Association shall be organized as a nonprofit corporation pursuant to Chapter 1702 of the Ohio Revised Code.

3. Declarant Control. Declarant shall control the Master Association from the time it is established until the earlier to occur of (i) the sale by Declarant of the last residential lot owned by Declarant in the single family subdivisions planned for the Jerome Village Planned Community (whether or not developed), or (ii) the waiver by the Declarant of its exclusive voting rights (the "Turnover Date"). Until the Turnover Date, the Declarant or the Declarant's designee may appoint and remove all members of the Board.

4. Master Association. The Master Association shall administer the Jerome Village Planned Community, and the Board shall exercise all power and authority of the Master Association. On the Turnover Date, the Board shall be elected as follows: one (1) Director shall

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be elected by the members of the Commercial Property Owners Association, one (1) Director shall be elected by the members of the Residential Property Owners Association, and one (1) Director shall be elected by the members of the Town Center Project Owners Association.

5. Annual Meetings of the Master Association. Except prior to the Turnover Date, the Board shall call regular annual meetings of the Members on a date and at a location within Jerome Township, Union County, Ohio and at an hour established by the Board, provided that, in any event, there shall be no more than fourteen (14) months between annual meetings of the Members.

6. Special Meetings of the Master Association. Special meetings of the Master Association may be called at a location within Jerome Township, Union County, Ohio, and at any time by the President, a majority of the Board, or Members representing fifty percent (50%) of the voting power of the Master Association.

7. Notice of Meeting of Members. The Secretary or person authorized to call the meeting will provide for written notice of each meeting of Members by mailing a copy of such notice, postage prepaid, at least five (5) days before such meeting, to each Member. Alternatively, personal delivery of a copy of that notice to the appropriate address at least five (5) days before the meeting is acceptable service of the notice. The notice shall be addressed to the Member's address either (a) last appearing on the books of the Master Association or (b) last supplied by that Member to the Master Association for the purpose of notice, whichever is most recent. The notice shall specify the date, place, and hour of the meeting. Additionally, for special meetings, the notice shall indicate the specific purposes of the meeting, and, in the case of special meetings called by the petition and written request of Members, the specific motion or motions (other than procedural) to be voted upon must be indicated in the notice.

8. Conduct of Meetings of Members. The Board shall conduct all meetings of the Members, and the President of the Master Association shall preside over the same, unless otherwise directed by the Board.

9. Quorum. The Members present, in person or by proxy, at any duly called and noticed meeting of the Master Association, shall constitute a sufficient quorum for that meeting.

10. Voting Rights. The Members of the Master Association shall not have any right to vote on any matter pertaining to the Master Declaration or the Master Association, except as otherwise provided in the Master Declaration, these Bylaws or required by law. The Master Association shall be governed and controlled exclusively by the Master Association Board, who shall have and possess all voting rights and control hereunder.

11. Voting Power. Except as otherwise provided in the Master Declaration and these Bylaws or by law, a simple majority of the voting power of Members entitled to vote on any matter that may be determined by the Members at any duly noticed and conducted meeting shall be sufficient to determine the matter voted upon.

12. Proxies. At any meeting of Members, a Member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary prior to the meeting. A telegram or facsimile appearing to have been transmitted by a Member or a photographic, photocopy, or equivalent reproduction of a writing is sufficient to appoint a proxy. An electronic mail notice of proxy appointment, delivered to the Secretary, shall be sufficient notice of proxy if that Member previously provided the Master Association a personally signed document verifying that the electronic mail address from which the proxy notice was received is, in fact, the Member's. Every proxy shall be revocable and shall automatically cease upon conveyance of that Member's fee simple interest in a Parcel. Every proxy shall cease to be valid after the expiration of eleven months after its making unless the proxy specifies a specific date on which it is to expire or a specific length of time it is to continue in force.

13. Participation at Meetings. Meetings of the Members shall be open to all Members unless specified by direction of the Board otherwise in the notice of meeting. The Board, in its sole discretion, may exclude from attendance at a meeting of the Members, Members and their agents and representatives (other than Declarant and its successors and assigns so long as Declarant owns a Parcel in the Jerome Village Planned Community) in these instances:

(a). A determination by the Board that the Member has a threatened or pending adverse interest to the interests of the Master Association, or the Board, or any member of the Board, or any officer, employee, committee member, or agent of the Master Association, in such Person's capacity as such, if a subject of the meeting will be a discussion of a vote with regard to such adverse interest; or

(b). for any other reason deemed by the Board, from the standpoint of the Master Association's best interests, to be of sufficient merit that attendance and participation at a meeting by such Member would not be in the Master Association's best interests;

provided, that nothing contained in this Section shall preclude or exclude a Member from voting by proxy, on any matter properly voted upon at that meeting by Members.

14. Member Action in Writing Without Meeting. Any action that could be taken by Members at a meeting may be taken without a meeting with the affirmative vote or approval, in a writing or writings, of Members or their proxies having not less than seventy-five percent (75%) of the voting power of all Members, or such greater proportion of the voting power as may be required by the Master Declaration and Bylaws or by law.

SECTION IV: BOARD OF DIRECTORS

1. Initial Directors and Replacements. The initial Directors shall be three (3) persons named by the Declarant as the initial Directors in a separate action. The Declarant reserves the right, at any time, to have the Members elect any or all Directors and for Declarant to turn over the functions or operation of the Master Association to the elected Directors.

2. Successor Directors. On or about the Turnover Date, all current Directors shall resign, either in person or in writing, and at all times thereafter, one (1) Director shall be elected by the members of the Commercial Property Owners Association, one (1) Director shall be elected by the members of the Residential Property Owners Association, and one (1) director shall be elected by the Town Center Property Owners Association. The Directors so elected shall take office at an organizational meeting immediately following the Turnover Date. Each Director of the Master Association shall hold office for a three (3) year term; provided that the initial Director of the Master Association elected by the Commercial Property Owners Association shall be elected to a one (1) year term, the initial Director of the Master Association elected by the Town Center Property Owners Association shall be elected to a two (2) year term, and the initial Director of the Master Association elected by the Residential Property Owners Association shall be elected to a three (3) year term, in order that the terms of one-third (1/3) of all Directors of the Master Association expire annually.

3. Removal. Excepting only Directors named in the Articles or selected or designated by Declarant, any Director duly elected may be removed from the Board with or without cause, by the Sub-Association (i.e. Commercial Property Owners Association, Residential Property Owners Association or Town Center Property Owners Association) electing such Director. In the event of the death, resignation, or removal of a Director other than one named in the Articles or a substitute to the same selected by the Declarant, that Director's successor shall be selected by the Sub-Association (i.e. Commercial Property Owners Association, Residential Property Owners Association or Town Center Property Owners Association) entitled to elect such Director, and such successor shall serve until the next annual meeting of Members, when a Director shall be elected to complete the term of such deceased, resigned, or removed Director.

Until the Turnover Date, Declarant shall have the sole right to remove, with or without cause, any Director designated in the Articles, or a substitute selected by the Declarant. Likewise, the Declarant may select the successor of any Declarant-selected Director who dies, resigns, is removed, or leaves office for any reason before the election of Directors by the Sub-Associations.

4. Qualification. To qualify for election as a Director (other than being selected by the Declarant), the prospect must be an individual who is an Owner or co-Owner of a Parcel, the spouse of an Owner or co-Owner of a Lot or Unit, or a principal, member of a limited liability company, partner, director, officer, trustee, or employee of the Owner. Further, that Owner or co-Owner of a Parcel or such spouse must not then be delinquent in the payment of any obligation to the Master Association or be an adverse party to the Master Association, its Board, or any member of the Board (in that member's capacity as a Board member) in any litigation.

5. Compensation. No Director shall receive compensation for any service rendered to the Master Association as a Director. However, any Director may be reimbursed actual and reasonable expenses incurred in the performance of duties as a Director.

6. Regular Meetings. Regular meetings of the Board shall be held on such dates and at such places and times as may be fixed from time to time by resolution of the Board, but not less than quarterly.

7. Special Meetings. Special meetings of the Board shall be held when called by the President of the Board, by a majority of the Directors or by Members representing fifty per cent (50%) of the voting power in the Master Association, after not less than three (3) days' notice to each Director, at such places and times as determined at the time of calling such special meeting.

8. Quorum. The presence at any duly called and noticed meeting of Directors consisting of a simple majority, in person, by proxy, and/or by participation by any method of communication, in accordance with Section 11 below.

9. Attendance of Owners at Board Meetings. No Owner other than a Director may attend or participate in any discussion or deliberation at a meeting of the Board unless the Board expressly authorizes that Owner to attend or participate.

10. Voting Power. Each Director shall be entitled to a single vote, and, except as otherwise provided in the Master Declaration and Bylaws or by law, vote of a simple majority of the Directors voting on any matter that may be determined by the Board at a duly called and noticed meeting at which a quorum is present, shall be sufficient to determine that matter.

11. Electronic Communications. The Board may hold a meeting by any method of communication, including electronic or telephonic communication or communication by computer, provided that each Board member can hear or read in real time and participate and respond to every other member of the Board.

12. Action in Writing Without Meeting. Any action that could be taken by the Board at a meeting may be taken without a meeting with the affirmative vote or approval, in a writing or writings, of all of the Directors. Any written vote or approval shall be filed with the minutes of the meetings of the Board.

13. Powers, Duties and Authority. The Board may act in all instances on behalf of the Master Association unless otherwise provided in the Master Declaration and Bylaws and without limiting the generality of the foregoing, the Board shall have the right, power, and authority to:

(a). take all actions deemed necessary or desirable to comply with or to cause compliance with all requirements of law and the Master Declaration and Bylaws;

(b). obtain insurance coverage and bonds in amounts no less than that required pursuant to these Bylaws and the Master Declaration;

(c). enforce the covenants, conditions, and restrictions set forth in the Master Declaration;

(d). repair, maintain, and improve the Common Property;

(e). establish, enforce, levy, and collect Administrative Expenses as provided for in the Master Declaration and adopt, publish, and enforce rules and regulations concerning the same;

(f). adopt and publish rules and regulations governing the use of the Common Property and the personal conduct of Owners, and their tenants and guests on the same;

(g). suspend the voting privileges and use of recreational facilities of an Owner during any period in which the Owner shall be in default in the payment of any assessment required by such Owner's respective Sub-Association;

(h). declare the office of a member of the Board to be vacant in the event such Director shall be absent from three consecutive regular meetings of the Board;

(i). subject to such approvals, if any, as may be required pursuant to the provisions of the Master Declaration and these Bylaws, authorize the officers to enter into one or more agreements necessary or desirable to fulfill the purposes and objectives of the Master Association, including, without limitation: management agreements, and purchase agreements on such terms and conditions as the Board in its sole discretion may determine, subject to the Master Declaration;

(j). cause excess funds of the Master Association to be invested in such reasonable investments as the Board may from time to time determine;

(k). borrow funds, as needed, enter into loan documents, and pledge such security and rights of the Master Association as might be necessary or desirable to obtain any such loan; and

(l). do all things and take all actions permitted to be taken by the Master Association by law or the Master Declaration and these Bylaws not specifically reserved to others.

14. Duties. It shall be the duty of the Board, on behalf of the Master Association, to:

(a). cause to be kept a complete record of all its acts and corporate affairs, including correct and complete books and records of account that specify receipts and expenditures relating to Common Property and other common

receipts and expenses, records showing the allocation, distribution, and collection of common profits, losses, and expenses among and from Owners, minutes of meetings of the Members and meetings of the Board, and records of the names and addresses of Members;

(b). present the latest available financial statement of the Master Association to the Members at each annual meeting of Members, or at any special meeting when requested in writing by Members representing a majority of the voting power of Members;

(c). supervise all officers, agents, and employees of the Master Association and verify that their duties are properly performed;

(d). prepare or cause an estimated annual budget to be prepared;

(e). as more fully provided in the Master Declaration, establish, levy, enforce, and collect Administrative Expenses;

(f). procure and maintain insurance and bonds, as provided in the Master Declaration and as the Board deems advisable;

(g). maintain the Jerome Village Planned Community property, subject to the Master Association's jurisdiction, within the scope of authority provided in the Master Declaration;

(h). cause the restrictions created by the Master Declaration to be enforced; and

(i). take all other actions required to comply with all requirements of law and the Master Declaration and Bylaws.

15. Delegation of Authority; Management; Contracts. The Board may delegate all or any portion of its authority to discharge its responsibilities to a managing agent. This delegation of authority and responsibility to a managing agent may be evidenced by one or more management contracts which may provide for the payment of reasonable compensation to such managing agent as a common expense; provided, however, that any agreement for professional management shall be terminable by either party without cause and without penalty upon not less than thirty (30) nor more than ninety (90) days prior notice; and shall be bona fide and commercially reasonable at the time entered into under the circumstances then prevailing, provided that, in the case of any professional management contract entered into before the Turnover Date, the contract must give the Master Association the right to terminate it without cause and without penalty at any time after the Turnover Date.

Subject to the foregoing, nothing contained in these Bylaws shall preclude Declarant or any other entity designated by Declarant, from being employed as managing agent. The

managing agent, or the Board if there is no managing agent, shall have the authority to enter into contracts with Declarant or an affiliate of Declarant, (as defined by an institutional first mortgagee or an agency or organization which purchases, insures, or guarantees first mortgages) for goods, services, or for any other thing, including, but not limited to contracts for maintenance and repair services, provided the same are bona fide and commercially reasonable to the Master Association. In any case, no management contract or agreement by the Master Association executed prior to the Turnover Date shall extend subsequent to that assumption of control unless renewed by the Board pursuant to the provisions of these Bylaws.

SECTION V: OFFICERS

1. Enumeration of Officers. The officers of this Master Association shall be a President, a Secretary, a Treasurer, and any other officers as the Board may from time to time determine. No officer need be an Owner, Member or Director of the Master Association. The same person may hold more than one office.

2. Selection and Term. Except as otherwise specifically provided in the Master Declaration or by law, the officers of the Master Association shall be appointed by the Board to serve until the Board appoints their successors. There is no set term for any officer.

3. Special Appointments. The Board may appoint any other officers as the affairs of the Master Association may require; each of whom shall hold office for the period, have the authority, and perform the duties determined by the Board.

4. Resignation and Removal. Any officer may be removed from office, with or without cause, by the Board. Any officer may resign at any time by giving written notice to the Board, the President, or the Secretary. Such resignation shall take effect when the notice is received or at any later time specified in the notice. The acceptance of a resignation shall not be necessary to make it effective.

5. Duties. The duties of the officers shall be as the Board may from time to time determine. Unless the Board otherwise determines, the duties of the officers shall be as follows:

(a). President. The President shall preside at all meetings of the Board, have the authority to see that orders and resolutions of the Board are carried out, and sign all legal instruments on behalf of the Master Association.

(b). Secretary. The Secretary shall record the votes and keep the minutes and proceedings of meetings of the Board and of the Members. Further, the Secretary shall serve notice of meetings of the Board and of the Members and keep appropriate current records showing the names of Members of the Master Association together with their addresses.

(c). Treasurer. The Treasurer shall receive, deposit (in bank accounts and investment of funds in other vehicles as the Board directs), and disburse funds

as directed by the Board. Further, the Treasurer shall keep proper books of account, prepare a proposed annual budget, and finalize statements of income and expenditures to be presented to the Members at annual meetings.

SECTION VI: COMMITTEES

The Board may appoint such committees as it deems appropriate in carrying out its purposes.

SECTION VII: BOOKS AND RECORDS

The books, records, and financial statements of the Master Association, including current copies of the Master Declaration, Bylaws, and effective rules and regulations, shall be available during normal business hours or under other reasonable circumstances, upon request to the Master Association, for inspection by Owners, Members, lenders, and the holders, insurers, and guarantors of first mortgages on Parcels, pursuant to reasonable standards established from time to time by the Board by rule, including, but not limited to, standards governing the type of documents that are subject to examination and copying, the times and locations at which those documents may be examined or copied, and the specification of a reasonable fee for copying the documents; provided, further, that the Board shall not be required to permit the examination and copying of materials and information permitted to be excluded from examination and copying under the Master Declaration, or the disclosure of which is prohibited by other laws of the State of Ohio or of the United States of America. Likewise, during normal business hours or under other reasonable circumstances, the Master Association shall make available to prospective purchasers current copies of the Master Declaration, Bylaws, Articles, effective rules and regulations, and the most recent annual audited financial statement, if such is prepared.

Within thirty (30) days after an Owner obtains a Parcel, the Owner shall provide the Board with the home address, home and business mailing addresses, and home and business telephone numbers of the Owner of the Parcel, as well as the name, business address, and business telephone number of any person who manages the Owner's Parcel as an agent of that Owner. In addition, within thirty (30) days after a change in any of the above information, an Owner shall notify the Master Association, through the Board, in writing of such change. When the Board requests, an Owner shall verify or update the information listed in this paragraph.

SECTION VIII: FISCAL YEAR

Unless otherwise changed by the Board, each fiscal year of the Master Association shall begin on the first day of January and terminate at the end of the 31st day of December of that year, except that the first fiscal year shall begin on the date of incorporation of this Master Association and terminate at the end of the next following 31st day of December.

SECTION IX: ADMINISTRATIVE EXPENSES

In accordance with the Master Declaration, all costs the Master Association incurs in the administration, governance, and maintenance of the Jerome Village Planned Community are Administrative Expenses and the manner of collection thereof shall be as provided in the Master Declaration.

SECTION X: INDEMNIFICATION

1. **Third Party Actions.** The Master Association shall indemnify any individual who is or was a party or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative or investigative action, suit, or proceeding, including all appeals, other than an action, suit or proceeding by or in the right of the Master Association, by reason of the fact that the individual is or was a director, officer, employee, or volunteer of the Master Association, against expenses (including reasonable attorney's fees), judgments, fines, penalties, and amounts paid in settlement actually and reasonably incurred by that individual in connection with such action, suit or proceeding, if that individual acted in good faith and in a manner that individual reasonably believed to be in or not opposed to the best interests of the Master Association and, with respect to any criminal action or proceeding, if that individual had no reasonable cause to believe that individual's conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction, or upon a plea of nolo contendere or its equivalent, shall not create, of itself, a presumption that the individual did not act in good faith and in a manner which that individual reasonably believed to be in or not opposed to the best interest of the Master Association and, with respect to any criminal action or proceeding, a presumption that the individual had reasonable cause to believe that the individual's conduct was unlawful. Notwithstanding the foregoing, no indemnification shall be made in respect of (a) any claim, issue, or matter as to which such individual is finally adjudged to be liable for negligence or misconduct in the performance of that individual's duty to the Master Association unless, and only to the extent that the court in which such action or suit was brought determines, upon application, that, despite the adjudication of liability but in view of all the circumstances of the case, such individual is fairly and reasonably entitled to indemnity for such expenses such court considers proper, or (b) any action or suit in which a Director is found liable only pursuant to the provisions of Section 1702.55 of the Ohio Revised Code, as amended.

2. **Derivative Actions.** The Master Association shall indemnify any individual who is or was a party, or threatened to be made a party, to any threatened, pending, or completed action or suit, including all appeals, by or in the right of the Master Association to procure a judgment in its favor, by reason of the fact that the individual is or was a director, officer, employee, or volunteer of the Master Association, against expenses or settlement of such action or suit, if the individual acted in good faith, and in a manner that individual reasonably believed to be in or not opposed to the best interests of the Master Association, except that no indemnification shall be made in respect of (a) any claim, issue, or matter as to which such individual is finally adjudged to be liable for negligence or misconduct in the performance of that individual's duty to the Master Association unless, and only to the extent that the court in

which such action or suit was brought determines, upon application, that, despite the adjudication of liability but in view of all the circumstances of the case, such individual is fairly and reasonably entitled to indemnity for such expenses such court considers proper, or (b) any action or suit in which a Director is found liable only pursuant to the provisions of Section 1702.55 of the Ohio Revised Code, as amended.

3. Other Determinations of Rights. Unless ordered by a court, any indemnification under paragraphs 1 and 2 of this Section X shall be made by the Master Association only as authorized in the specific case, upon a determination that indemnification of the director, officer, employee or volunteer is proper under the circumstances because that individual has met the applicable standard of conduct set forth in paragraphs 1 and 2 of this Section X. Such determination shall be made in any one of the following manners: (a) by a majority vote of a quorum consisting of Directors who were not and are not parties to or threatened with the action, suit or proceeding referred to in paragraphs 1 and 2 of this Section X, or (b) by the Members by simple majority vote.

4. Indemnification of Agents and Others. The Master Association may, from time to time, and in its sole discretion, indemnify any individual who is or was an agent, or other authorized representative of the Master Association, other than those described under paragraphs 1 and 2 of this Section who may be indemnified, or is or was serving at the request of the Master Association as director, officer, or employee of another corporation, limited liability company, partnership, joint venture, trust, or other enterprise, against any liability asserted against that individual or incurred by that individual in any such capacity or arising out of that individual's status as such, in the same manner and to the same extent as provided herein for Directors, officers, employees, and volunteers of the Master Association.

5. Advances of Expenses. Reasonable expenses of each individual indemnified herein incurred in defending a civil, criminal, administrative, or investigative action, suit, or proceeding (including all appeals), or threat thereof, may be paid by the Master Association in advance of the final disposition of such action, suit, or proceeding as authorized by the Directors, whether a disinterested quorum exists or not, upon receipt of an undertaking by or on behalf of such individual, to repay such amount, if it is ultimately determined that that individual is not entitled to be indemnified by the Master Association.

6. Nonexclusiveness; Heirs. The foregoing rights of indemnification are not exclusive, shall be in addition to any other rights granted to those seeking indemnification as a matter of law, or under the provisions hereof, any lawful rules or regulations, any agreement, vote of members or disinterested Directors, or otherwise, both as to actions in their official capacities and as to actions in another capacity while holding their offices or positions, shall continue as to an individual who has ceased to be a Director, officer, employee, member, agent, or volunteer, and shall inure to the benefit of the heirs, executors, and administrators of such an individual.

7. Purchase of Insurance. Commencing not later than the time of the first conveyance of a Lot to a person other than Declarant, the Master Association shall maintain all of the following to the extent reasonably available and applicable:

- (a). Property insurance on the Common Property;
- (b). Liability insurance pertaining to the Common Property;
- (c). Directors and officers liability insurance.

The Master Association shall purchase and maintain insurance, or furnish similar protection, including, but not limited to, trust funds, letters of credit, or self-insurance, for or on behalf of any individual who is or was a Director, officer, agent, employee, or volunteer of the Master Association, or is or was serving at the request of the Master Association as a director, officer, employee, member, manager, agent or volunteer of another corporation, limited liability company, partnership, joint venture, trust, or other enterprise, against any liability asserted against that individual or incurred by that individual in any such capacity, or arising out of that individual's status as such, whether or not the Master Association would have the power to indemnify that individual against such liability under the provisions of this Section or of the Ohio nonprofit corporation law.

SECTION XI: AMENDMENTS

Any modification or amendment of these Bylaws shall be made only by means of an amendment to the Master Declaration, in the manner and subject to the approvals, terms, and conditions set forth in the Master Declaration. Those amendments shall be effective from the time a certificate setting forth such modification or amendment is recorded with the Union County, Ohio Recorder and the Delaware County, Ohio Recorder.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
Signature Page Follows

IN WITNESS WHEREOF, the undersigned, sole member of the Master Association, has caused these Bylaws to be duly adopted on or as of the ____ day of _____, 2011.

JEROME VILLAGE COMPANY, LLC, an
Ohio limited liability company

By: Nationwide Realty Investors, Ltd., its
member and manager

By: _____
Brian J. Ellis, President and Chief
Operating Officer

Former John Andrews Trustee Tract (I)

Situated in Survey Number 2991 and Survey Number 3005 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being the same 2.52 acre tract of land and the same 40.51 acre tract of land conveyed to John R. Andrews, Trustee by deed of record in Official Record 752, Page 812 and being more particularly described as follows:

Beginning at a railroad spike found at the intersection of the centerline of Jerome Road (County Road 11) with the centerline of Hill Road (Township Road 14), said point also being in the common line between VMS 2991 and VMS 3005;

Thence along the common line between VMS 2991 and VMS 3005 and the northerly line of a 74.50 acre tract of land conveyed to Kathryn R. McKittrick, Trustee by deed of record in Deed Volume 335, Page 662, South 83° 40' 24" West a distance of 1743.24 feet (passing an iron pin set at 30.00 feet) to a ¾ inch diameter iron pipe found;

Thence along the westerly line of said 74.50 acre tract South 05° 50' 53" East a distance of 1520.98 feet to a ¾ inch diameter iron pipe found;

Thence along the northerly line of a 34.245 acre tract of land conveyed to Scott and Jennifer Sonnenberg by deed of record in Official Record 153, Page 209, South 83° 38' 49" West a distance of 1159.42 feet to a ¾ inch diameter iron pipe found;

Thence along the easterly line of a 45.288 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 697, Page 861, North 05° 54' 02" West a distance of 1521.51 feet to a ¾ inch diameter iron pipe found;

Thence along the southerly line of a 29.000 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 722, Page 832, the southerly line of a 11.578 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 714, Page 974, and the common line between VMS 3005 and VMS 2991, North 83° 40' 24" East a distance of 1070.81 feet (passing a ½ inch diameter iron pipe found at 351.05 feet) to a ¾ inch diameter iron pipe found;

Thence along the easterly line of said 11.578 acre tract North 06° 19' 36" West a distance of 60.00 feet to a ¾ inch diameter iron pipe found;

Thence along the southerly line of a 45.090 acre tract of land conveyed to Paul and Mary Henderlong, Trustees by deed of record in Official Record 329, Page 100 and the southerly line of a 1.944 acre tract of land conveyed to Randy and Amy Page by deed of record in Official Record 62, Page 685, North 83° 40' 24" East a distance of 1828.08 feet (passing a ¾ inch diameter iron pipe found at 1797.97 feet) to a railroad spike found in the centerline of Jerome Road;

Thence along the centerline of Jerome Road South 11° 14' 21" East a distance of 60.22 feet to the POINT OF BEGINNING and containing 43.035 acres, more or less, of which 2.522 acres is in VMS 3005 and 40.513 acres are in VMS 2991.

Former John Andrews Trustee Tract (II)

Situated in Jerome Township, Union County, and Concord Township, Delaware County, Ohio, Virginia Military Survey 2990 and being the same 26.152 acre tract of land conveyed to John R. Andrews Trustee by deed of record in O.R. 752, Page 812 (25.676 acres in Union County) and O.R. 807, Page 749 (0.476 acres in Delaware County) and being more particularly described as follows:

COMMENCING at a railroad spike found at the centerline intersection of Blaney Road (County Road 15) and Jerome Road (County Road 11);

OR 907 PG 658

Thence along the centerline of Jerome Road South 11° 15' 03" East a distance of 1605.86 feet to a survey nail found at the TRUE POINT OF BEGINNING;

Thence leaving said centerline and along the southerly line of a 5.720 acre tract of land conveyed to John R. Andrews, Trustee by deed of record in O.R. 752, Page 812 (Union County) North 84° 38' 48" East a distance of 1096.49 feet (passing an iron pin found at 30.16 feet) to an iron pin found;

Thence along the easterly line of said 5.720 acre tract North 10° 32' 14" West a distance of 279.77 feet to an iron pin set;

Thence leaving said easterly line and along the southerly line of a 50.115 acre tract of land conveyed to Paula C. Deweese Trustee by deed of record in O.R. 341, Page 84 (Union County) North 84° 38' 59" East a distance of 1213.36 feet to an iron pin found;

Thence along the easterly line of said 50.115 acre tract North 06° 18' 42" West a distance of 472.92 feet to an iron pin found;

Thence leaving said easterly line and along the southerly line of a 17.011 acre tract of land conveyed to Janice Sonnenberg by deed of record in O.R. 751, Page 13 (Union County) and the southerly line of a 38.000 acre tract of land conveyed to Claude E. Fry, Trustee by deed of record in O.R. 503, page 2584 (Delaware County) North 84° 44' 47" East a distance of 385.99 feet (passing at 362.29 feet to a point in the easterly line of Union County and the westerly line of Delaware County thereafter entering Delaware County) to an iron pin found;

Thence leaving said southerly lines and along the westerly line of a 43.148 acre tract of land conveyed to Marilyn Johnson, Trustee by deed of record in O.R. 460, Page 604 (Delaware County) South 00° 26' 33" East a distance of 954.90 feet to an iron pin found;

Thence leaving said westerly line and along the northerly line of a 26.152 acre tract of land conveyed to George Edward Andrews and Rebecca Andrews by deed of record in O.R. 707, Page 695 (Union County) and O.R. 747, Page 1530 (Delaware County) South 84° 12' 06" West a distance of 2558.21 feet (passing at 20.82 feet a point in the easterly line of Union County and the westerly line of Delaware County thereafter entering Union County and passing an iron pin found at 2528.07 feet) to a survey nail found;

Thence leaving said northerly line and along the centerline of Jerome Road North 11° 15' 03" West a distance of 221.69 feet to the TRUE POINT OF BEGINNING and containing 26.150 acres, more or less, of which 25.664 acres, more or less, in Union County and 0.486 acres, more or less, in Delaware County.

Former William Henry Andrews Tract

Situated in Jerome Township, Union County, and Concord Township, Delaware County, Ohio, Virginia Military Survey 2990 and being the same 26.152 acre tract of land conveyed to William Henry Andrews by deed of record in O.R. 347, Page 470 (25.939 acres in Union County) and O.R. 179, Page 1240 (0.213 acres in Delaware County) and being more particularly described as follows:

Commencing at a railroad spike found at the centerline intersection of Blancy Road (County Road 15) and Jerome Road (County Road 11);

Thence along the centerline of Jerome Road South 11° 15' 03" East a distance of 2282.57 feet to a survey nail found at the TRUE POINT OF BEGINNING;

thence leaving said centerline and along the southerly line of a 26.152 acre tract of land conveyed to George Edward Andrews and Rebecca Andrews by deed of record in O.R. 707, Page 695 (Union County) and in O.R. 747, Page 1530 (Delaware County) North 84° 11' 55" East a distance of 2472.53 feet (passing

an iron pin found at 30.14 feet and passing at 2453.09 feet a point in the easterly line of Union County and the westerly line of Delaware County thereafter entering Delaware County) to an iron pin set;

Thence leaving said southerly line and along the westerly line of a 43.148 acre tract of land conveyed to Marilyn Johnson, Trustee by deed of record in O.R. 460, Page 604 (Delaware County) South 00° 26' 33" East a distance of 500.70 feet to an iron pin found;

Thence leaving said westerly line and along the northerly line of a 18.499 acre tract of land conveyed to John D. and Pamela J. Boyers Trustee by deed of record in O.R. 154, Page 2017 (Delaware County) and a 36.500 acre tract of land in O.R. 333, Page 907 (Union County), also being the northerly line of a 57.000 acre tract of land conveyed to Dorthy Louise Cosgray (L.E.) by deed of record in O.R. 542, Page 101 (Union County) South 84° 11' 51" West a distance of 2378.20 feet (passing at 17.93 feet a county line monument in the easterly line of Union County and the westerly line of Delaware County thereafter entering Union County and passing an iron pin found at 2348.06 feet) to a survey nail found;

Thence leaving said northerly line and along the centerline of Jerome Road North 11° 15' 03" West a distance of 150.01 feet to a survey nail found;

Thence leaving said centerline and along the southerly line of a 1.604 acre tract of land conveyed to David and Shannon D. Toomey by deed of record in O.R. 210, Page 92 (Union County) North 84° 11' 52" East a distance of 468.00 feet (passing an iron pin found at 30.14 feet) to an iron pin found;

Thence along the easterly line of said 1.604 acre tract North 11° 15' 03" West a distance of 150.00 feet to an iron pin found;

Thence along the northerly line of said 1.604 acre tract South 84° 11' 52" West a distance of 468.00 feet (passing an iron pin found at 437.86 feet) to a survey nail found;

Thence leaving said northerly line and along the centerline of Jerome Road North 11° 15' 03" West a distance of 200.82 feet to the TRUE POINT OF BEGINNING and containing 26.153 acres, more or less, of which 25.939 acres, more or less, in Union County and 0.214 acres, more or less, in Delaware County.

Former George Edward and Rebecca Andrews Tract

Situated in Jerome Township, Union County and Concord Township, Delaware County, Ohio, Virginia Military Survey 2990 and being the same 26.152 acre tract of land conveyed to George Edward Andrews and Rebecca Andrews by deed of record in O.R. 707, Page 695 (25.945 acres in Union County) and O.R. 747, Page 1530 (0.207 acres in Delaware County) and being more particularly described as follows:

Commencing at a railroad spike found at the centerline intersection of Blaney Road (County Road 15) and Jerome Road (County Road 11);

Thence along the centerline of Jerome Road South 11° 15' 03" East a distance of 1827.55 feet to a survey nail found at the TRUE POINT OF BEGINNING;

Thence leaving said centerline and along the southerly line of a 26.150 acre tract of land conveyed to John R. Andrews, Trustee by deed of record in O.R. 752, Page 812 (Union County) and in O.R. 807, Page 749 (Delaware County) North 84° 12' 06" East a distance of 2558.21 feet (passing an iron pin found at 30.14 feet and passing at 2537.39 feet to a point in the easterly line of Union County and the westerly line of Delaware County thereafter entering Delaware County) to an iron pin found;

Thence leaving said southerly line and along the westerly line of a 43.148 acre tract of land conveyed to Marilyn Johnson, Trustee by deed of record in O.R. 460, Page 604 (Delaware County) South 00° 26' 33" East a distance of 454.81 feet to an iron pin set;

Thence leaving said westerly line and along the northerly line of a 26.153 acre tract of land conveyed to William Henry Andrews by deed of record in O.R. 347, Page 470 (Union County) and D.V. 179, Page 1240 (Delaware County) South $84^{\circ} 11' 55''$ West a distance of 2472.53 feet (passing at 19.44 feet to a point in the easterly line of Union County and the westerly line of Delaware County thereafter entering Union County and passing an iron pin found at 2442.39 feet) to a survey nail found;

Thence leaving said northerly line and along the centerline of Jerome Road North $11^{\circ} 15' 03''$ West a distance of 455.02 feet to the TRUE POINT OF BEGINNING and containing 26.152 acres, more or less, of which 25.943 acres, more or less, in Union County and 0.209 acres, more or less, in Delaware County.

Tract Hjelm

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being part of an original 33.270 acre tract of land conveyed to Jon E. and Kathy K. Hjelm by deed of record in Official Record 279, Page 420 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Brock Road (County Road 16-A) with the centerline of Hyland-Croy Road (County Road 2-E);

Thence along the centerline of Brock Road South $83^{\circ} 50' 14''$ West a distance of 1363.80 feet to a survey nail found;

Thence North $06^{\circ} 03' 56''$ West a distance of 1073.01 feet to a $\frac{5}{8}$ inch diameter iron pin found at the northeasterly corner of a 19.378 acre tract of land conveyed to Jerome Village Company LLC by deed of record in O.R. 866, Page 33 said point also being the True Point of Beginning;

Thence along the grantors southerly line and the northerly line of said 19.378 acre tract South $83^{\circ} 51' 24''$ West a distance of 786.72 feet to a 10 inch diameter wooden post found in the easterly line of a 17.693 acre tract of land conveyed to Mary Jo Edwards, Trustee of the Mary Jo Edwards Revocable Trust by deed of record in Deed Volume 326, Page 508;

Thence along the easterly line of said 17.693 acre tract and the grantors westerly line North $06^{\circ} 10' 56''$ West a distance of 315.01 feet (passing a $\frac{5}{8}$ inch diameter iron pin found at 1.04 feet) to a $\frac{3}{4}$ inch diameter iron pipe found;

Thence continuing along the easterly line of said 17.693 acre tract that the grantors westerly line North $05^{\circ} 55' 44''$ West a distance of 137.67 feet to a $\frac{5}{8}$ inch diameter iron pin found;

Thence North $84^{\circ} 10' 31''$ East a distance of 400.37 feet to an iron pin set at the point of curvature of a curve to the right;

Thence along a curve to the right having a radius of 595.00 feet, an arc length of 227.43 feet, a chord bearing South $84^{\circ} 52' 29''$ East for a distance of 226.04 feet, and a delta angle of $21^{\circ} 54' 00''$ to a $\frac{5}{8}$ inch diameter iron pin found;

Thence South $73^{\circ} 55' 29''$ East a distance of 178.37 feet to a $\frac{5}{8}$ inch diameter iron pin found;

Thence South $06^{\circ} 00' 55''$ East a distance of 338.83 feet to the Point of Beginning and containing 7.781 acres, more or less and being subject to all legal easements, agreements and rights-of-way of record.

OR 907 PG 662



BENCHMARK

SURVEYING & MAPPING COMPANY, INC.

70 S. Liberty Street Powell, Ohio 43065 Ph. 614-880-1201 Fax 614-880-1202

DESCRIPTION OF 0.478 ACRES

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being part of an original 33.720 acres tract of land conveyed to Jon E. and Kathy K. Hjelm by deed of record in Official Record 279, Page 420 and being more particularly described as follows;

Commencing at a railroad spike found at the intersection of the centerline of Brock Road (County Road 16-A) with the centerline of Hyland-Croy Road (County Road 2-E);

Thence along the centerline of Brock Road **South 83° 50' 14" West** a distance of **1303.80 feet** to a survey nail found at the grantors southeasterly corner;

Thence along the grantors easterly line and the westerly line of a 171.678 acre tract of land conveyed to Jerome Village Company LLC by deed of record in O.R.669, Page 653, **North 06° 00' 55" West** a distance of **40.00 feet** to an iron pin set and the **True Point of Beginning**;

Thence **South 83° 50' 14" West** a distance of **35.26 feet** to an iron pin set at the point of curvature for a curve to the right;

Thence along a curve to the right having a radius of 35.00 feet, a delta angle of 45° 01' 04", a chord bearing North 73° 39' 14" West at 26.80 feet for an **arc distance of 27.50 feet** to an iron pin set in the grantors westerly line;

Thence along the grantors westerly line and the easterly line of a 19.378 acre tract of land conveyed to Jerome Village Company LLC by deed of record in O.R.866, Page 33, **North 06° 03' 56" West** a distance of **333.13 feet** to an iron pins set;

Thence along a curve to the right having a radius of 35.00 feet, a delta angle of 27° 41' 08", a chord bearing North 69° 59' 40" East at 16.75 feet for an **arc distance of 16.91 feet** to a point;

Thence **North 83° 50' 14" East** a distance of **44.09 feet** to an iron pin set in the grantors easterly line and in the westerly line of said 171.678 acre tract;

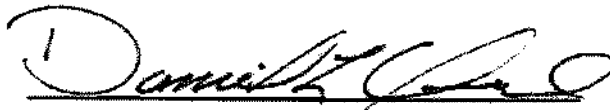
QR 907 PG 663

Thence along the westerly line of said 171.687 acre tract and the grantors easterly line **South 06° 00' 55" East** a distance of **347.40 feet** the **Point of Beginning** and containing **0.478 Acres**, more or less, and being subject to all legal easements, agreements, and rights-of-way of record.

This description was prepared by Daniel L. Quick, Ohio Professional Surveyor Number 7803 from an actual field survey performed the week of November 17, 2005 and revisited in January 2011..

The bearings in this description are based upon the Ohio State Plane Coordinate System - North Zone as established by GPS observations.

Iron pins set are 5/8"x30" rebar topped by a orange plastic identification cap, stamped "Benchmark Surveying & Mapping".



Daniel L. Quick, P.S.7803
Benchmark Surveying and Mapping Co.

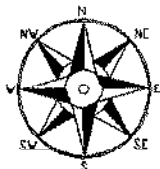
January 11, 2011

Date
Rev: 2/5/11



Benchmark: A standard by which something is measured for, quality, service and experience.

OR 907 PG 664



BENCHMARK
SURVEYING & MAPPING COMPANY, INC.
70 S. Liberty Street Powell, Ohio 43065 Ph. 614-880-1201 Fax 614-880-1202

DESCRIPTION OF 1.342 ACRES

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being part of an original 33.720 acres tract of land conveyed to Jon E. and Kathy K. Hjelm by deed of record in Official Record 279, Page 420 and being more particularly described as follows;

Commencing at a railroad spike found at the intersection of the centerline of Brock Road (County Road 16-A) with the centerline of Hyland-Croy Road (County Road 2-E);

Thence along the centerline of Brock Road South $83^{\circ} 50' 14''$ West a distance of 1303.80 feet to a survey nail found at the grantors southeasterly corner;

Thence along the grantors easterly line and the westerly line of a 171.678 acre tract of land conveyed to Jerome Village Company LLC by deed of record in O.R.669, Page 653, North $06^{\circ} 00' 55''$ West a distance of 437.40 feet (passing iron pins set at 40.00 feet and 387.40 feet) to an iron pin set and the **True Point of Beginning**;

Thence **South $83^{\circ} 50' 14''$ West** a distance of **50.79 feet** to the point of curvature for a curve to the right;

Thence along a curve to the right having a radius of 35.00 feet, a delta angle of $15^{\circ} 54' 56''$, a chord bearing North $88^{\circ} 12' 18''$ West at 9.69 feet for an **arc distance of 9.72 feet** to an iron pin set in the grantors westerly line;

Thence along the grantors westerly line and the easterly line of a 19.378 acre tract of land conveyed to Jerome Village Company LLC by deed of record in O.R.866, Page 33, **North $06^{\circ} 03' 56''$ West** a distance of **634.27 feet** to a 5/8 inch diameter iron pin found;

Thence **North $06^{\circ} 00' 55''$ West** a distance of **338.83 feet** to a 5/8 inch diameter iron pin found;

Thence **South $73^{\circ} 55' 29''$ East** a distance of **21.63 feet** to the point of curvature of a curve to the left;

OR 907 PG 665

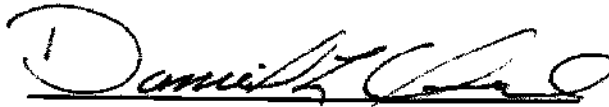
Thence along a curve to the left having a radius of 505.00 feet, a delta angle of $04^{\circ} 55' 42''$, a chord bearing South $76^{\circ} 23' 20''$ East at 43.43 feet for an **arc distance of 43.44 feet** to a 5/8 inch diameter iron pin found in the grantors easterly line and in the westerly line of said 171.678 acre tract of land;

Thence along the westerly line of said 171.687 acre tract and the grantors easterly line **South $06^{\circ} 00' 55''$ East** a distance of **951.57 feet** the Point of Beginning and containing **1.342 Acres**, more or less, and being subject to all legal easements, agreements, and rights-of-way of record.

This description was prepared by Daniel L. Quick, Ohio Professional Surveyor Number 7803 from an actual field survey performed the week of November 17, 2005 and revisited in January 2011.

The bearings in this description are based upon the Ohio State Plane Coordinate System - North Zone as established by GPS observations.

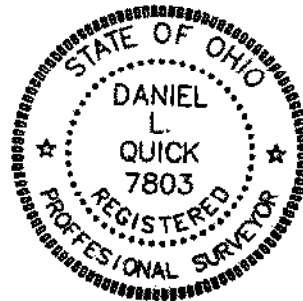
Iron pins set are 5/8"x30" rebar topped by a orange plastic identification cap, stamped "Benchmark Surveying & Mapping".



Daniel L. Quick, P.S. 7803
Benchmark Surveying and Mapping Co.

January 11, 2011

Date
Rev: 2/4/11



Benchmark: A standard by which something is measured for, quality, service and experience.

OR 907 PG 666

EXHIBIT C
INITIAL PROPERTY OWNED BY ADJOINING OWNERS SUBJECT TO THIS MASTER DECLARATION

Wilcox Tract

Situated in Survey Number 2991 of the Virginia Military Survey, Jerome Township, Union County, State of Ohio and being a resurvey of the original 142.00 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397 and being more particularly described as follows:

Beginning at a 5/8 inch diameter iron pin found at the intersection of the west line of VMS 2991 with the centerline of Wells Road (County Road 17), said point being the southwesterly corner of the hereinafter described tract;

Thence along the westerly line of VMS 2991, the westerly line of a 118.853 acre tract of land conveyed to Riepenhoff Landscape Inc. by deed of record in O.R. 12, Page 631, the easterly line of a 117.40 acre tract of land conveyed to Jurergen H. and Rotraud I. Moslener by deed of record in O.R. 55, Page 407, and the easterly line of a 236.57 acre tract of land conveyed to Select Sires by deed of record in D.V. 251, Page 498, North 05°17'33" West a distance of 2893.87 feet (passing a 5/8 inch diameter iron pin found at 2297.85 feet) to an iron pin set at the northwesterly corner of VMS 2991, said point also being the southwesterly corner of VMS 3005;

Thence continuing along the northerly line of VMS 2991, North 83° 21' 07" East a distance of 2171.15 feet to a ¾ inch diameter iron pipe found;

Thence along the westerly line of a 45.288 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 697, Page 861 and the westerly line of a 5.007 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in O.R. 697, Page 858, South 06° 00' 33" East a distance of 2910.82 feet (passing a 5/8 inch diameter iron pin found at 2880.70 feet) to a survey nail set in the centerline of Wells Road;

Thence along the centerline of Wells Road South 83° 48' 29" West a distance of 2207.22 feet to the POINT OF BEGINNING and containing 145.846 acres, more or less.

Less and Except

Situated in Survey Number 2991 of the Virginia Military Survey, Jerome Township, Union County, State of Ohio and being a part of the original 142.00 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397 and being more particularly described as follows;

Commencing at a 5/8 inch diameter iron pin found at the northwest corner of VMS 2991;

Thence along the westerly line of VMS 2991 and the grantors westerly line South 05° 17' 33" East a distance of 2893.87 feet (passing a survey nail set in the centerline of Wells Road (County Road 17) at 2844.94 feet) to a 5/8 inch diameter iron pin found at the grantors southwesterly corner;

Thence along the grantors southerly line and the centerline of Wells Road North 83° 48' 29" East a distance of 723.90 feet (passing a survey nail set at 91.77 feet) to a survey nail set at the Point of Beginning;

Thence North 06° 11' 31" West a distance of 230.08 feet (passing an iron pin set at 40.00 feet) to an iron pin set;

Thence North 83° 48' 29" East a distance of 244.84 feet to an iron pin set;

Thence South 06° 11' 31" East a distance of 230.08 feet (passing an iron pin set at 190.08 feet) to a survey nail set in the centerline of Wells Road;

Thence along the centerline of Wells Road South 83° 48' 29" West a distance of 20.00 feet to a survey nail set;

Thence North $06^{\circ} 11' 31''$ West a distance of 210.08 feet (passing an iron pin set at 40.00 feet) to an iron pin set;

Thence South $83^{\circ} 48' 29''$ West a distance of 204.84 feet to an iron pin set;

Thence South $06^{\circ} 11' 31''$ East a distance of 210.08 feet (passing an iron pin set at 190.08 feet) to a survey nail set in the centerline of Wells Road;

Thence along the centerline of Wells Road South $83^{\circ} 48' 29''$ West a distance of 20.00 feet to the POINT OF BEGINNING and containing 0.305 acres, more or less.

And

Situated in Survey Number 2991 of the Virginia Military Survey, Jerome Township, Union County, State of Ohio and being a part of the original 142.00 acre tract of land conveyed to Barbara Wilcox, Trustee by deed of record in Official Record 294, Page 397 and being more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin found at the northwest corner of VMS 2991;

Thence along the westerly line of VMS 2991 and the grantors westerly line South $05^{\circ} 17' 33''$ East a distance of 2893.87 feet (passing a survey nail set in the centerline of Wells Road (County Road 17) at 2844.94 feet) to a 5/8 inch diameter iron pin found at the grantor southwesterly corner;

Thence along the grantors southerly line and the centerline of Wells Road North $83^{\circ} 48' 29''$ East a distance of 743.90 feet (passing a survey nail set at 91.77 feet) to survey nail set the Point of Beginning;

Thence North $06^{\circ} 11' 31''$ West a distance of 210.08 feet (passing an iron pin set at 40.00 feet) to an iron pin set;

Thence North $83^{\circ} 48' 29''$ East a distance of 204.84 feet to an iron pin set;

Thence South $06^{\circ} 11' 31''$ East a distance of 210.08 feet (passing an iron pin set at 170.08 feet) to a survey nail set in the centerline of Wells Road;

Thence along the centerline of Wells Road South $83^{\circ} 48' 29''$ West a distance of 204.84 feet to the POINT OF BEGINNING and containing .988 acres, more or less.

JAS

Exhibit A

SITUATED IN THE STATE OF OHIO, COUNTY OF UNION, TOWNSHIP OF JEROME, VMS 2991, BEING PART OF FRANCES E. BARRY, TRUSTEE'S ORIGINAL 83.51 ACRE TRACT DESCRIBED IN OFFICIAL RECORD 37, PAGE 423, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE FOUND AT THE INTERSECTION OF THE CENTERLINE OF JEROME ROAD (C.R. #11) WITH THE CENTERLINE OF WELLS ROAD (C.R.#17) (60 FEET WIDE);

THENCE SOUTH 80° 56' 00" WEST 2052.92 FEET, FOLLOWING THE CENTERLINE OF WELLS ROAD, PASSING AT 1959.92 FEET A RAILROAD SPIKE FOUND AT THE NORTHWEST CORNER OF JOHN L. AND MARYANNE M. FRIEND'S 2.00 ACRE TRACT DESCRIBED IN OFFICIAL RECORD 45, PAGE 475, TO A PK NAIL SET IN THE NORTH LINE OF SAID 83.51 ACRE TRACT AND MARKING THE POINT OF BEGINNING;

THENCE SOUTH 09° 04' 00" EAST 465.89 FEET, ENTERING SAID 83.51 ACRE TRACT, PASSING AT 30.00 FEET, AN IRON PIN SET, TO AN IRON PIN SET;

THENCE NORTH 80° 56' 00" EAST 280.50 FEET, PASSING AT 93.50 FEET TO AN IRON PIN FOUND AT THE SOUTHWEST CORNER OF SAID 2.00 ACRE TRACT, FOLLOWING THE SOUTH LINE OF SAID 2.00 ACRE TRACT THEREAFTER, TO AN IRON PIN FOUND AT THE SOUTHEAST CORNER OF SAID 2.00 ACRE TRACT;

THENCE SOUTH 09° 04' 00" EAST 916.91 FEET, CROSSING SAID 83.51 ACRE TRACT, TO AN IRON PIN SET IN THE SOUTH LINE OF SAID 83.51 ACRE TRACT AND THE NORTH LINE OF MID STATES DEVELOPMENT CORP.'S 28.21 ACRE TRACT DESCRIBED IN DEED VOLUME 311, PAGE 188;

THENCE SOUTH 80° 50' 49" WEST 493.82 FEET, FOLLOWING THE SOUTH LINE OF SAID 83.51 ACRE TRACT AND THE NORTH LINE OF SAID 28.21 ACRE TRACT, TO AN IRON PIPE FOUND AT A NORTHEAST CORNER OF WILLIAM J. AND BARBARA RUEGER'S 31.668 ACRE TRACT DESCRIBED IN DEED VOLUME 256, PAGE 584;

THENCE SOUTH 80° 53' 57" WEST 642.53 FEET, FOLLOWING THE SOUTH LINE OF SAID 83.51 ACRE TRACT AND A NORTH LINE OF SAID 31.668 ACRE TRACT, TO A STONE FOUND;

THENCE NORTH 09° 03' 36" WEST 1383.93 FEET, FOLLOWING THE WEST LINE OF SAID 83.51 ACRE TRACT AND THE EAST LINE OF SAID 31.668 ACRE TRACT, PASSING AT 1358.93 FEET TO AN IRON PIN FOUND, TO A RAILROAD SPIKE IN THE CENTERLINE OF WELLS ROAD;

THENCE NORTH 80° 56' 00" EAST 855.68 FEET, FOLLOWING THE CENTERLINE OF WELLS ROAD AND THE NORTH LINE OF SAID 83.51 ACRE TRACT, TO THE POINT OF BEGINNING, CONTAINING 33.088 ACRES, MORE OR LESS, AND SUBJECT TO ALL VALID EASEMENTS AND RESTRICTIONS OF RECORD.

THIS DESCRIPTION WAS PREPARED FROM AN ACTUAL FIELD SURVEY MADE BY TIMOTHY L. GUDER, S. #7752, AND MONUMENTS WERE PLACED AS INDICATED HEREIN. IRON PINS SET ARE 3/8" X 30" REINFORCING RODS

WITH CAPS MARKED "GUIDER S 7752". BASIS OF BEARING: CENTERLINE OF WELLS ROAD FROM SURVEY BY
TIMOTHY L. GUIDER DATED 6/18/97.

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR UTILITIES AS MORE PARTICULARLY SET
FORTH IN OFFICIAL RECORD 101, PAGE 119, RECORDER'S OFFICE, UNION COUNTY, OHIO.

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EXHIBIT "A"

Real estate situated in Jerome Township of Union County, Ohio, in the Virginia Military Survey Number 1005, being all of the 20.079 acre tract of Eric R. and Cathleen A. Friday (Deed Record 269, page 750); and being further bounded and described as follows:

BEGINNING for reference at a railroad spike found in the centerline intersection of Harriott Road (County Road 18-C 40 feet wide) and Jerome Road (County Road 11-F 60 feet wide); thence with the centerline of Jerome Road South 10° 15' 00" East a distance of 1896.45 feet to a railroad spike found marking the northeast corner of Harold and Ruth Ann Weeks 41 acre tract (Deed Record 220, page 151) and the southeast corner of Eric R. and Cathleen A. Friday 20.079 acre tract (Deed Record 269, page 750); said railroad spike also being the true place of beginning; thence with the line between said Weeks 41 acre tract and Friday's 20.079 acre tract South 84° 17' 22" West, 1608.37 feet to a point (passing an iron pipe set at 30.09 feet), said point being the southwest corner of said 20.079 acre tract and southeast corner of Lee and Mary Alice Schacherbauer's 185.40 acre tract (Deed Record 202, page 147); thence with the line between said Schacherbauer tract and Friday's tract North 9° 58' 11" West, a distance of 676.42 feet to an iron pipe set, said iron pipe also being the southwest corner of Paul R. and May L. Friday's 19.961 acre tract (Deed Record 269, page 755); thence North 79° 45' 00" East perpendicular to the centerline of Jerome Road a distance of 926.61 feet to an iron pipe set; thence South 10° 15' 00" East, a distance of 267.46 feet to an iron pipe set, said iron pipe also being the southwest corner of Jim H. and Helen L. Friday's 18.897 acre tract (Deed Record 269, page 753); thence North 79° 45' 00" East, a distance of 158.11 feet to an iron pipe set, said iron pipe also being the northwest corner of Eric R. and Cathleen A. Friday's 2.00 acre tract (Deed Record 244, page 23); thence with two consecutive lines around said 2.00 acre tract, South 10° 15' 00" East, 234.04 feet to an iron pipe set and North 84° 05' 30" East, 516.77 feet to a pony spike set in the centerline of Jerome Road (passing an iron pipe set 486.68 feet); thence with aforesaid centerline of Jerome Road South 10° 15' 00" East, a distance of 263.08 feet to the true place of beginning.

The tract as described from an actual field survey performed on or about January 12, 1985, by registered surveyor James A. Page, (S-6034) contain 20.079 acres, more or less. All iron pipes set are 3/4" x 30" galvanized pipe.

The survey is recorded in survey record 9 in the office of the Union County Engineer.

This description is identical to the property description found in Deed Book 294, Page 324, Recorder's Office, Union County, Ohio.

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Sonnenberg Tract 1

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being part of a 34.245 acre tract of land and a 2.755 acre tract of land conveyed to Scott E. Sonnenberg and Jennifer Sonnenberg by deed of record in Official Record 176, Page 217 and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Jerome Road (County Road 11) with the centerline of Wells Road (County Road 17);

Thence along the centerline of Wells Road, South $83^{\circ} 48' 29''$ West a distance of 2621.58 feet to a survey nail set at the TRUE POINT OF BEGINNING;

Thence continuing along the centerline of Wells Road South $83^{\circ} 48' 29''$ West a distance of 287.00 feet to a railroad spike found at the grantors southwesterly corner;

Thence along the grantors westerly line and the easterly line of a 45.288 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 697, Page 861, North $05^{\circ} 59' 32''$ West a distance of 507.05 feet (passing an iron pin found at 30.00 feet) to an iron pin set;

Thence along a curve to the left having a radius of 285.00 feet, an arc length of 448.91 feet, a delta angle of $90^{\circ} 14' 54''$, and a chord bearing South $51^{\circ} 06' 59''$ East a distance of 403.92 feet to an iron pin set;

Thence South $06^{\circ} 11' 31''$ East a distance of 221.05 feet (passing an iron pin set at 191.05 feet) to the TRUE POINT OF BEGINNING and containing 1.857 acres, more or less, of which 0.130 acres are from the grantors original 34.245 acre tract and 1.727 acres are from the grantors original 2.755 acre tract.



16.109 ACRES

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being part of a 34.245 acre tract of land conveyed to Scott E. Sonnenberg and Jennifer Sonnenberg by deed of record in Official Record 176, Page 217 and being more particularly described as follows;

COMMENCING at a railroad spike found at the intersection of the centerline of Jerome Road (County Road 11) with the centerline of Wells Road (County Road 17);

Thence along the centerline of Wells Road, **South 83° 48' 29" West** a distance of **1747.44 feet** to a survey nail found;

Thence along the grantors easterly line **North 06° 03' 50" West** a distance of **583.24 feet** to an iron pin set at the **TRUE POINT OF BEGINNING**;

Thence **North 84° 24' 03" West** a distance of **57.18 feet** to an iron pin set;

Thence **North 37° 40' 59" West** a distance of **344.60 feet** to an iron pin set;

Thence **South 64° 14' 27" West** a distance of **611.64 feet** to an iron pin set;

Thence **North 43° 33' 51" West** a distance of **272.53 feet** to an iron pin set;

Thence **South 80° 07' 17" West** a distance of **182.00 feet** to an iron pin set in the grantors westerly line and in the easterly line of a 45.288 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 697, Page 861;

Thence along the easterly line of said 45.288 acre tract, **North 05° 59' 32" West** a distance of **502.29 feet** to an iron pipe found at the grantors northwesterly corner and at the southwesterly corner of a 40.510 acre tract of land conveyed to John R. Andrews, Trustee by deed of record in Official Record 585, Page 748;

Thence along the grantors northerly line and the southerly line of said 40.510 acre tract **North 83° 38' 49" East** a distance of **1159.42 feet** an iron pipe found in the westerly line of a 74.50 acre tract of land conveyed to Kathryn R. McKittrick by deed of record in Deed Volume 335, Page 662, said point also being the grantors northeasterly corner and the southeasterly corner of said Andrews 40.510 acre tract;



Thence along the grantors easterly line, the westerly line of said 74.50 acre tract, and the westerly line of a 7.637 acre tract of land conveyed to Thomas W. Fawcett by deed of record in Official Record 695, Page 210, **South 06° 03' 50" East** a distance of **811.11 feet** to the **TRUE POINT OF BEGINNING** and containing **16.109 acres**, more or less, and being subject to all legal easements, agreements, and rights-of-way of record.

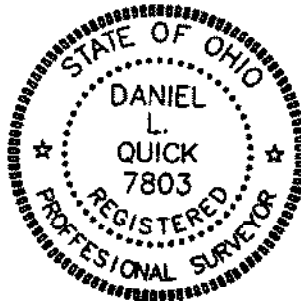
The herein described 16.109 acre tract of land shall not constitute an independent building site separate from the Grantee's adjacent parcel unless approved as such in accordance with applicable Subdivision Regulations.

This description was prepared by Daniel L. Quick, Ohio Professional Surveyor Number 7803 from an actual field survey performed the week of January 26, 2009.

The bearings in this description are based on the Ohio State Plane Coordinate System-North Zone.

Iron pins set are 5/8"x30" rebar topped by an orange plastic identification cap, stamped "Benchmark Surveying & Mapping".

Daniel L. Quick, P.S. 7803
Benchmark Surveying and Mapping Co., LLC



JANUARY 28, 2009

Date



19.130 ACRES

Situated in Survey Number 2991 of the Virginia Military Lands, Jerome Township, Union County, State of Ohio and being part of a 34.245 acre tract of land and a 2.755 acre tract of land conveyed to Scott E. Sonnenberg and Jennifer Sonnenberg by deed of record in Official Record 176, Page 217 and being more particularly described as follows;

COMMENCING at a railroad spike found at the intersection of the centerline of Jerome Road (County Road 11) with the centerline of Wells Road (County Road 17);

Thence along the centerline of Wells Road, **South 83° 48' 29" West** a distance of **1747.44 feet** to a survey nail set at the **TRUE POINT OF BEGINNING**;

Thence continuing along the centerline of Wells Road **South 83° 48' 29" West** a distance of **874.14 feet** to a survey nail set;

Thence **North 06° 11' 31" West** a distance of **221.05 feet** (passing an iron pin set at 30.00 feet) to an iron pin set;

Thence along a curve to the right having a radius of 285.00 feet, an arc length of 448.67 feet, a delta angle of 90° 11' 59", and a chord bearing **North 51° 05' 31" West** a distance of **403.75 feet** to an iron pin set in the grantors westerly line and in the easterly line of a 45.288 acre tract of land conveyed to Jerome Village Company, LLC by deed of record in Official Record 697, Page 861;

Thence along the easterly line of said 45.288 acre tract **North 05° 59' 32" West** a distance of **381.76 feet** to an iron pin set;

Thence **North 80° 07' 17" East** a distance of **182.00 feet** to an iron pin set;

Thence **South 43° 33' 51" East** a distance of **272.53 feet** to an iron pin set;

Thence **North 64° 14' 27" East** a distance of **611.64 feet** to an iron pin set;

Thence **South 37° 40' 59" East** a distance of **344.60 feet** to an iron pin set;

Thence **South 84° 24' 03" East** a distance of **57.18 feet** to an iron pin set in the grantors easterly line and in the westerly line of a 7.637 acre tract of land conveyed to Thomas W. Fawcett by deed of record in Official Record 695, Page 210;



Thence along the grantors easterly line and the westerly line of said 7.637 acre tract South 06° 03' 50" East a distance of 583.24 feet (passing an iron pin set at 553.24 feet) to the **TRUE POINT OF BEGINNING** and containing 19.130 acres, more or less, of which 18.102 acres are from the grantors original 34.245 acre tract and 1.028 acres are from the grantors original 2.755 acre tract and being subject to all legal easements, agreements, and rights-of-way of record.

This description was prepared by Daniel L. Quick, Ohio Professional Surveyor Number 7803 from an actual field survey performed the week of January 26, 2009.

The bearings in this description are based on the Ohio State Plane Coordinate System-North Zone.

Iron pins set are 5/8"x30" rebar topped by an orange plastic identification cap, stamped "Benchmark Surveying & Mapping".

Daniel L. Quick, P.S. 7803
Benchmark Surveying and Mapping Co., LLC



JANUARY 28, 2009

Date
Revised: Mar. 20, 2009

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RECORDER, UNION CO., OHIO

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~~Andrea L. Weaver~~
~~ANDREA L. WEAVER, AUDITOR~~
~~BY T. Markham~~

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Andrea L. Weaver
ANDREA L. WEAVER, AUDITOR
BY T. Markham

JEROME VILLAGE

Jerome Township, Union County, Ohio

RESIDENTIAL PROPERTY OWNERS ASSOCIATION DEED DECLARATION, RESTRICTIONS AND BYLAWS

This Instrument was Prepared by:

Kephart Fisher LLC
207 N. Fourth Street
Columbus, Ohio 43215
David W. Fisher, Esq.

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EXHIBIT A Master Plan Area for Jerome Village

EXHIBIT B Initial Property owned by Declarant Subject to this Declaration

EXHIBIT C Bylaws of Residential Property Owners Association

JEROME VILLAGE

Jerome Township, Union County, Ohio

RESIDENTIAL PROPERTY OWNERS ASSOCIATION DEED DECLARATION, RESTRICTIONS AND BYLAWS

This Residential Property Owners Association Deed Declaration, Restrictions and Bylaws (the "Declaration") is made on or as of this 24th day of March, 2011, by Jerome Village Company, LLC, an Ohio limited liability company of Columbus, Ohio (hereinafter, the "Declarant" and "Master Developer"). All words and terms used herein with initial capitalization that are not elsewhere defined herein shall have the meanings assigned to such words and terms in Article II hereof.

STATEMENT OF PURPOSE

A. The Master Developer has assembled, planned and zoned a master planned mixed use community known as "Jerome Village" that generally encompasses the geographic area depicted on the attached Exhibit A, located in Jerome Township, Union County, Ohio and Concord Township, Delaware County, Ohio ("Jerome Village").

B. Jerome Village includes and encompasses real property currently owned by the Master Developer, real property that the Master Developer has options or contracts to purchase from certain adjoining land owners, and real property planned and zoned by the Master Developer for certain adjoining land owners.

C. The Master Developer desires to develop Jerome Village into a high-quality, comprehensively planned, mixed use community to consist of residential subdivisions, including, without limitation, single family home subdivisions, multi-family home subdivisions and condominium subdivisions, a town center consisting of a mix of housing types and commercial uses and other facilities for commercial, educational, recreational, civic and governmental uses and open spaces, and to restrict the use and occupancy of Jerome Village for the protection and benefit of all future owners thereof.

D. The Master Developer and certain adjoining land owners have previously filed of record a Master Deed Declaration, Restriction and Bylaws dated as of December 1, 2010 and recorded on February 23, 2011 as Official Record 907, Page 572, Union County Recorder's Office and as Official Record 1031, Page 1815, Delaware County Recorder's Office (the "Master Declaration"). This Declaration shall at all times be subject and subordinate to the Master Declaration.

E. As provided for in the Master Declaration, the Master Developer deems it desirable to establish a residential property owners sub-association for the purpose of owning and/or maintaining certain areas and/or improvements constructed as part of Jerome Village for, and to provide for certain management mechanisms, and to establish and provide for governance and maintenance of certain residential subareas and condominium regimes created within Jerome Village, and for the purposes of addressing conditions and circumstances unique to individual residential subareas and condominium regimes created within Jerome Village.

F. To further the residential development of Jerome Village and the separate subdivisions and condominium regimes therein, the Master Developer hereby declares that the real property described on the attached EXHIBIT B hereto, together with all other Residential Parcels subjected to this Declaration by amendment from time to time shall be held, developed, encumbered, leased, occupied, improved, used and conveyed subject to the following covenants, easements, conditions, restrictions and assessments, which are for the purpose of protecting the value and desirability of, and which shall run with, all Residential Parcels encumbered from time to time by this Declaration and be binding on all parties having any right, title or interest in the Residential Parcels encumbered from time to time by this Declaration or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner of any portion of the Residential Parcels encumbered from time to time by this Declaration.

G. This Declaration shall inure to the benefit of all future owners of all or any portion of the Residential Parcels encumbered by this Master Declaration all others claiming under or through them, as well as the Master Developer and their respective heirs, successors and assigns.

NOW THEREFORE, in pursuance of a general plan for the protection, benefit, and mutual advantages of all Residential Parcels encumbered by this Declaration, as presently

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constituted and as it may hereafter be constituted, the following restrictions, conditions, easements, covenants, obligations and charges are hereby created, declared and established:

ARTICLE I. APPLICABILITY

Upon the recordation hereof, this Declaration shall apply to and encumber the Residential Parcels located within Jerome Village described on Exhibit B attached hereto, as the same may be modified, amended or expanded from time to time. The Master Developer reserves the right, but not the obligation, subject additional Residential Parcels located within or adjacent to Jerome Village to this Declaration.

The Master Developer hereby declares that all Residential Parcels located in Jerome Village encumbered by this Declaration are a "planned community", subject to the provisions of Chapter 5312 of the Ohio Revised Code, as amended. If it is determined that the Lots encumbered by this Declaration from time to time must be a part of a separate Sub-Association consisting solely of all Lots within Jerome Village encumbered by this Declaration to comply with Chapter 5312 of the Ohio Revised Code, as amended, a Sub-Association of the Residential Property Owners Association shall be created solely for all Lots within Jerome Village encumbered by this Declaration from time to time, and all provisions hereof applicable to such Lots shall be governed and controlled by such Sub-Association. All Owners of Lots shall be required to subject their Lots to the declaration of such Sub-Association which shall be governed by a declaration containing terms and conditions substantially similar to those contained herein.

ARTICLE II. DEFINITIONS

All words and terms used herein with initial capitalization that are not otherwise defined herein shall have the meanings assigned to such words and terms in the Master Declaration. In addition to the words and terms defined in the Master Declaration or elsewhere in this Declaration, the following words and terms, as used herein, shall have the following meanings:

A. "Annual Assessment" - the amount to be paid to the RPO Association by each Residential Property Owner annually, whether or not the applicable Residential Parcels are actually platted.

B. "Assessments" - collectively referring to Annual Assessments, Parcel Assessments and Special Assessments.

C. "Common Expenses" - all expenses incurred by the RPO Association in connection with its ownership, lease and/or maintenance of the Residential Common Property, maintenance of property other than Residential Common Property as provided herein, real estate taxes and assessments, if any, attributable to the Residential Common Property, utilities for the

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Residential Common Property or consumed in furtherance of the RPO Association's duties and obligations, and all costs and expenses incurred by the RPO Association in conducting its affairs and generally discharging the duties and obligations imposed upon it by this Declaration or assumed by it pursuant to authorization granted by this Declaration, including, but not limited to, Administrative Expenses of the Master Association, as defined and provided in the Master Declaration.

D. "Community Authority" - the Jerome Village Community Authority established in connection with Jerome Village, as further provided in Article VIII hereof.

E. "Condominium" or "Condominium Parcel" - the portions of Residential Parcels designated as areas in which residential condominium/multi-family development is to occur pursuant to Chapter 5311 of the Ohio Revised Code, as amended. The individual residential units developed on a Condominium Parcel and their respective undivided interests in related common elements are referred to as Units. Condominium and Condominium Parcels shall not include condominium regimes created for commercial use (such as offices or retail establishments), or condominium regimes designed solely for condominium ownership of multiple units by investors as for rent apartments, which shall be considered Multi-Family Parcels for all purposes hereof.

F. "Condominium Association" - a condominium association organized in connection with a condominium created pursuant to Ohio Revised Code Section 5311.01 et seq., as amended, upon any Condominium Parcel.

G. "Declarant" - JEROME VILLAGE COMPANY, LLC, an Ohio limited liability company, and any successor or assign thereof to which the Master Developer specifically assigns all, but not less than all, of its rights, duties and obligations under the Master Declaration by a written instrument.

H. "Design Review Board" - the Design Review Board created, governed and operated under the Master Declaration.

I. "Directors" - those natural Persons appointed or elected to the RPO Board of the RPO Association as provided in Article IV Paragraph E hereof and the RPO Bylaws of the RPO Association.

J. "Lot" - a discrete parcel of real property now or hereafter identified upon a recorded residential subdivision plat of any Residential Development Phase in Jerome Village, or any portion thereof, or recorded re-subdivision thereof, and any other discrete parcel of real property designated as a Lot, and subjected to the provisions of the Master Declaration and this Declaration, excluding any Exempt Property, any Condominium Parcel, Multi-Family Parcel,

Commercial Parcel, the Residential Common Property, and any Property dedicated for public use.

K. "Master Declaration" – The Master Declaration as defined in Preamble D of this Declaration.

L. "Master Developer" - JEROME VILLAGE COMPANY, LLC, an Ohio limited liability company, and any successor or assign thereof to which the Master Developer specifically assigns all, but not less than all, of its rights, duties and obligations under this Declaration by a written instrument, as further provided in Article XVIII of the Master Declaration.

M. "Member" – any person or entity entitled to membership in the RPO Association, as provided for in Article IV Paragraph B hereof.

N. "Multi-Family Parcel" - a legally separate tax parcel created or subdivided within Jerome Village on which residential apartment units are to be developed and constructed, other than Condominium Units.

O. "Operating Fund" and "Reserve Fund" - respectively, the funds established pursuant to Article VI Paragraph A hereof for the purpose of funding the operations of the RPO Association and establishing reserves for capital expenditures thereof.

P. "Parcel Assessment" - an assessment that the RPO Board may levy against one or more Residential Parcels to reimburse the RPO Association for costs incurred on behalf of the assessed Residential Parcel, including without limitation, costs incurred in enforcing compliance with the requirements of the Design Review Board pursuant to Article V of the Master Declaration, costs associated with making repairs that are the responsibility of the Residential Property Owner thereof, costs of additional insurance premiums specifically allocable to a Residential Property Owner; costs of any utility expenses chargeable to a Residential Property Owner but not separately billed by the utility company; and all other fines and charges reasonably determined to be a Parcel Assessment by the RPO Board.

Q. "Person"- a natural individual, trust or trustee, corporation, limited liability company, partnership, or other legal entity capable of holding title to real property.

R. "Residential Common Property" - all real property designated as such on any subdivision plat or otherwise with respect to the Residential Property portions of Jerome Village to be owned and/or maintained by the RPO Association or an RPO Sub-Association. Residential Common Property shall also include personal property used in connection therewith and all real and personal property for the maintenance of which the RPO Association is responsible under the terms of the Master Declaration or this Declaration, applicable zoning regulations, or any other agreement or instrument to the terms of which the RPO Association is bound.

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S. "Residential Development Phase" – a subdivided portion of Jerome Village, that has not yet been fully developed, on which a single-family residential subdivision or multi-family residential subdivision (including a Condominium) is to be developed and constructed.

T. "Residential Parcel" – means each Lot, the platted subdivision of which each Lot is a part, each residential Condominium Unit and, its undivided interest in common elements of the Condominium of which it is a part, the Condominium of which each Unit is a part, and each Multi-Family Parcel, all of which Residential Parcels shall be encumbered by this Declaration, as amended from time to time.

U. "Residential Property" – all portions of Jerome Village that are zoned, planned and/or developed for residential purposes, including, but not limited to, all Lots, all Units and all Multi-Family Parcels (including those located within the Town Center).

V. "Residential Property Owner" - the record owner, whether one or more Persons or entities, of fee simple title to a Lot, Unit or Multi-Family Parcel, including contract sellers, but excluding those having an interest merely as security for performance of an obligation and also excluding the Master Developer.

W. "Residential Property Owners Association" or "RPO Association" - Jerome Village Residential Property Owners Association, Inc. being the legal entity (and its successors and assigns) formed for the purpose of owning and/or maintaining certain portions of the Residential Common Property on behalf of the Residential Property Owners of two (2) or more Lots/Units/Residential Parcels and enforcing the provisions of this Declaration. The Association shall be named JEROME VILLAGE RESIDENTIAL PROPERTY OWNERS ASSOCIATION, INC., and shall be formed as an Ohio non-profit corporation or other appropriate non-profit entity.

X. "RPO Articles" and "RPO Articles of Incorporation" - the articles of incorporation, when filed with the Secretary of State of Ohio, incorporating the RPO Association as a non-profit corporation under the provisions of Chapter 1702 of the Ohio Revised Code.

Y. "RPO Board" - the board of directors or other management body of the RPO Association.

Z. "RPO Bylaws" - the Bylaws of Jerome Village Residential Property Owners Association, Inc., as further provided in Article IV Paragraph F hereof, also constituting the code of regulations of the RPO Association pursuant to the provisions of Chapter 1702 of the Ohio Revised Code, as amended.

AA. "RPO Developer" - a person or entity to whom a Residential Development Phase has been transferred by the Master Developer for the development, construction and sale or lease thereon of residential Lots, Units or Multi-Family Parcels.

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BB. "RPO Manager"- a Person retained by the RPO Board to assist in the management of the RPO Association.

CC. "RPO Rules"- the rules and regulations governing use, occupancy and appearance of the Residential Property and the Residential Common Property, as may be established by the RPO Board from time to time.

DD. "RPO Sub-Association" - Subject to the limitations contained in Article X Paragraph A hereof, each sub-association created in connection with a Residential Development Phase of the Residential Property or the creation of a Condominium and Condominium Association. All Sub-Associations shall be governed by Article X hereof.

EE. "RPO Turnover Date" - the first to occur of (i) the sale by the Master Developer of the last residential Lot owned by the Master Developer in the single family subdivisions planned for Jerome Village (whether or not developed), or (ii) the waiver by the Master Developer of its exclusive right to appoint Directors of the RPO Association.

FF. "Special Assessment" -an assessment levied by the RPO Association against all Residential Parcels encumbered by this Declaration pursuant to Article VI Paragraph E hereof to pay for necessary expenses not included in the annual operating budget and not projected to be paid out of the Operating Fund.

GG. "State" - the State of Ohio, and, unless the context requires otherwise, any political subdivision thereof exercising jurisdiction over the Property.

HH. "Town Center" - that area cross-hatched on the attached Exhibit A, being the area zoned and planned as the Jerome Village Town Center.

II. "Unit" or "Condominium Unit" - a discrete parcel of real property a part of Jerome Village identified as a "Unit" in a duly recorded declaration of Condominium and shown on filed drawings for the Condominium, or on duly recorded or filed amendments thereto, together with their respective undivided interests in related common elements subject to the limitations on the use of the term Condominium contained in the definition of "Condominium" herein.

ARTICLE III. GOALS

The restrictions, conditions, covenants, obligations and charges contained in this Declaration are declared to be in furtherance of the following purposes:

A. Compliance with all zoning and similar governmental regulations;

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B. Promotion of the health, safety and welfare of all Residential Property Owners and residents of the Residential Property portions of Jerome Village;

C. Preservation, beautification and maintenance of the Residential Property portions of Jerome Village; and

D. Establishment of requirements for the use of the Residential Property portions of Jerome Village.

E. To create, maintain and preserve the quality of life for all Residential Property Owners and residents of Jerome Village.

F. To provide for mandatory membership of all Residential Property Owners in the RPO Association, as it may be constituted from time to time, and the assessment and collection of funds to fulfill its objectives.

ARTICLE IV. THE RESIDENTIAL PROPERTY OWNERS ASSOCIATION

A. Creation. There is hereby created as a Sub-Association of the Master Association, the RPO Association. At all times, the RPO Association shall be subject and subordinate to the Master Association.

B. Membership. The Master Developer and each Residential Property Owner shall have a membership in the RPO Association, and by acceptance of a deed to a Residential Parcel agrees to and acknowledges being a Member of the RPO Association. Membership in the RPO Association is a right appurtenant to and inseparable from a Residential Property Owner's fee simple title in a Residential Parcel, and such right of membership shall automatically transfer to any transferee of fee simple title to a Residential Parcel at the time such title is conveyed or at such time as a land installment contract is entered for the conveyance of fee simple title. The foregoing is not intended to include persons who hold an interest merely as security for the performance of an obligation, and the giving of a security interest or mortgage shall not terminate a Residential Property Owner's membership. No Residential Property Owner, whether one or more Persons, shall have more than one membership per Residential Parcel owned. In the event a Residential Property Owner consists of more than one Person, such Persons shall have one membership in the RPO Association as tenants in common.

C. Governance. Voting and all other matters regarding the governance and operation of the RPO Association shall be set forth in the RPO Association's Articles of Incorporation and RPO Bylaws, this Declaration and all amendments hereto and thereto.

D. Classes of Membership. The Membership of the RPO Association shall be divided into two (2) classes, having the rights and obligations herein described:

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1. Master Member. There shall be one (1) Master Member of the RPO Association, being the Master Developer. In all RPO Association matters involving a vote, the Master Member of the RPO Association shall have one (1) vote for each planned residential Lot, each planned Unit and each planned Multi-Family Parcel of the Property then encumbered by this Declaration (whether or not such Lot, Unit or Multi-Family Parcel has been transferred to a RPO Developer or individual Residential Property Owner); until such time as Residential Property Owners become voting members of the RPO Association, as provided in Article IV Paragraph D.2. hereof, after which time, the Master Member of the RPO Association shall no longer have any voting rights in its role as Master Member of the RPO Association but shall retain voting rights only as a Member to the extent applicable.

2. Residential Property Owner Members. Each Residential Property Owner of a residential Lot in one of the single-family subdivisions, each Residential Property Owner in a Condominium and each Residential Property Owner of a Multi-Family Parcel shall be a Member of the RPO Association. RPO Sub-Associations created as permitted by Article X hereof and Condominium Associations shall not be Members of the RPO Association. The Members shall not be voting members of the Residential Property Owners Association until the RPO Turnover Date, at which time the Master Member of the RPO Association shall no longer have any voting rights in the RPO Association in its role as Master Member of the RPO Association and each Residential Property Owner (including the Master Developer, if applicable) shall be entitled to vote on RPO Association matters submitted to a vote. The number of votes to be possessed by each Residential Property Owner shall be determined as follows:

Each Residential Property Owner owning a Lot shall have one vote, each Residential Property Owner owning a Unit shall have one vote, and the Residential Property Owner of a Multi-Family Parcel shall have one vote.

Irrespective of whether the Residential Property Owners have voting rights, they shall have enforcement rights for any violation of development and use restrictions as provided for in the Master Declaration and herein.

E. Composition of Board. At all times, the RPO Association shall be comprised of three (3) Directors. Until the RPO Turnover Date, all Directors of the RPO Association shall be appointed by the Master Developer and the same natural Persons may be Directors of one or more of the Master Association, the Commercial Property Owners Association, the RPO Association and the Town Center Property Owners Association. On the RPO Turnover Date, all Directors of the RPO Association appointed by the Master Developer shall resign and a new RPO Board shall be constituted for the RPO Association consisting of three (3) natural persons who own or represent the Residential Property Owners. Each Director of the RPO Association shall hold office for a three (3) year term; provided that the initial Directors elected by the

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Members on the RPO Turnover Date shall be elected to staggered terms with one (1) Director elected to a one (1) year term, one (1) Director elected to a two (2) year term, and one (1) Director elected to a three (3) year term, determined on the number of votes cast for each Director, with the Director receiving the most votes being elected to the longest term (3 years) and in descending order therefrom. Consequently, after the RPO Turnover Date, the term of one third (1/3) of all Directors of the RPO Association shall expire annually.

F. Bylaws. The initial RPO Bylaws shall be as set forth in the attached Exhibit C, subject to amendment as permitted therein.

ARTICLE V. RIGHTS AND OBLIGATIONS OF THE RESIDENTIAL PROPERTY OWNERS ASSOCIATION

A. Residential Common Property. The Master Developer may, from time to time, at the Master Developer's option, convey to the RPO Association, for the use and benefit of the RPO Association and its Members, title to and/or maintenance obligations regarding real or personal property, or any interest therein, as part of the Residential Common Property. Such conveyance may be in the form of a deed transfer, a deed reservation, a plat dedication or an easement appurtenant to the Residential Property, or may be a contractual or plat obligation for property maintenance. The RPO Association shall accept title to any interest in any real or personal property transferred to it by the Master Developer, and shall be bound to any plat or contractual maintenance obligation(s) incurred by the Master Developer. The RPO Association shall be responsible for the payment of real estate taxes and assessments on any real property owned by the RPO Association, and for the payment of the costs of using and maintaining the same. The RPO Association shall be obligated to keep all Residential Common Property in good, clean, attractive, and sanitary condition, order, and repair, in accordance with the terms and conditions of the Master Declaration.

B. Personal Property and Real Property for Common Use. The RPO Association may acquire, hold, mortgage and dispose of tangible and intangible personal property and real property in addition to that property conveyed to it by the Master Developer, and may separately obligate itself for the maintenance obligations of property not owned by the RPO Association (i.e. the RPO Association may accept maintenance responsibilities for open spaces within Jerome Village which are owned by a state, county, city, village, township, or the Community Authority).

C. Rules and Regulations. The RPO Association may make and enforce reasonable rules and regulations governing the use of the Residential Property, which shall be consistent with the Master Declaration, this Declaration and the Governing Documents. The RPO Association shall have the power to impose sanctions on Residential Property Owners, including without limitation: (i) reasonable monetary fines which shall be considered Parcel Assessments,

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and (ii) suspension of the right to use the Residential Common Property. In addition, the RPO Board shall have the power to seek relief in any court for violations or to abate unreasonable disturbances. If the RPO Board expends funds for attorney's fees or litigation expenses in connection with enforcing this Declaration (including collection costs for unpaid assessments), the Governing Documents or the RPO Rules against any Residential Property Owner, tenant, guest or invitee of any Residential Property Owner, the amount shall be due and payable by such Residential Property Owner and shall be a Parcel Assessment against such Residential Property Owner's property, subject to the further provisions of Article VI Paragraph F hereof.

D. Implied Rights. The RPO Association may exercise any other right or privilege given to it expressly by the laws of the State, the Master Declaration or this Declaration, and every other right or privilege reasonably implied from the existence of any right or privilege granted in this Declaration, or reasonably necessary to effect any such right or privilege.

E. Joint Use and Cost-Sharing Agreements. The RPO Association may enter into agreements with any other homeowners association and/or master association, including but not limited to, the Master Association and/or Sub-Associations (including, but not limited to RPO Sub-Associations), whereby: (i) the Master Association, the RPO Association, any other homeowners association, master association and/or Sub-Association agrees to maintain, repair and replace the Residential Common Property (and any other common improvements or areas benefiting the Residential Property) in consideration for the RPO Association sharing in the cost thereof (the costs of which shall be Common Expenses), and (ii) the Master Association, the RPO Association, any other homeowners association, master association and/or Sub-Association grants reciprocal rights and licenses to members of each such association to use and enjoy common areas, subject to such rules, regulation, restrictions and fees as the board of Trustees of each homeowners association may from time to time determine.

F. Managing Agent. The RPO Association may retain and employ an RPO Manager, which may be the Master Developer, a RPO Developer or an independent third-party, and may delegate to the RPO Manager such duties as the RPO Board might otherwise be authorized or obligated to perform. The compensation of the RPO Manager shall be a Common Expense. Any management agreement shall allow for termination by either party, without cause, and without penalty upon not less than thirty (30) nor more than ninety (90) days' prior written notice.

G. Insurance.

1. The RPO Association shall be required to obtain and maintain adequate blanket property insurance, liability insurance and flood insurance covering all of the Residential Common Property in an amount as is commonly required by comparable residential property owners association. The cost of said insurance shall be a Common Expense.

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2. The RPO Association may, in the RPO Board's discretion, obtain and maintain the following insurance as a Common Expense: (a) fidelity bond coverage and workers' compensation insurance for all officers, directors, board members and employees of the RPO Association and all other persons handling or responsible for handling funds of the RPO Association; (b) adequate comprehensive general liability insurance; (c) directors, officers and trustees liability insurance; (d) additional insurance against such other hazards and casualties as is required by law; and (e) any other insurance the RPO Association deems necessary.

3. In the event of damage or destruction of any portion of the Residential Common Property, the RPO Association shall promptly repair or replace the same. If insurance proceeds are insufficient to cover the cost of the repair or replacement, then the RPO Association may levy a Special Assessment pursuant to Article VI to cover the additional costs.

H. Condemnation. The RPO Association shall represent the Residential Property Owners in any condemnation proceedings or in negotiations, settlements and agreements with the condemning authority for acquisition of the Residential Common Property, or any portion thereof. Each Residential Property Owner hereby appoints the RPO Association as its attorney-in-fact for such purpose. The awards or proceeds of any condemnation action shall be payable to the RPO Association, to be held in trust or used for the benefit of the Residential Property Owners.

I. Books, Records. Upon reasonable request of any Member, the RPO Association shall be required to make available for inspection all books, records and financial statements of the RPO Association during regular business hours. Any copies requested by a Member shall be charged at a reasonable fee per copy as established by the RPO Board from time to time. Notwithstanding the foregoing, none of the books, records or documents pertaining to any matters forth in Section 5312.07(B) of the Ohio Revised Code, as amended, may be examined or copied without the express approval of the RPO Board.

ARTICLE VI. ASSESSMENTS

A. Operating and Reserve Funds. The RPO Association shall establish an Operating Fund for financing the administration, governance and operation of the RPO Association, for paying Administrative Expenses due the Master Association, necessary costs and expenses of operating the RPO Association and replacing, repairing and maintaining the Residential Common Property. The RPO Association shall also establish a separate Reserve Fund for capital expenditures not covered in the budget for ordinary operations. The Residential Owners shall have no right to waive the annual reserve requirement established by the RPO Board.

B. Types of Assessments. Each RPO Developer and Residential Property Owner, by accepting a deed to a Residential Parcel, is deemed to covenant and agree, to pay to the RPO Association, the following assessments: (i) Annual Assessments; (ii) Special Assessments; and (iii) Parcel Assessments. No Residential Property Owner may gain exemption from liability for any Assessment by waiving or foregoing the use or enjoyment of any of the Residential Common Property or by abandoning such Residential Property Owner's Residential Parcel.

C. Uniform Rates for Annual and Special Assessments. Annual and Special Assessment rates shall be fixed at a uniform rate for all Lots, Units, and Multi-Family Parcels though the amounts assessed may differ as between Lots as distinct from Units and Multi-Family Parcels (i.e., all Lots shall pay the same amount, all Units shall pay the same amount, and all Multi-Family Parcels shall pay under a consistent formula based on number of rental units), but the amount paid by Lots may be different than the amount paid by Units, which may be different than the amount paid by Multi-Family Parcels.

D. Annual Assessments. The RPO Board shall estimate the Common Expenses for the maintenance, operation, management and other costs of the RPO Association (including Administrative Expenses) and any and all property and improvements to be maintained, replaced, operated and managed thereby (which may include amounts, if any, for the Reserve Fund, as may be determined by the RPO Board), and shall assess each Residential Property Owner an Annual Assessment equal to such Residential Property Owner's estimated share thereof, as determined in accordance with Article VI Paragraph C hereof. The RPO Association shall thereupon assess each Residential Property Owner for such Residential Property Owner's share of the Common Expenses. The Annual Assessments shall be paid in accordance with the procedures set forth in the RPO Rules. Notwithstanding the foregoing to the contrary, if the Master Developer or a RPO Developer (with the consent of the Master Developer) owns any Residential Development Phase or any Residential Parcel, the Master Developer and such RPO Developer(s) may elect to pay the Annual Assessments applicable to such Residential Development Phase(s) or Residential Parcel(s), or in lieu thereof, not pay such Annual Assessments and pay any deficit incurred in operating the RPO Association. Such right may be shared with and among the Master Developer and such RPO Developers on such allocated basis as may be agreed upon among them. The standard of maintenance that is to be performed shall be that which is customary for a similar master planned community developments located in Central Ohio.

E. Special Assessments. The RPO Board may levy against Residential Parcels encumbered by this Declaration, in accordance with Article VI Paragraph C hereof, a Special Assessment to pay any necessary expenses not included in the annual operating budget and not projected to be paid out of the budgeted Operating Fund.

F. Parcel Assessments. The RPO Board may levy a Parcel Assessment against any Residential Property Owner(s) to reimburse the RPO Association for costs incurred on behalf of

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the specific Residential Parcel assessed, including without limitation, costs incurred in enforcing compliance with the requirements of the Governing Documents or the Design Review Board pursuant to the Master Declaration, costs associated with making repairs that are the responsibility of the Residential Property Owner, costs of additional insurance premiums specifically allocable to a Residential Property Owner, costs of any utility expenses chargeable to a Residential Property Owner but not separately billed by the utility company, and all other fines and charges reasonably determined to be a Parcel Assessment by the Board. Upon its determination to levy a Parcel Assessment and prior to levying such Parcel Assessment, the RPO Board shall give the affected Residential Property Owner(s) written notice and the right to be heard by the RPO Board or a duly appointed committee thereof in connection with such Parcel Assessment ten (10) days prior to the effective date of the levy of any Parcel Assessment. The RPO Board may levy a Parcel Assessment in the nature of a fine reasonably determined by the RPO Board against any Residential Property Owner who violates the RPO Rules, the Governing Documents or any provision of the Master Declaration or this Declaration, or who suffers or permits his/her family members, guests, invitees or tenants to violate such RPO Rules, the Governing Documents or any provisions of the Master Declaration or this Declaration. Any written notice provided by the RPO Board to a Residential Property Owner that the RPO Board proposes to levy a Parcel Assessment shall include all information required by Section 5312.11(C) of the Ohio Revised Code, as amended. Any Residential Property Owner receiving such a written notice may request a hearing before the RPO Board by delivering to the RPO Board a written notice not later than ten (10) days after receiving a written notice from the RPO Board, as provided in this Paragraph F. If a Residential Property Owner fails to make a timely request for a hearing, the right to such hearing is waived and the RPO Board may immediately impose and levy a Parcel Assessment. If a hearing is timely requested by a Residential Property Owner, such hearing shall be conducted and any Parcel Assessment subsequently levied, in compliance with Section 5312.11(D) of the Ohio Revised Code, as amended.

G. Remedies.

1. Late Charge; Acceleration. If any Assessment remains unpaid for ten (10) days after all or any part thereof shall become due and payable, the RPO Board or the RPO Manager may charge interest at the lesser of the rate of twelve percent (12%) per annum or the highest rate permitted by law, together with an administrative collection charge to the RPO Manager as determined from time to time by the RPO Board.

2. Liability for Unpaid Assessments. Each Assessment or installment of an Assessment, together with interest thereon and any costs of collection, including reasonable attorney's fees shall become the personal obligation of the Residential Property Owner(s) beginning on the date the Assessment or installment thereof becomes due and payable. The RPO Board may authorize the RPO Association to institute an action at law on behalf of the RPO Association against the Residential Property Owner(s)

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personally obligated to pay any delinquent assessment. The RPO Manager shall be authorized to commence such an action only with the advice and consent of the RPO Board. A Residential Property Owner's personal obligation for a delinquent Assessment shall also be the personal obligation of his/her heirs, successors and assigns in title who acquire an interest in the assessed property after any Assessment becomes due and payable, and both such Residential Property Owner and his/her heirs, successor and assigns in title shall be jointly and severally liable therefor. Except as otherwise provided herein, the transfer of an interest in a Residential Parcel shall neither impair the RPO Association's lien against that property for any delinquent Assessment, nor prohibit the RPO Association from foreclosing such lien.

3. Liens. All unpaid Assessments, together with any interest and charges thereon, administrative charges and costs of collection, shall constitute a continuing charge in favor of the RPO Association and a lien on the Residential Parcel against which the Assessment was levied. If any Assessment remains unpaid for ten (10) days after it is due, then the RPO Board may, subject to the provisions of Chapter 5312 of the Ohio Revised Code, as amended, authorize any officer or appointed agent of the RPO Association to file a certificate of lien for all or any part of the unpaid balance of that Assessment, together with interest and costs, with the appropriate governmental office containing a description of the property which the lien encumbers, the name(s) of the Residential Property Owner(s) thereof, the amount of the unpaid portion of the Assessment, and such other information as the laws of the State may require. The certificate may be signed by any officer or authorized agent (including the RPO Manager) of the RPO Association. Upon the filing of the certificate, the subject property shall be encumbered by a continuing lien in favor of the RPO Association. The Assessment lien shall remain valid for a period of five (5) years from the date such certificate is duly filed, unless the lien is re-recorded, or earlier released or satisfied in the same manner provided by the law of the State for the release and satisfaction of mortgages on real property, or unless the lien is discharged by the final judgment or order of any court having jurisdiction.

4. Subordination of Lien. The lien of the Assessments provided for herein shall be subject and subordinate to the liens for real estate taxes and assessments of political subdivisions and the lien of any duly executed first mortgage on the Residential Parcel recorded prior to the date on which such lien of the RPO Association is perfected by recording a certificate of lien, and any holder of such first mortgage which comes into possession of a Residential Parcel pursuant to the remedies provided in the mortgage, foreclosure of the mortgage, or deed or assignment in lieu of foreclosure, and any purchaser at a foreclosure sale, shall take the property free of any claims for unpaid Assessments against the mortgaged Residential Parcel which became due and payable prior, in the case of foreclosure, to the date of the sale, and, in all other cases, to the date legal title vested in the successor Residential Property Owner.

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5. Contested Lien. Any Residential Property Owner or Residential Property Owners who believe that an Assessment chargeable to that Residential Property Owner's or those Residential Property Owners' Residential Parcels, and for which a certificate of lien has been filed by the RPO Association has been improperly charged against that Residential Parcel, may bring an action in the Court of Common Pleas of Union County, Ohio for the discharge of that lien and/or a declaratory judgment that such Assessment was unlawful. The filing of such action shall not be grounds for an offset or to withhold payment. In any such action, if it is finally determined that all or a portion of the Assessment has been improperly charged to that Residential Parcel, the Court shall make such order as is just, which may provide for a discharge of record of all or a portion of that lien and a refund of an Assessment or portion thereof determined to be unlawful.

6. Notice of Discharge. The RPO Board shall, within a reasonable time following receipt of a written demand and for a reasonable charge, furnish a certificate signed by a designated representative of the RPO Association, setting forth whether the Assessments on a specified Residential Parcel have been paid. This certificate shall be conclusive evidence of payment of any Assessment therein stated to have been paid.

7. Evidence of Lien. The lien of the Assessments may be foreclosed in the same manner as a mortgage on real property in any action brought by the RPO Association.

H. Suspension of Vote and Use of Common Elements. If any Assessment or portion thereof, remains unpaid for thirty (30) days after it becomes due, then the delinquent Residential Property Owner's voting rights upon RPO Association matters and privileges to use the Residential Common Property, and to vote, as a Member of the RPO Association, shall be suspended until such Assessment is paid. In any case, suspension of any such rights shall be subject to the right of a Residential Property Owner, occupant, or their licensees or invitees, to necessary ingress and egress to and from that Residential Property Owner's Residential Parcel.

I. Assignment and Pledge of Assessments. The RPO Association may assign its rights to Assessments or the future income from Assessments.

ARTICLE VII. MAINTENANCE

A. Maintenance by Association. The RPO Association shall maintain and keep in good repair the Residential Common Property. This maintenance shall include, without limitation, maintenance, repair, and replacement of all landscaping and other flora, structures, and improvements situated upon the Residential Common Property and all personal property used in connection with the operation of the Residential Common Property. Anything contained herein to the contrary notwithstanding, the cost of installing and maintaining entry features and

related improvements, and common areas, located entirely within, and for the sole benefit of any Multi-Family Parcel or Condominium, which are available solely to the Multi-Family Parcel's residents, tenants, occupants and invitees or the Condominium Unit owners, residents, tenants, occupants and invitees, shall not be shared in any way with the Residential Property Owners of Lots in the single-family subdivisions at the Residential Property.

B. Maintenance by Owner. Each Residential Property Owner or occupant shall repair, replace, and maintain in good order and condition, at his/her expense, portions of, improvements to, structures on, and equipment and components used in connection with his/her property. This maintenance responsibility includes, without limitation, promptly furnishing all necessary materials and performing or causing to be performed at his/her own expense all maintenance, repairs and replacements within such property that, if omitted, would adversely affect the safety and usefulness of the Residential Common Property. Each Residential Property Owner shall maintain those portions of his/her property that are adjacent to any portion of the Residential Common Property in accordance with the RPO Rules and the requirements set forth in the Master Declaration. Each Residential Property Owner shall maintain, upkeep, and replace as needed trees located on such Residential Property Owner's Residential Parcel, adjacent to or within the road rights-of-way adjacent to such Residential Property Owner's Residential Parcel.

C. Right of Residential Property Owners Association to Maintain Property. If any Residential Property Owner fails to maintain his/her property in the manner required herein, and if the RPO Board determines that any maintenance of that property is necessary to ensure public safety, to permit reasonable use or enjoyment of the Residential Common Property by Residential Property Owners, to prevent damage to or destruction of any other part of the Residential Common Property or to comply with the RPO Rules or the terms of the Master Declaration or this Declaration, then the RPO Board may authorize its employees or agents or the RPO Manager to enter the Residential Parcel pursuant to the right of entry set forth in Article VII Paragraph D hereof at any reasonable time to complete the necessary maintenance and the RPO Board may levy a Parcel Assessment for all reasonable expenses incurred.

D. Right of Entry for Maintenance and Repair. The duly authorized employees, officers, agents and contractors of (i) the RPO Association and (ii) the RPO Manager shall each have a right of entry and access to all Residential Parcels encumbered by this Declaration, including without limitation the Lots, Condominium Parcels and Multi-Family Parcels, for the purpose of performing the RPO Association's rights or obligations set forth in this Declaration. The RPO Association and the RPO Manager may enter any Residential Parcel to remove or correct any violation of this Declaration or the RPO Rules, or to maintain, repair, and replace the Residential Common Property, but only during reasonable hours and after providing seventy-two (72) hours advance notice to the Residential Property Owner, except in cases of emergency.

E. Damage to Residential Common Property By Owner or Occupant. If the Residential Common Property is damaged by any Residential Property Owner or occupant,

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his/her family, guests, or invitees, then the RPO Board may levy a Parcel Assessment against such Residential Property Owner for the cost of repairing or replacing the damaged property. The Master Association and the RPO Association are each hereby granted a license and shall be entitled to enter a Residential Parcel to repair or maintain any Residential Common Property adjacent to such Residential Parcel, pursuant to the right of entry set forth in Article VII Paragraph D hereof.

ARTICLE VIII. JEROME VILLAGE COMMUNITY AUTHORITY

Jerome Village shall, in all respects, be subject at all times to the Declaration of Covenants, Restrictions and Agreements for the Community Authority recorded on February 26, 2010 as Instrument No. 366051, Union County Recorder's Office, and in Volume 859, Page 275, Delaware County Recorder's Office, as amended from time to time (the "Community Authority Declaration").

ARTICLE IX. RESIDENTIAL COMMON PROPERTY

A. Ownership Operation of Common Property. All Residential Common Property as delineated on any subdivision plat of the Residential Property shall be and remain Residential Common Property in perpetuity and shall not be developed or used for any purpose other than as Residential Common Property for the benefit of all Residential Property Owners, the Master Association, and the RPO Association and in the case of Residential Common Property owned by the Community Authority, the public at large; provided, however, that any Residential Common Property located on discrete and distinct Residential Development Phases owned by the RPO Association or an RPO Sub-Association and designated as Residential Common Property for the use of such Residential Development Phase may be reserved for the exclusive use of the residents of such Residential Development Phase and their invitees.

B. Assignment, Pledge and Conveyance of Residential Common Property. The RPO Association may convey any fee interest or any security interest in any portion of the Residential Common Property, unless such Residential Common Property constitutes a "limited common element" under Chapter 5312 of the Ohio Revised Code., as amended, in which case the approval of all Residential Property Owners of Lots to which the limited common elements are allocated approve of such conveyance.

ARTICLE X. SUB-ASSOCIATIONS

A. RPO Sub-Association in Residential Areas. RPO Sub-Associations may be created within any Residential Development Phase subdivided into Lots; provided that any such RPO Sub-Association shall be subject and subordination to this Declaration and the Master

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Declaration. A declaration of Condominium under Chapter 5311 of the Ohio Revised Code, as amended, shall be permitted and considered an RPO Sub-Association hereunder.

B. Subordination of Sub-Associations. All RPO Sub-Associations shall be subject and subordinate to the Master Declaration and this Declaration and at all times shall comply with all terms and conditions of the Master Declaration, this Declaration and the applicable RPO Sub-Association declaration.

C. Approval of RPO Sub-Association Documents. All documents creating, organizing or governing RPO Sub-Associations, including all amendments thereto, shall be subject to review and approval by the Master Developer prior to the RPO Turnover Date, and after the RPO Turnover Date, shall be subject to review and approval by the Master Association Board. Such approvals shall be for the sole purpose of establishing compliance with the Master Declaration, this Declaration, and the development standards of Jerome Village and shall not be unreasonably withheld, conditioned or delayed.

D. RPO Sub-Association Limitations. RPO Sub-Associations shall administer restrictions and assessments solely relating to the property within and matters related solely to, the property that is the subject of such RPO Sub-Association, as the case may be, and the Owners of Residential Parcels that constitute portions of such property.

E. Collection of Assessments. As an accommodation to Condominium Associations and their respective members, at the request of a Condominium Association, Assessments hereunder may be passed through the Condominium Association to their respective members on a basis acceptable to the RPO Board.

ARTICLE XI. MISCELLANEOUS

A. Term. This Declaration shall bind and run with the land for a term of thirty (30) years from and after the date this Declaration is filed for recording with the appropriate governmental office, and thereafter shall automatically renew for successive periods of ten (10) years each unless and until an election is made by 100% of the Members of the RPO Association, with the Master Developer's consent (if occurring prior to the RPO Turnover Date), to terminate this Declaration.

B. Enforcement; Waiver. This Declaration and all provisions hereof may be enforced by any proceeding at law or in equity by the Master Developer (if occurring prior to the RPO Turnover Date), any Residential Property Owner, the Master Association Board, the RPO Board, and their respective heirs, successors and assigns, against any person(s) violating, or attempting to violate, any covenant or restriction, to restrain and/or to enjoin violation, to obtain a decree for specific performance as to removal of any nonconforming Improvement, and to recover all damages, costs of enforcement and any other costs incurred (including without

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limitation reasonable attorneys' fees). Failure of Master Developer, the Master Association Board, the RPO Board, or any Residential Property Owner to enforce any provision of this Declaration or the RPO Rules in any manner shall not constitute a waiver of any right to enforce any violation of such provision. By accepting a deed to a Residential Parcel, each Developer and Residential Property Owner is deemed to waive the defenses of laches and statute of limitations in connection with the enforcement of this Declaration or the RPO Rules.

C. Amendments. The Master Developer may unilaterally amend this Declaration from time to time, without the consent of any RPO Developer or any Residential Property Owners, if such amendment is: (a) necessary to bring any provision hereof into compliance with any applicable governmental statute, rule, regulation or judicial order, (b) necessary to enable any reputable title insurance company to issue title insurance coverage on the Residential Parcels, (c) necessary to conform to the requirements then governing the making of a mortgage loan or the purchase, guaranty or insurance of mortgages by an institutional lender or an institutional guarantor or insurer of mortgages on Residential Parcels, including but not limited to, the United States Federal Housing Administration, (d) necessary to correct typographical, factual or obvious errors or omissions, (e) deemed appropriate by Master Developer for the orderly development of Jerome Village; provided, however, any such amendment permitted pursuant to clauses (b) or (e) above shall not materially adversely affect the title to any real property as of the date of such amendment unless the Residential Property Owner thereof on such date has consented to such amendment in writing. From and after the RPO Turnover Date, the RPO Board shall have and possess all rights to amend this Declaration as provided in the preceding sentence without the consent of any RPO Developer or any Residential Property Owner. The Master Developer shall have the right and power, but neither the duty nor the obligation, in its sole and absolute discretion and by its sole act, to subject additional property to this Declaration at any time and from time to time by executing and recording in the appropriate governmental office, an amendment to this Declaration specifying that such additional property is part of the Residential Property. An amendment to this Master Declaration shall not require the joinder or consent of any RPO Developer, the Master Association, the Master Association Board, the RPO Association, the RPO Board, or any Residential Property Owners, mortgagees or any other person. In addition, such amendments to this Declaration may contain such supplementary, additional, different, new, varied, revised or amended provisions and memberships as may be necessary or appropriate, as determined by Master Developer prior to the RPO Turnover Date, and thereafter by the RPO Board, to reflect and address the different character or intended development of any such additional property. Except as provided herein, this Master Declaration and the attached RPO Bylaws may be amended only upon the affirmative vote of Members collectively representing not less than seventy-five percent (75%) of the total voting power in the RPO Association. No amendment to this Declaration shall be effective until it is filed of record in the Official Records of Union County, Ohio.

D. Mortgage Rights. A holder or insurer of a first mortgage upon any Residential Parcel, upon written request to the RPO Association (which request shall state the name and

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address of such holder or insurer and a description of the property) shall be entitled to timely written notice of:

1. any amendment of this Declaration or the RPO Bylaws;
2. any termination of the RPO Association; and
3. any default under this Declaration which gives rise to a cause of action by the RPO Association against the Residential Property Owner of the Residential Parcel subject to the mortgage of such holder or insurer, where the default has not been cured in sixty (60) days.

Each holder and insurer of a first mortgage on any Residential Parcel shall be entitled, upon request and at such mortgagee's expense, to inspect the books and records of the RPO Association during normal business hours, subject to the limitations contained in Article V, Paragraph I hereof.

E. Indemnification. The RPO Association shall indemnify every RPO Board member, officer and trustee thereof and each member thereof against any and all claims, liabilities, expenses, including attorneys fees reasonably incurred by or imposed upon any officer, trustee or board member in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the RPO Board), to which he/she may be a party by reason of being or having been an officer, trustee or board member. The RPO Board members, officers and trustees of the RPO Association shall not be liable for any mistake of judgment, negligent or otherwise, except for their own individual willful misconduct, bad faith or gross negligence. The RPO Board members, officers and trustees of the RPO Association shall have no personal liability with respect to any contract or other commitment made by them in good faith, on behalf of the RPO Association (except to the extent that such RPO Board members, officers or trustees may also be Members of the RPO Association), and the RPO Association shall indemnify and forever hold its RPO Board members, officers and trustees free from and harmless against any and all liability to others on account of any such contract or commitment. Any right to indemnification provided herein shall not be exclusive of any other rights to which any RPO Board member, officer or trustee, or former Board member, officer or trustee, may be entitled.

F. Severability. If any article, section, paragraph, sentence, clause or word in this Declaration is held by a court of competent jurisdiction to be in conflict with any law of the State, then the requirements of such law shall prevail and the conflicting provision or language shall be deemed void in such circumstance; provided that the remaining provisions or language of this Declaration shall continue in full force and effect.

G. Captions. The caption of each Article, section and paragraph of this Declaration is inserted only as a matter of reference and does not define, limit or describe the scope or intent of the provisions of this Declaration.

H. Notices. Notices to a Residential Property Owner shall be given in writing, by personal delivery, at the property owned, or by depositing such notice in the United States Mail, first class, postage prepaid, to the address of the Residential Property Owner of the property as shown by the records of the RPO Association, as shown on the tax duplicate for the Residential Parcel, or as otherwise designated in writing by the Residential Property Owner.

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Signature page to follow.


**Stewart Title Agency
of Columbus Box**

A handwritten signature in dark ink, appearing to be 'LMC' with a circled 'C'.

IN WITNESS WHEREOF, Jerome Village Company, LLC, as Declarant and Master Developer, has caused this Declaration to be executed by its duly authorized representative as of the day and year first above written.

JEROME VILLAGE COMPANY, LLC, an
Ohio limited liability company

By: Nationwide Realty Investors, Ltd., its
member and manager

By: 
Brian J. Ellis, President and
Chief Operating Officer

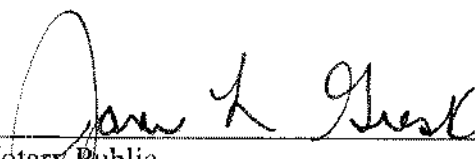
STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

The foregoing instrument was acknowledged before me this 24 day of March, 2011, by Brian J. Ellis, the President and Chief Operating Officer of Nationwide Realty Investors, Ltd., a member and the manager of JEROME VILLAGE COMPANY, LLC, on behalf of the companies.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal on the date and year aforesaid.



JANICE L. GRESKO
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.


Notary Public

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LIST OF EXHIBITS

<u>EXHIBIT A</u>	Master Plan Area for Jerome Village
<u>EXHIBIT B</u>	Initial Property owned by Declarant Subject to this Declaration
<u>EXHIBIT C</u>	Bylaws of Residential Property Owners Association

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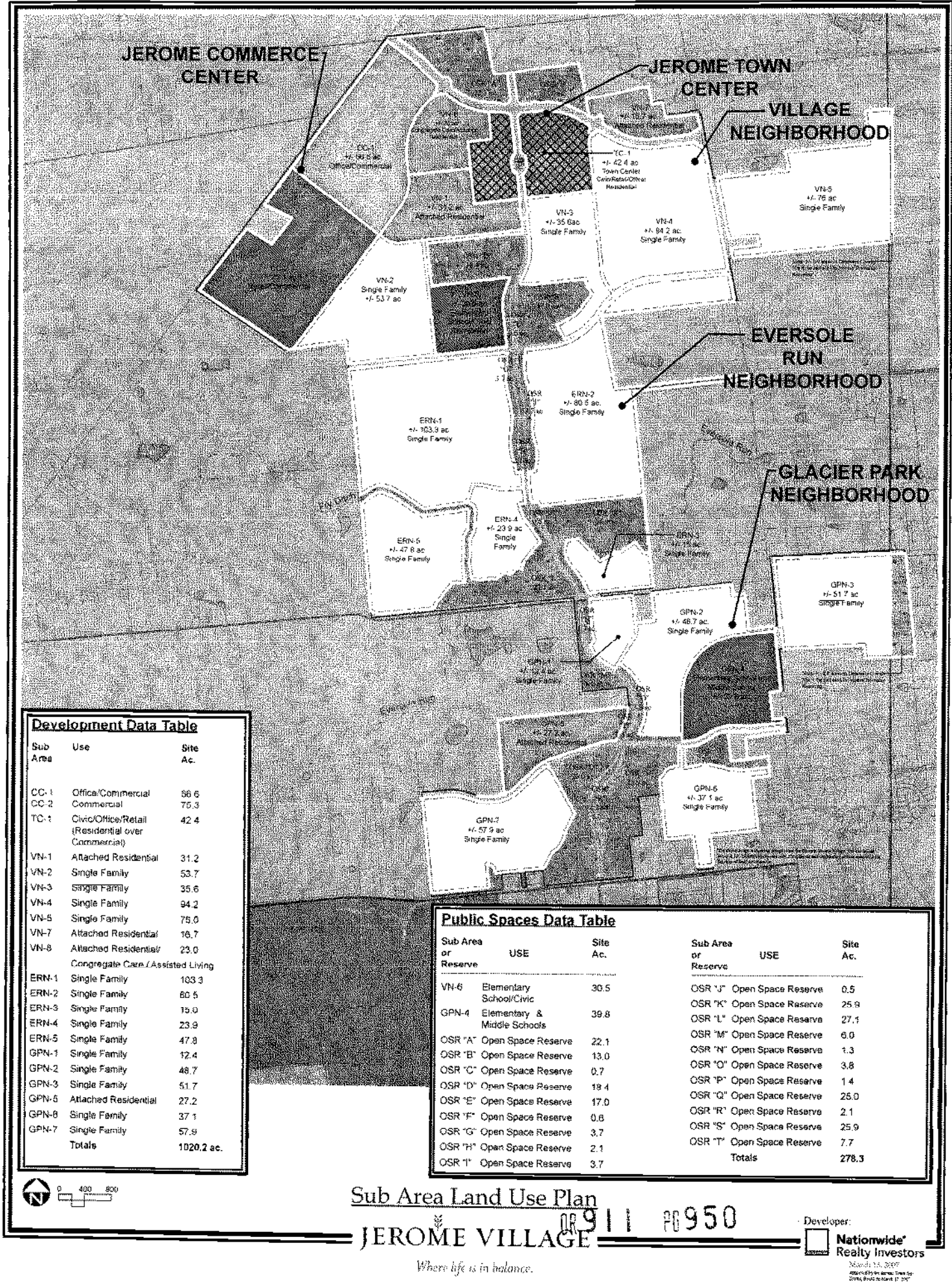


EXHIBIT B
INITIAL PROPERTY OWNED BY DECLARANT
SUBJECT TO THIS DECLARATION

Situated in the State of Ohio, County of Union and in the Township of Jerome:

Being Lot Numbers One (1) through Forty-Four (44) of Glacier Park Neighborhood Section 7 – Phase I as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 283, Recorder's Office, Union County, Ohio.

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EXHIBIT C

BYLAWS (CODE OF REGULATIONS) OF JEROME VILLAGE RESIDENTIAL PROPERTY OWNERS ASSOCIATION, INC.

SECTION I. NAME AND LOCATION

The name of the Residential Property Owners Association is Jerome Village Residential Property Owners Association, Inc. (the "Residential Property Owners Association" or "RPO Association"), which is a nonprofit corporation created by Jerome Village Company, LLC, an Ohio limited liability company ("Declarant"), pursuant to the provisions of Ohio Revised Code Chapter 1702 and is also created pursuant to the provisions of Ohio Revised Code Chapter 5312, as amended (to the extent applicable) as the Residential Property Owners Association for a master planned community known as "Jerome Village" (the "Jerome Village Planned Community").

The principal office of the RPO Association shall be as set forth in the Articles of Incorporation for the RPO Association (the "RPO Articles") filed with the Secretary of State of Ohio, and the place of meetings of Owners and of the Board of the Residential Property Owners Master Association (the "RPO Board") shall be as set forth herein.

SECTION II. DEFINITIONS

All of the terms used herein that are not otherwise defined shall have the same meanings as set forth in the Residential Property Owners Deed Declaration, Restrictions and Bylaws (the "Declaration"), recorded simultaneously with these Bylaws with the Recorder of Union County, Ohio, as required by Ohio Revised Code Chapter 5312, as amended.

SECTION III. RESIDENTIAL PROPERTY OWNERS ASSOCIATION

1. Membership in RPO Association. There shall be two (2) classes of membership in the RPO Association, being the Master Member and the Residential Property Owner Members, as further defined and provided in Article IV, Paragraph D of the Declaration, who shall collectively be referred to herein as the "Members".

2. Organization of RPO Association. The RPO Association shall be organized as a nonprofit corporation pursuant to Chapter 1702 of the Ohio Revised Code.

3. Declarant Control. Declarant shall control the RPO Association as Master Member from the time it is established until the earlier to occur of (i) the sale by Declarant as Master Member of the last residential lot owned by Declarant in the single family subdivisions planned for the Jerome Village Planned Community (whether or not developed), or (ii) the waiver by the Declarant, as Master Member, of its exclusive voting rights (the "RPO Turnover

Date"). Until the RPO Turnover Date, the Declarant or the Declarant's designee may appoint and remove all members of the RPO Board.

4. RPO Association. The RPO Association shall administer all residential portions of the Jerome Village Planned Community subject and subordinate to the rights granted under the Master Declaration of Jerome Village, and the RPO Board shall exercise all power and authority of the RPO Association. On the RPO Turnover Date, the RPO Board shall be elected by the Members, excluding the Declarant as Master Member but including the Declarant as a Member. If a Member is not an individual, any principal, member of a limited liability company, partner, director, officer, trustee, or employee of the Owner may be elected to the RPO Board.

5. Annual Meetings of the RPO Association. Except prior to the RPO Turnover Date, the RPO Board shall call regular annual meetings of the Members on a date and at a location within Jerome Township, Union County, Ohio and at an hour established by the RPO Board, provided that, in any event, there shall be no more than fourteen (14) months between annual meetings of the Members.

6. Special Meetings of the RPO Association. Special meetings of the RPO Association may be called at a location within Jerome Township, Union County, Ohio, and at any time by the President, a majority of the RPO Board, or Members representing fifty percent (50%) of the voting power of the RPO Association.

7. Notice of Meeting of Members. The Secretary or person authorized to call the meeting will provide for written notice of each meeting of Members by mailing a copy of such notice, postage prepaid, at least five (5) days before such meeting, to each Member entitled to vote at such meeting. Alternatively, personal delivery of a copy of that notice to the appropriate address at least five (5) days before the meeting is acceptable service of the notice. The notice shall be addressed to the Member's address either (a) last appearing on the books of the RPO Association or (b) last supplied by that Member to the RPO Association for the purpose of notice, whichever is most recent. The notice shall specify the date, place, and hour of the meeting. Additionally, for special meetings, the notice shall indicate the specific purposes of the meeting, and, in the case of special meetings called by the petition and written request of Members, the specific motion or motions (other than procedural) to be voted upon must be indicated in the notice.

8. Conduct of Meetings of Members. The RPO Board shall conduct all meetings of the Members, and the President of the RPO Association shall preside over the same, unless otherwise directed by the RPO Board.

9. Quorum. The Members present, in person or by proxy, at any duly called and noticed meeting of the RPO Association, shall constitute a sufficient quorum for that meeting.

10. Voting Rights. There shall be separate classes of Membership in the RPO Association for Residential Property Owners of Lots, Units, and Multi-Family Parcels. Each Residential Property Owner of a residential Lot in one of the single-family subdivisions, each Residential Property Owner owning a Unit in a Condominium, and each Residential Property Owner owning a Multi-Family Parcel, shall be a Member of the RPO Association. The number

of votes to be possessed by each Lot, Unit and Multi-Family Parcel Owner determined as follows:

Each Lot shall have one vote, each Unit shall have one vote, and each Multi-Family Parcel shall have one vote.

Notwithstanding the foregoing, one vote on matters upon which Members are entitled to vote shall be allocated to each Lot, exercisable as the Members of the undivided fee simple interest in such Lot determine. Any owner of a fee simple interest of a Residential Parcel may cast the entire vote with respect to that Residential Parcel on any given matter, unless that vote is contested by a co-owner of that Residential Parcel. If the owners of the fee simple interest in a Residential Parcel are unable to agree among themselves as to the vote to be cast with respect to that Residential Parcel on a particular matter, no vote shall be cast with respect to that Residential Parcel on that particular matter. The RPO Board may temporarily suspend a Residential Parcel's vote if any assessment, assessment installment, or portion of the same is overdue. Likewise, the RPO Board may temporarily suspend a Residential Parcel's vote if that Residential Parcel's occupants or Members have failed to observe any term of the Master Declaration, the Declaration, these RPO Bylaws, or rules and regulations duly adopted by the RPO Board, subject to the parameters set forth herein.

11. Voting Power. Except as otherwise provided in the Declaration and these RPO Bylaws or by law, a simple majority of the voting power of Members entitled to vote on any matter that may be determined by the Members at any duly noticed and conducted meeting shall be sufficient to determine the matter voted upon.

12. Proxies. At any meeting of Members, a Member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary prior to the meeting. A telegram or facsimile appearing to have been transmitted by a Member or a photographic, photocopy, or equivalent reproduction of a writing is sufficient to appoint a proxy. An electronic mail notice of proxy appointment, delivered to the Secretary, shall be sufficient notice of proxy if that Member previously provided the RPO Association a personally-signed document verifying that the electronic mail address from which the proxy notice was received is, in fact, the Member's. Every proxy shall be revocable and shall automatically cease upon conveyance of that Member's fee simple interest in a Residential Parcel. Every proxy shall cease to be valid after the expiration of eleven months after its making unless the proxy specifies a specific date on which it is to expire or a specific length of time it is to continue in force.

13. Participation at Meetings. Meetings of the Members shall be open to all Members unless specified by direction of the RPO Board otherwise in the notice of meeting. The RPO Board, in its sole discretion, may exclude from attendance at a meeting of the Members, Members and their agents and representatives (other than Declarant and its successors and assigns so long as Declarant owns a Residential Parcel in the Jerome Village Planned Community) in these instances:

- (a) A determination by the RPO Board that the Member has a threatened or pending adverse interest to the interests of the Master Association, the RPO Association, or the RPO Board, or any member of the RPO Board, or any officer,

employee, committee member, or agent of the Master Association or the RPO Association, in such Person's capacity as such, if a subject of the meeting will be a discussion of a vote with regard to such adverse interest; or

(b) for any other reason deemed by the RPO Board, from the standpoint of the RPO Association's best interests, to be of sufficient merit that attendance and participation at a meeting by such Member would not be in the RPO Association's best interests;

provided, that nothing contained in this Section shall preclude or exclude a Member from voting by proxy, on any matter properly voted upon at that meeting by Members.

14. Member Action in Writing Without Meeting. Any action that could be taken by Members at a meeting may be taken without a meeting with the affirmative vote or approval, in a writing or writings, of Members or their proxies having not less than seventy-five percent (75%) of the voting power of all Members, or such greater proportion of the voting power as may be required by the Declaration and RPO Bylaws or by law.

SECTION IV. BOARD OF DIRECTORS

1. Initial Directors and Replacements. The initial Directors shall be three (3) persons named by the Declarant as the initial Directors in a separate action. The Declarant reserves the right, at any time, to have the Members elect any or all Directors and for Declarant to turn over the functions or operation of the RPO Association to the elected Directors.

2. Successor Directors. On or about the RPO Turnover Date, the RPO Association shall meet, all current Directors shall resign, either in person or in writing, and all Members shall elect three (3) new Directors (at which time control of the RPO Association shall be considered to be "turned over to the Members"). The persons so elected shall take office at the end of the meeting during which they are elected and shall, as soon as reasonably possible, appoint officers. The terms of the new Directors shall be staggered so that the terms of at least one-third (1/3) (one in number) of the Directors will expire and successors be elected at each annual meeting of the RPO Association. The initial Directors elected by the Members on the RPO Turnover Date shall be elected to staggered terms with one (1) Director elected to a one (1) year term, one (1) Director elected to a two (2) year term, and one (1) Director elected to a three (3) year term, determined on the number of votes cast for each Director, with the Director receiving the most votes being elected to the longest term (3 years) and in descending order therefrom. Thereafter, at such annual meetings, successors to the Directors whose terms then expire shall be elected to serve three-year terms. As a result, at every annual meeting one (1) new Director(s) will be elected.

3. Removal. Excepting only Directors named in the RPO Articles or selected or designated by Declarant, any Director duly elected by the Members may be removed from the RPO Board with or without cause, by the holders of not less than seventy-five percent (75%) of the voting power of Members. In the event of the death, resignation, or removal of a Director other than one named in the RPO Articles or a substitute to the same selected by the Declarant, that Director's successor shall be selected by the remaining members of the RPO Board and shall

serve until the next annual meeting of Members, when a Director shall be elected to complete the term of such deceased, resigned, or removed Director.

In the event all Directors are removed, the Members shall, at the meeting at which all Directors are removed, elect Directors to complete the terms of the removed Directors. Until the RPO Turnover Date, Declarant shall have the sole right to remove, with or without cause, any Director designated in the RPO Articles, or a substitute selected by the Declarant. Likewise, the Declarant may select the successor of any Declarant-selected Director who dies, resigns, is removed, or leaves office for any reason before the election of Directors by all of the Members.

4. Qualification. To qualify for nomination, election, or appointment as a Director (other than being selected by the Declarant), the prospect must be an individual who is an owner or co-owner of a Residential Parcel, the spouse of an owner or co-owner of a Lot or Unit, or a principal, member of a limited liability company, partner, director, officer, trustee, or employee of the Residential Property Owner. Further, that owner or co-owner of a Residential Parcel or such spouse must not then be delinquent in the payment of any obligation to the Master Association or the RPO Association or be an adverse party to the Master Association, its Board, or the RPO Association, the RPO Board, or any member of the Master Association Board or RPO Board (in that member's capacity as a Board member) in any litigation.

5. Nomination. Nominations for the election of Directors to be elected by the Members shall be made by a nominating committee appointed by the RPO Board, or, if the RPO Board fails to appoint a nominating committee, by the RPO Board itself. Nominations may also be made from the floor at a meeting. The nominating committee, or RPO Board, shall make as many nominations for election to the RPO Board as it shall, in its sole discretion, determine, but no fewer than the number of vacancies that are to be filled.

6. Election. Unless there are no more nominees than vacancies, election to the RPO Board by the Members shall be by secret written ballot. At the elections, the Members or their proxies may cast, in respect to each vacancy, the number of votes as they are entitled to under the provisions hereof and the Declaration. The Persons receiving the largest number of votes shall be elected, and, likewise, those receiving the largest number of votes shall be elected to the longest terms, if applicable. In cases of ties, the winner shall be determined by lot. Cumulative voting is not permitted.

7. Compensation. Unless otherwise determined by the Members at a meeting duly called and noticed for such purpose, no Director shall receive compensation for any service rendered to the RPO Association as a Director. However, any Director may be reimbursed actual and reasonable expenses incurred in the performance of duties as a Director.

8. Regular Meetings. Regular meetings of the RPO Board shall be held on such dates and at such places and times as may be fixed from time to time by resolution of the RPO Board, but not less than quarterly.

9. Special Meetings. Special meetings of the RPO Board shall be held when called by the President of the RPO Board, by a majority of the Directors or by Members representing fifty per cent (50%) of the voting power in the RPO Association, after not less than three (3)

days' notice to each Director, at such places and times as determined at the time of calling such special meeting.

10. Quorum. The presence at any duly called and noticed meeting of Directors consisting of a simple majority, in person, by proxy, and/or by participation by any method of communication, in accordance with Section 13 below.

11. Attendance of Owners at Board Meetings. No Residential Property Owner other than a Director may attend or participate in any discussion or deliberation at a meeting of the RPO Board unless the RPO Board expressly authorizes that Residential Property Owner to attend or participate.

12. Voting Power. Each Director shall be entitled to a single vote, and, except as otherwise provided in the Declaration and RPO Bylaws or by law, vote of a simple majority of the Directors voting on any matter that may be determined by the RPO Board at a duly called and noticed meeting at which a quorum is present, shall be sufficient to determine that matter.

13. Electronic Communications. The RPO Board may hold a meeting by any method of communication, including electronic or telephonic communication or communication by computer, provided that each RPO Board member can hear or read in real time and participate and respond to every other member of the RPO Board.

14. Action in Writing Without Meeting. Any action that could be taken by the RPO Board at a meeting may be taken without a meeting with the affirmative vote or approval, in a writing or writings, of all of the Directors. Any written vote or approval shall be filed with the minutes of the meetings of the RPO Board.

15. Powers, Duties and Authority. The RPO Board may act in all instances on behalf of the RPO Association unless otherwise provided in the Declaration, RPO Bylaws or Ohio Revised Code Chapter 5312, as amended, and without limiting the generality of the foregoing, the RPO Board shall have the right, power, and authority to:

- (a) take all actions deemed necessary or desirable to comply with or to cause compliance with all requirements of law and the Declaration and RPO Bylaws;
- (b) obtain insurance coverage and bonds in amounts no less than that required pursuant to these RPO Bylaws and the Declaration;
- (c) enforce the covenants, conditions, and restrictions set forth in the Master Declaration (to the extent applicable to Residential Property) and the Declaration;
- (d) repair, maintain, and improve the Residential Common Property;
- (e) establish, enforce, levy, and collect assessments, late fees, delinquent interest and such other charges as are provided for in the Declaration and adopt, publish, and enforce rules and regulations concerning the same;

(f) adopt and publish rules and regulations governing the use of the Residential Common Property and the personal conduct of Residential Property Owners, and their tenants and guests on the same;

(g) suspend the voting privileges and use of recreational facilities of an Residential Property Owner during any period in which the Residential Property Owner shall be in default in the payment of any assessment for more than thirty (30) days (such rights may be suspended after notice and hearing, indefinitely, for each infraction of published rules and regulations or of any provisions of the Master Declaration, the Declaration and RPO Bylaws);

(h) declare the office of a member of the RPO Board to be vacant in the event such Director shall be absent from three consecutive regular meetings of the RPO Board;

(i) subject to such approvals, if any, as may be required pursuant to the provisions of the Declaration and these RPO Bylaws, authorize the officers to enter into one or more agreements necessary or desirable to fulfill the purposes and objectives of the Association, including, without limitation management agreements and purchase agreements, all on such terms and conditions as the Board in its sole discretion may determine, subject to the Declaration;

(j) cause excess funds of the RPO Association to be invested in such reasonable investments as the RPO Board may from time to time determine;

(k) borrow funds, as needed, enter into loan documents and pledge such security and rights of the RPO Association as might be necessary or desirable to obtain any such loan; and

(l) do all things and take all actions permitted to be taken by the RPO Association by law or the Declaration and these RPO Bylaws not specifically reserved to others.

16. Duties. It shall be the duty of the RPO Board, on behalf of the RPO Association,
to:

(a) cause to be kept a complete record of all its acts and corporate affairs, including correct and complete books and records of account that specify receipts and expenditures relating to Residential Common Property and other common receipts and expenses, records showing the allocation, distribution, and collection of common profits, losses, and expenses among and from Residential Property Owners, minutes of meetings of the Members and meetings of the RPO Board, and records of the names and addresses of Members;

(b) present the latest available financial statement of the RPO Association to the Members at each annual meeting of Members, or at any special meeting when requested in writing by Members representing a majority of the voting power of Members;

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- (c) supervise all officers, agents, and employees of the RPO Association and verify that their duties are properly performed;
- (d) prepare or cause an estimated annual budget to be prepared;
- (e) as more fully provided in the Declaration; establish, levy, enforce, and collect assessments;
- (f) issue, or to cause an appropriate representative to issue, upon demand by any person, a certificate of assessment payment status;
- (g) procure and maintain insurance and bonds, as provided in the Declaration and as the RPO Board deems advisable;
- (h) maintain the Residential Common Property, subject to the RPO Association's jurisdiction, within the scope of authority provided in the Declaration;
- (i) cause the restrictions created by the Master Declaration to be enforced; and
- (j) take all other actions required to comply with all requirements of law and the Declaration and RPO Bylaws.

17. Delegation of Authority; Management; Contracts. The RPO Board may delegate all or any portion of its authority to discharge its responsibilities to a managing agent. This delegation of authority and responsibility to a managing agent may be evidenced by one or more management contracts which may provide for the payment of reasonable compensation to such managing agent as a Common Expense; provided, however, that any agreement for professional management shall be terminable by either party without cause and without penalty upon not less than thirty (30) nor more than ninety (90) days prior notice; and shall be bona fide and commercially reasonable at the time entered into under the circumstances then prevailing, provided that, in the case of any professional management contract entered into before control of the RPO Association is vested in Residential Property Owners other than Declarant, the contract must give the RPO Association the right to terminate it without cause and without penalty at any time after control of the RPO Association has been transferred to or assumed by the Residential Property Owners other than Declarant.

Subject to the foregoing, nothing contained in these RPO Bylaws shall preclude Declarant or any other entity designated by Declarant, from being employed as managing agent. The managing agent, or the RPO Board if there is no managing agent, shall have the authority to enter into contracts with Declarant or an affiliate of Declarant (as defined by an institutional first mortgagee or an agency or organization which purchases, insures, or guarantees first mortgages) for goods, services, or for any other thing, including, but not limited to contracts for maintenance and repair services, provided the same are bona fide and commercially reasonable to the RPO Association. In any case, no management contract or agreement by the RPO Association

executed prior to the assumption of control of the RPO Association by Residential Property Owners other than Declarant shall extend subsequent to that assumption of control unless renewed by the RPO Board pursuant to the provisions of these RPO Bylaws.

SECTION V. OFFICERS

1. Enumeration of Officers. The officers of this RPO Association shall be a President, a Secretary, a Treasurer, and any other officers as the RPO Board may from time to time determine. No officer need be a Residential Property Owner, Member or Director of the RPO Association. The same person may hold more than one office.

2. Selection and Term. Except as otherwise specifically provided in the Declaration or by law, the officers of the RPO Association shall be appointed by the RPO Board to serve until the RPO Board appoints their successors. There is no set term for any officer.

3. Special Appointments. The RPO Board may appoint any other officers as the affairs of the RPO Association may require; each of whom shall hold office for the period, have the authority, and perform the duties determined by the RPO Board.

4. Resignation and Removal. Any officer may be removed from office, with or without cause, by the RPO Board. Any officer may resign at any time by giving written notice to the RPO Board, the President, or the Secretary. Such resignation shall take effect when the notice is received or at any later time specified in the notice. The acceptance of a resignation shall not be necessary to make it effective.

5. Duties. The duties of the officers shall be as the RPO Board may from time to time determine. Unless the RPO Board otherwise determines, the duties of the officers shall be as follows:

(a) President. The President shall preside at all meetings of the RPO Board, have the authority to see that orders and resolutions of the RPO Board are carried out, and sign all legal instruments on behalf of the RPO Association.

(b) Secretary. The Secretary shall record the votes and keep the minutes and proceedings of meetings of the RPO Board and of the Members. Further, the Secretary shall serve notice of meetings of the RPO Board and of the Members and keep appropriate current records showing the names of Members of the RPO Association together with their addresses.

(c) Treasurer. The Treasurer shall receive, deposit (in bank accounts and investment of funds in other vehicles as the RPO Board directs), and disburse funds as directed by the RPO Board. Further, the Treasurer shall keep proper books of account, prepare a proposed annual budget, and finalize statements of income and expenditures to be presented to the Members at annual meetings.

SECTION VI. COMMITTEES

The RPO Board shall appoint a nominating committee and may appoint such other committees as it deems appropriate in carrying out its purposes.

SECTION VII. BOOKS AND RECORDS

The books, records, and financial statements of the RPO Association, including current copies of the Declaration, RPO Bylaws, and effective rules and regulations, shall be available during normal business hours or under other reasonable circumstances, upon request to the RPO Association, for inspection by Residential Property Owners, Members, lenders, and the holders, insurers, and guarantors of first mortgages on Residential Parcels, pursuant to reasonable standards established from time to time by the RPO Board by rule, including, but not limited to, standards governing the type of documents that are subject to examination and copying, the times and locations at which those documents may be examined or copied, and the specification of a reasonable fee for copying the documents; provided, further, that the RPO Board shall not be required to permit the examination and copying of materials and information permitted to be excluded from examination and copying under Section 5312.07 of the Ohio Revised Code, as amended, or the disclosure of which is prohibited by other laws of the State of Ohio or of the United States of America. Likewise, during normal business hours or under other reasonable circumstances, the RPO Association shall make available to prospective purchasers current copies of the Declaration, RPO Bylaws, RPO Articles, effective rules and regulations, and the most recent annual audited financial statement, if such is prepared.

Within thirty (30) days after a Residential Property Owner obtains a Residential Parcel, the Residential Property Owner shall provide the RPO Board with the home address, home and business mailing addresses, and home and business telephone numbers of the Residential Property Owner of the Residential Parcel, as well as the name, business address, and business telephone number of any person who manages the Residential Parcel as an agent of that Residential Property Owner. In addition, within thirty (30) days after a change in any of the above information, a Residential Property Owner shall notify the RPO Association, through the RPO Board, in writing of such change. When the RPO Board requests, a Residential Property Owner shall verify or update the information listed in this paragraph.

SECTION VIII. FISCAL YEAR

Unless otherwise changed by the RPO Board, each fiscal year of the RPO Association shall begin on the first day of January and terminate at the end of the 31st day of December of that year, except that the first fiscal year shall begin on the date of incorporation of the RPO Association and terminate at the end of the next following 31st day of December.

SECTION IX. COMMON EXPENSES

1. Costs. In accordance with the Declaration, all costs the RPO Association incurs in the administration, governance, and maintenance of the RPO Association are Common Expenses and the manner of collection thereof shall be through the imposition and collection of Assessments. Unless otherwise provided in the Declaration, all costs of the administration, operation, maintenance, repair and replacement of the Common Property are Common Expenses.

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OR 911 PG 961

2. Allocation. The Common Expense liability of each Residential Parcel shall be allocated by the RPO Board as further provided in the Declaration.

3. Assessment. The RPO Board shall estimate the Common Expenses it expects the RPO Association to incur and shall assess each Residential Property Owner Assessments as further provided in the Declaration.

4. Interest. If any Assessment remains unpaid for ten (10) days after all or any part thereof shall become due and payable, the RPO Board may charge interest on any past due Assessment or installment at the rate of twelve percent (12%) per annum or the highest rate permitted by law.

SECTION X. ASSESSMENTS

1. The RPO Association may assess each Residential Property Owner all Assessments set forth in the Declaration, including, but not limited to:

(a) Assessments for utility service that are imposed or levied in accordance with the Declaration, as well as expenses the RPO Board incurs in collecting those Assessments;

(b) Costs of maintenance, repair, or replacement incurred due to the willful or negligent act of a Residential Property Owner or occupant of a Residential Parcel or their family members, tenants, guests, or invitees, including, but not limited to, attorney's fees, court costs, and other expenses;

(c) Costs associated with the enforcement of the Declaration or the rules and regulations of the RPO Association, including, but not limited to, attorney's fees, court costs, and other expenses;

(d) All other costs or charges the Declaration or RPO Bylaws permit.

2. The RPO Association shall credit any amount it receives from a Residential Property Owner pursuant to this Section in the following order:

(a) To interest owed to the RPO Association;

(b) To administrative late fees or enforcement assessments owed to the RPO Association;

(c) To collection costs, attorney's fees, and paralegal fees the RPO Association incurred in collecting the assessment;

(d) To the most recent principal amounts the Residential Property Owner owes to the RPO Association for the Common Expenses chargeable against the Residential Parcel.

3. Prior to imposing a charge for damages or an enforcement assessment pursuant to this Section, the RPO Board shall give the Residential Property Owner a written notice that includes all of the following:

- (a) A description of the property damage or violation;
- (b) The amount of the proposed charge or Assessment;
- (c) A statement that the Residential Property Owner has a right to a hearing before the RPO Board to contest the proposed charge or Assessment;
- (d) A statement setting forth the procedures to request a hearing;
- (e) A reasonable date by which the Residential Property Owner must cure a continuing violation to avoid the proposed charge or Assessment, if such an opportunity to cure is applicable.

4. Hearing Request:

- (a) To request a hearing, the Residential Property Owner shall deliver a written notice to the RPO Board not later than the tenth (10th) day after receiving notice. If the Residential Property Owner fails to make a timely request for a hearing, the right to that hearing is waived, and the RPO Board immediately may impose a charge for damages or an enforcement Assessment.
- (b) If a Residential Property Owner requests a hearing, at least seven days prior to the hearing the RPO Board shall provide the Residential Property Owner with a written notice that includes the date, time, and location of the hearing.
- (c) The RPO Board shall not levy a charge or Assessment before holding any hearing requested pursuant to this section.
- (d) Within thirty days following a hearing at which the RPO Board imposes a charge or Assessment, the RPO Association shall deliver a written notice of the charge or assessment to the Residential Property Owner.
- (e) Any written notice shall be delivered to the Residential Property Owner by personal delivery, by certified mail, return receipt requested, or by regular mail.

SECTION XI. LIENS ON PROPERTY

1. The RPO Association has a lien upon the estate or interest in any Residential Parcel for the payment of any Assessment or charge levied in accordance with Section 5312.11 of the Ohio Revised Code, as amended, as well as any related interest, administrative late fees, enforcement assessments, collection costs, attorney's fees, and paralegal fees, that are chargeable against the Residential Parcel and that remain unpaid ten (10) days after any portion has become due and payable.

2. All of the following apply to a lien charged against a Residential Parcel pursuant to this Section XI:

(a) The lien is effective on the date that a certificate of lien is filed for record in the Office of the Recorder of the Union County, Ohio, pursuant to authorization by the RPO Board of the RPO Association. The certificate shall contain a description of the Residential Parcel, the name of the record Residential Property Owner of the Residential Parcel, and the amount of the unpaid assessment or charge. It shall be subscribed to by the President of the RPO Board or other designated representative of the RPO Association.

(b) The lien is a continuing lien upon the Residential Parcel against which each Assessment or charge is made, subject to automatic subsequent adjustments reflecting any additional unpaid interest, administrative late fees, enforcement assessments, collection costs, attorney's fees, paralegal fees, and court costs.

(c) The lien is valid for a period of five (5) years from the date of filing, unless it is sooner released or satisfied in the same manner provided by law for the release and satisfaction of mortgages on real property or unless it is discharged by the final judgment or order of a court in an action brought to discharge the lien as provided in this Section XI.

(d) The lien is prior to any lien or encumbrance subsequently arising or created, except liens for real estate taxes and assessments of political subdivisions and liens of first mortgages that have been filed for record prior to the recording of the lien, and may be foreclosed in the same manner as a mortgage on real property in an action brought by the RPO Association.

3. In any foreclosure action that the holder of a lien commences, the holder shall name the RPO Association as a defendant in the action. The RPO Association or the holder of the lien is entitled to the appointment of a receiver to collect rental payments due on the property. Any rental payment a receiver collects during the pendency of the foreclosure action shall be applied first to the payment of the portion of the Common Expenses chargeable to the Residential Parcel during the foreclosure action.

4. Following any foreclosure action, the RPO Association or an agent the RPO Board authorizes is entitled to become a purchaser at the foreclosure sale.

5. A mortgage on a Residential Parcel may contain a provision that secures the mortgagee's advances for the payment of the portion of the Common Expenses chargeable against the Residential Parcel upon which the mortgagee holds the mortgage.

SECTION XII. INDEMNIFICATION

1. Third Party Actions. The RPO Association shall indemnify any individual who is or was a party or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative or investigative action, suit, or proceeding, including all appeals, other

than an action, suit or proceeding by or in the right of the RPO Association, by reason of the fact that the individual is or was a director, officer, employee, or volunteer of the RPO Association, against expenses (including reasonable attorney's fees), judgments, fines, penalties, and amounts paid in settlement actually and reasonably incurred by that individual in connection with such action, suit or proceeding, if that individual acted in good faith and in a manner that individual reasonably believed to be in or not opposed to the best interests of the RPO Association and, with respect to any criminal action or proceeding, if that individual had no reasonable cause to believe that individual's conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction, or upon a plea of nolo contendere or its equivalent, shall not create, of itself, a presumption that the individual did not act in good faith and in a manner which that individual reasonably believed to be in or not opposed to the best interest of the RPO Association and, with respect to any criminal action or proceeding, a presumption that the individual had reasonable cause to believe that the individual's conduct was unlawful. Notwithstanding the foregoing, no indemnification shall be made in respect of (a) any claim, issue, or matter as to which such individual is finally adjudged to be liable for negligence or misconduct in the performance of that individual's duty to the RPO Association unless, and only to the extent that the court in which such action or suit was brought determines, upon application, that, despite the adjudication of liability but in view of all the circumstances of the case, such individual is fairly and reasonably entitled to indemnity for such expenses such court considers proper, or (b) any action or suit in which a Director is found liable only pursuant to the provisions of Section 1702.55 of the Ohio Revised Code, as amended.

2. Derivative Actions. The RPO Association shall indemnify any individual who is or was a party, or threatened to be made a party, to any threatened, pending, or completed action or suit, including all appeals, by or in the right of the RPO Association to procure a judgment in its favor, by reason of the fact that the individual is or was a director, officer, employee, or volunteer of the RPO Association, against expenses or settlement of such action or suit, if the individual acted in good faith, and in a manner that individual reasonably believed to be in or not opposed to the best interests of the RPO Association, except that no indemnification shall be made in respect of (a) any claim, issue, or matter as to which such individual is finally adjudged to be liable for negligence or misconduct in the performance of that individual's duty to the RPO Association unless, and only to the extent that the court in which such action or suit was brought determines, upon application, that, despite the adjudication of liability but in view of all the circumstances of the case, such individual is fairly and reasonably entitled to indemnity for such expenses such court considers proper, or (b) any action or suit in which a Director is found liable only pursuant to the provisions of Section 1702.55 of the Ohio Revised Code, as amended.

3. Other Determinations of Rights. Unless ordered by a court, any indemnification under paragraphs 1 and 2 of this Section XII shall be made by the RPO Association only as authorized in the specific case, upon a determination that indemnification of the director, officer, employee or volunteer is proper under the circumstances because that individual has met the applicable standard of conduct set forth in paragraphs 1 and 2 of this Section XII. Such determination shall be made in any one of the following manners: (a) by a majority vote of a quorum consisting of Directors who were not and are not parties to or threatened with the action, suit or proceeding referred to in paragraphs 1 and 2 of this Section XII, or (b) by the Members by simple majority vote.

4. Indemnification of Agents and Others. The RPO Association may, from time to time, and in its sole discretion, indemnify any individual who is or was an agent, or other authorized representative of the RPO Association, other than those described under paragraphs 1 and 2 of this Section who may be indemnified, or is or was serving at the request of the RPO Association as director, officer, or employee of another corporation, limited liability company, partnership, joint venture, trust, or other enterprise, against any liability asserted against that individual or incurred by that individual in any such capacity or arising out of that individual's status as such, in the same manner and to the same extent as provided herein for Directors, officers, employees, and volunteers of the RPO Association.

5. Advances of Expenses. Reasonable expenses of each individual indemnified herein incurred in defending a civil, criminal, administrative, or investigative action, suit, or proceeding (including all appeals), or threat thereof, may be paid by the RPO Association in advance of the final disposition of such action, suit, or proceeding as authorized by the Directors, whether a disinterested quorum exists or not, upon receipt of an undertaking by or on behalf of such individual, to repay such amount, if it is ultimately determined that that individual is not entitled to be indemnified by the RPO Association.

6. Nonexclusiveness; Heirs. The foregoing rights of indemnification are not exclusive, shall be in addition to any other rights granted to those seeking indemnification as a matter of law, or under the provisions hereof, any lawful rules or regulations, any agreement, vote of members or disinterested Directors, or otherwise, both as to actions in their official capacities and as to actions in another capacity while holding their offices or positions, shall continue as to an individual who has ceased to be a Director, officer, employee, member, agent, or volunteer, and shall inure to the benefit of the heirs, executors, and administrators of such an individual.

7. Purchase of Insurance. Commencing not later than the time of the first conveyance of a Lot to a person other than Declarant, the RPO Association shall maintain all of the following to the extent reasonably available and applicable:

- (a) Property insurance on the Residential Common Property;
- (b) Liability insurance pertaining to the Residential Common Property;
- (c) Directors and officers liability insurance.

The RPO Association shall purchase and maintain insurance, or furnish similar protection, including, but not limited to, trust funds, letters of credit, or self-insurance, for or on behalf of any individual who is or was a Director, officer, agent, employee, or volunteer of the RPO Association, or is or was serving at the request of the RPO Association as a director, officer, employee, member, manager, agent or volunteer of another corporation, limited liability company, partnership, joint venture, trust, or other enterprise, against any liability asserted against that individual or incurred by that individual in any such capacity, or arising out of that individual's status as such, whether or not the RPO Association would have the power to indemnify that individual against such liability under the provisions of this Section or of the Ohio nonprofit corporation law.

SECTION XIII. AMENDMENTS

Any modification or amendment of these RPO Bylaws shall be made only by means of an amendment to the Declaration, in the manner and subject to the approvals, terms, and conditions set forth in the Declaration. Those amendments shall be effective from the time a certificate setting forth such modification or amendment is recorded with the Union County, Ohio Recorder.

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Signature Page Follows

{00032668-4}

IN WITNESS WHEREOF, the undersigned, sole member of the Residential Property Owners Association, has caused these RPO Bylaws to be duly adopted on or as of the ____ day of _____, 20__.

JEROME VILLAGE COMPANY, LLC, an
Ohio limited liability company

By: Nationwide Realty Investors, Ltd., its
member and manager

By: _____
Brian J. Ellis, President and
Chief Operating Officer

{00032668-4}

OR 911 PG 968

LEGAL DEED DESCRIPTION
5.011 Acres

Real estate situated in the State of Ohio, County of Union, Township of Jerome, V.M.S. 2991, being all of the 5.001 acre tract of land owned by Frank W. Jr. & Maggie Pharazyn (Official Record 101, page 641); and being Union County Engineer Parcel Map Numbers 1260000050.000 and 1260000049.000 and Union County Auditor Parcel Account Numbers 170012051.0010 and 170012054.0000, and being further bounded and described as follows:

Beginning for reference at a found railroad spike at the intersection of the centerline of County Road 17 (Wells Road, 60 feet wide) and County Road 11 (Jerome Road, 60 feet wide), said spike marking the northeast corner of Frank W. & Ronda L. Pharazyn's 1.92 acre tract described in Official Record 378 page 887;

thence with the centerline of said County Road 11, South 06 degrees 10 minutes 48 seconds East (reference bearing), 210.56 feet to a found PK nail marking the southeast corner of said 1.92 acre tract, the northeast corner of said Pharazyn 5.001 acre tract, and being the true point of beginning of the land to be described;

thence continuing along the centerline of County Road 11, South 06 degrees 10 minutes 48 seconds East, 509.62 feet, passing a found PK nail at 324.44 feet at the westerly terminus of Dogwood Drive (50 feet wide), to a found PK nail, said PK nail being the southeast corner of said Pharazyn 5.001 acre tract and the most northeasterly corner of Glacier Park Neighborhood Section 2 (Plat Book 5 page 322 E);

thence leaving the centerline of County Road 11 and with the southern line of said Pharazyn 5.001 acre tract and a northerly line of said Glacier Park Neighborhood Section 2, South 83 degrees 40 minutes 38 seconds West, 427.22 feet, passing a found five-eighths (5/8) inch diameter iron bar at 30.00 feet, to a found five-eighths (5/8) inch diameter iron bar at the southwest corner of said Pharazyn 5.001 acre tract;

thence with the western line of said Pharazyn 5.001 acre tract and a easterly line of said Glacier Park Neighborhood Section 2, North 06 degrees 19 minutes 33 seconds West, 510.70 feet to a found five-eighths (5/8) inch diameter iron bar being on the point common to the northwest corner of said Pharazyn 5.001 acre tract, a corner on the said Glacier Park Neighborhood Section 2, and on the southerly line of Edgar Lee & Carol Lynn Kauffman's 1.00 acre tract described in Official Record 990 page 650;

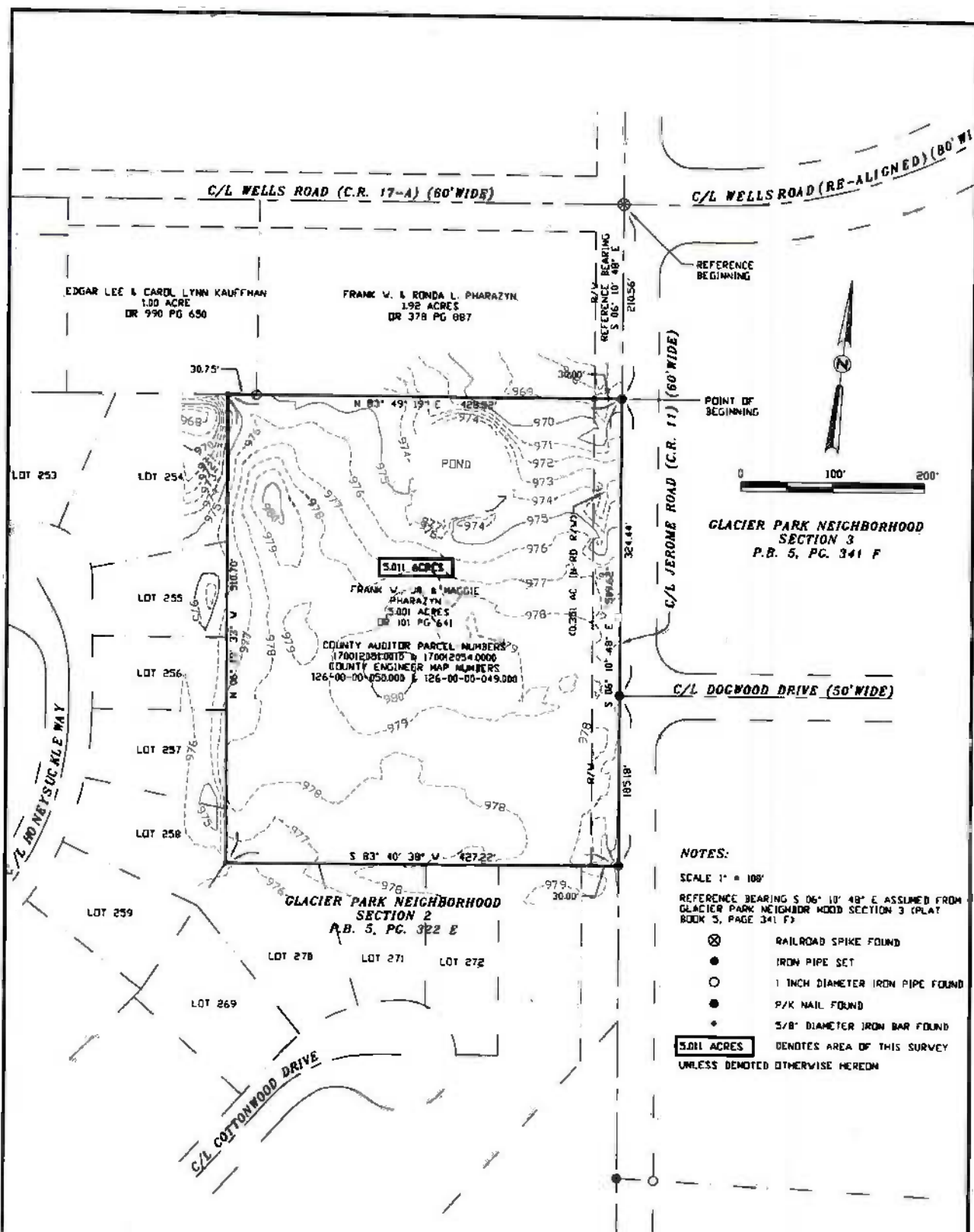
thence with the northern line of said 5.001 acre tract and southern lines of said Kauffman 1.00 acre tract and Pharazyn 1.92 acre tract, North 83 degrees 49 minutes 19 seconds East, 428.52 feet to the point of beginning (passing a found one (1) inch diameter iron pipe at 30.75 feet).

Bearing (South 06 degrees 10 minutes 48 East) assumed from Glacier Park Neighborhood Section 3 (Plat Book 5 Page 341 F).

The tract as described from an actual field survey performed on or about September 24, 2014, by James A. Page (S-6034) of Page Engineering, Inc. of Marysville, Ohio, contains 5.011 acres, more or less, of which 0.351 acre is subject to the road right-of-way, subject to all previous easements and rights-of-way of record. The survey is recorded in the office of the Union County Engineer.

Based on information shown on Flood Map, Community Panel Number 39159C0395D, dated 12/16/08, as furnished by the Federal Emergency Management Agency, through the National Flood Insurance Program, the property herein is located in Zone "X".

James A. Page, PS
S-6034
September 26, 2014
JN 14-54



FLOOD ZONE:
BASED ON THE INFORMATION SHOWN ON FLOOD MAP, COMMUNITY PANEL NUMBER 39159003950, DATED 12/16/00, AS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM, THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X". FLOOD ZONE "X" DENOTES AREA OF MINIMAL FLOODING.



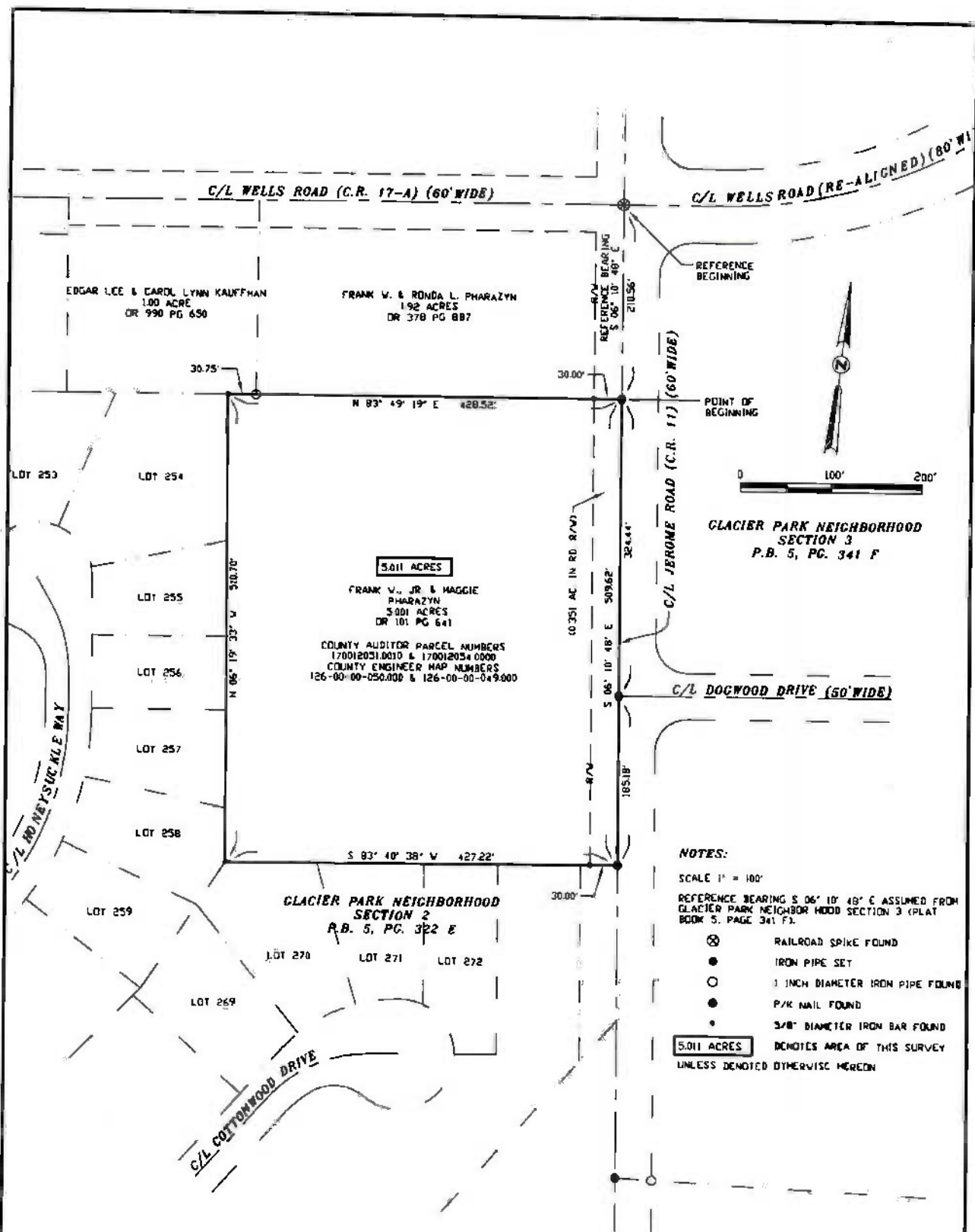
PLAT OF BOUNDARY SURVEY FOR:
EDB INTERNATIONAL
VIRGINIA MILITARY SURVEY NUMBER 2991
JEROME TOWNSHIP, UNION COUNTY, OHIO

JN 14-54 AUTOCAD 14-S48ND.DWG

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL FIELD SURVEY AND THAT MONUMENTS WERE PLACED AS INDICATED

Page Engineering, Inc.

112 EAST FIFTH STREET MARYSVILLE, OHIO 43040
TEL 432-7272 FAX 432-7272



FLOOD ZONE:
BASED ON THE INFORMATION SHOWN ON FLOOD MAP, COMMUNITY PANEL NUMBER 39159C0395D, DATED 12/16/00, AS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM, THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X". FLOOD ZONE "X" DENOTES AREA OF MINIMAL FLOODING.



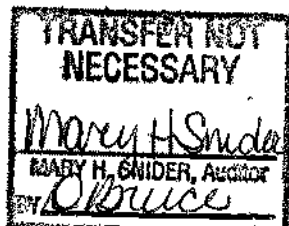
PLAT OF BOUNDARY SURVEY FOR:
EDB INTERNATIONAL
VIRGINIA MILITARY SURVEY NUMBER 2991
JEROME TOWNSHIP, UNION COUNTY, OHIO

JN 14-54 AUTOCAD 14-54BND.DWG

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL FIELD SURVEY AND THAT MONUMENTS WERE PLACED AS INDICATED.

Page Engineering, Inc.

112 EAST FIFTH STREET MARYSVILLE, OHIO 43040
TEL 373-7234 FAX 373-7234



TERESA L. MARKHAM
RECORDER, UNION CO., OHIO

2010 FEB 26 PM 3:30

532.00

366051

DECLARATION
OF
COVENANTS, RESTRICTIONS AND AGREEMENTS
FOR
JEROME VILLAGE COMMUNITY AUTHORITY
IN THE
COUNTY OF UNION, OHIO

OR 859 PG 275

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DECLARATION OF COVENANTS, RESTRICTIONS AND AGREEMENTS

FOR JEROME VILLAGE COMMUNITY AUTHORITY

IN THE COUNTY OF UNION, OHIO

This DECLARATION OF COVENANTS, RESTRICTIONS AND AGREEMENTS FOR JEROME VILLAGE COMMUNITY AUTHORITY IN THE COUNTY OF UNION, OHIO (this Declaration"), is made on this 17th day of February, 2010, by Jerome Village Company, LLC, an Ohio limited liability company (the "Initial Private Developer"). The following are signing this Declaration not as a Developer but solely as the current Owners of parcels that constitute part of the Initial Property for which the Initial Private Developer holds a right of first refusal or an option or a contract to purchase: Jerome United Methodist Church, Inc.; J.A.S. Limited Partnership; John R. Andrews, Trustee of the John R. Andrews Living Trust; George Edward Andrews and Rebecca J. Andrews; William Henry Andrews; Jon E. Hjelm and Kathy K. Hjelm; William H. Marx, Jr., and Christine S. Marx; Scott E. Sonnenberg and Jennifer L. Sonnenberg; Barbara Wilcox, Trustee of the Charles Wilcox Trust; Patricia E. Williams; and Peggy W. Yerke (collectively, the "Initial Owners").

The Initial Private Developer owns or controls, including by a right of first refusal or an option or a contract to purchase, the Initial Property. From time to time, Additional Property may be subjected to this Declaration as provided herein. The Initial Private Developer and the Initial Owners make this Declaration for the purposes hereinafter set forth.

The Developers and the Owners (including the Initial Owners, their heirs, successors and assigns, and any Owner of any Additional Property subsequently subjected to this Declaration) hereby declare that the Property shall be improved, held, sold, conveyed, encumbered, leased, occupied or otherwise transferred subject to the Restrictions, which shall constitute covenants running with the Property and shall be binding upon all parties now or hereafter having any right, title or interest in the Property or any part thereof, and all such persons, including their respective heirs, personal and legal representatives and successors and assigns, acquiring any right, title or interest in the Property, and as a part of the consideration therefor, agree that their right, title and interest in the Property or any part therein shall be improved, held, sold, conveyed, encumbered, leased, occupied or otherwise transferred subject to the Restrictions.

ARTICLE I

PURPOSE AND INTENT

The Property is a New Community District, formed in accordance with Chapter 349, and in consideration of the mutual covenants and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged. The Developers and the Owners (including, but not limited to, the Initial Owners) shall be bound by

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the terms of this Declaration. The Initial Private Developer initiated proceedings for the organization of a New Community Authority and the creation of the New Community District in accordance with Chapter 349 for the purpose of encouraging the orderly development of a well-planned, diversified and economically sound New Community through the implementation of a New Community Development Program. The Initial Private Developer anticipates that the costs of carrying out the New Community Development Program, including debt service on any New Community bonds, notes or loans authorized by the Community Authority under Chapter 349, and any other cost incurred by the Community Authority in the exercise of its powers under Chapter 349, will be covered in whole or in part by the payment of the Community Development Charge (including the Income Charge, if any) by each Owner and Resident of a Chargeable Parcel, as well as by receipts from the Community Fee and the Utility Access/Community Fee.

In order to provide for the New Community District, the implementation of the Community Authority's New Community Development Program and the establishment and payment of the Community Development Charge, the Community Fee and the Utility Access/Community Fee, this Declaration is for the purpose of creating covenants running with the land, pursuant to which all persons now or hereafter having any right, title or interest in the Property or any part thereof, including their respective heirs, personal and legal representatives and their successors and assigns, shall acquire and hold such right, title or interest subject to the Restrictions, including, but not limited to, the obligation of the Owner of each Chargeable Parcel to pay the Community Development Charge (including the obligation of any Resident to pay the Income Charge, if any) as well as the obligation of the Owner of a Development Parcel within the initial boundaries of the New Community District to pay the Community Fee applicable thereto and the obligation of the Owner of a Parcel outside the initial boundaries of the New Community District that joins the Community Authority to access utilities to pay the Utility Access/Community Fee applicable thereto. The Restrictions and this Declaration are imposed for the benefit of the New Community District and the Community Authority.

ARTICLE II

DEFINITIONS

In addition to the terms defined elsewhere in this Declaration, as used in this Declaration including the preambles, unless the context otherwise requires, the following words shall mean, respectively:

2.01. Additional Private Developers. "Additional Private Developers" means one or more persons or entities (and its or their respective successors in interest), other than the Initial Private Developer, that the Community Authority determines to permit to become a party to this Declaration as an Additional Private Developer (by means of supplemental Declaration); provided that no Additional Private Developer may become a party to this Declaration without the consent of the Initial Private Developer so long as it owns or controls any of the Property. A person or entity shall be deemed a successor in interest of an Additional Private Developer only if specifically so designated in a duly Recorded written instrument as a successor or assign of an Additional Private Developer under this Declaration and/or under a supplemental Declaration

and shall be deemed a successor in interest of such Additional Private Developer only as to the particular rights or interests of that Additional Private Developer under this Declaration or under such supplemental Declaration which are specifically designated in the Recorded written instrument.

2.02. Additional Property. "Additional Property" means such other real estate as may be subjected to this Declaration pursuant to Article III hereof.

2.03. Adjusted Gross Income. "Adjusted Gross Income" means:

(a) the sum of:

(i) adjusted gross income as that term is defined in the Internal Revenue Code of 1986, as amended;

(ii) interest and dividends on obligations or securities of any state or of any political subdivision or authority thereof, other than the State of Ohio and its subdivisions and authorities; and

(iii) interest and dividends on obligations of any authority, commission, instrumentality, territory or possession of the United States as may be exempt from federal income taxes but not from state income taxes;

(b) less the sum of:

(i) interest and dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(i) Profits (to the extent of the Resident's share thereof in the case of an S Corporation, as defined in the Internal Revenue Code of 1986, as amended, a partnership or other joint venture) from a Place of Business on the Property;

(iii) disability and survivor's benefits;

(iv) amounts of net income arising from transactions, activities and sources in the regular course of a trade or business, including income from tangible and intangible property if the acquisition, rental, management and disposition of the property constitute integral parts of the regular course of a trade or business operation, upon which amounts an income tax or tax measured by income is imposed by the District of Columbia or by any state except the State of Ohio; and

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(v) net income with respect to which the imposition of an Income Charge is prohibited by the Constitution of the United States, by Act of Congress, by the Constitution of the State of Ohio, or by act of the General Assembly of the State of Ohio.

2.04. Assessed Valuation.

(a) "Assessed Valuation" means, as to any Chargeable Parcel with respect to any year's budget for which the Community Development Charge is being levied, an amount equal to the assessed valuation thereof (including the buildings, structures and improvements thereon) listed on the tax duplicate prepared by the Auditor for the most recent tax year for which that information is publicly available and disregarding any reductions pursuant to any applicable law for the purpose of reducing real estate taxes for certain persons in the State of Ohio (including, but not limited to, reductions for persons 65 years of age or older pursuant to Section 2 of Article XII, Ohio Constitution, as the same may be amended from time to time) except the reductions described in Section 5.05 hereof. If by reason of any change of law, rate or common level of assessment the assessed valuation for purposes of the tax duplicate is to be determined as an amount which is less or more than thirty-five percent (35%) of the true value of the real property assessed, then upon determination by the Board "Assessed Valuation" shall mean the assessed valuation shown on the tax duplicate adjusted to equal thirty-five percent (35%) of the true value. If the assessed valuation listed on the tax duplicate for the most recent tax year for which that information is publicly available does not reflect the completed value of any structure(s) on a Chargeable Parcel, then the "Assessed Valuation" shall be determined by the Board in its sole and absolute discretion using such criteria as the Board may establish from time to time, subject to any applicable adjustments to be made under this subsection (a).

(b) If the Auditor and all officials authorized by Ohio law to assess real estate in the County shall ever cease to assess real estate or if an assessed valuation has not yet been listed on the tax duplicate of the Auditor for the most recent tax year for which that information is publicly available for a Chargeable Parcel or if there is no longer a tax duplicate, "Assessed Valuation" shall mean, as to any Chargeable Parcel for each year thereafter, the Assessed Valuation determined by the Board in its sole and absolute discretion using such criteria as the Board may establish from time to time, subject to any applicable adjustments to be made under subsection (a) of this Section.

(c) If any Chargeable Parcel is not separately listed on the Auditor's tax duplicate with respect to any year, "Assessed Valuation" shall be determined by the Board, equitably apportioning to such Chargeable Parcel a portion of the Assessed Valuation of the Parcel or Parcels from which such Chargeable Parcel was subdivided or created.

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2.05. Assessed Valuation Charge. "Assessed Valuation Charge" means the charge established in Article V hereof, including all penalties and interest pertaining to any unpaid amount.

2.06. Auditor. "Auditor" means the auditor of the County.

2.07. Board. "Board" means the Board of Trustees of the Community Authority.

2.08. Chapter 349. "Chapter 349" means Chapter 349 of the Ohio Revised Code, as enacted and amended from time to time.

2.09. Chargeable Parcel. "Chargeable Parcel" means any Parcel of Chargeable Property, including all buildings, structures and improvements thereon.

2.10. Chargeable Property. "Chargeable Property" means all Development Parcels together with all buildings, structures and improvements thereon, with the exception of the following:

(a) all lands, buildings, structures and improvements owned by the United States of America, the State of Ohio, the Community Authority and all other political subdivisions or governmental instrumentalities of the State of Ohio that are exempt from real estate taxation under Ohio law;

(b) all lands, buildings, structures and improvements exempt from real estate taxation under Ohio law, provided that such exemption from the Community Development Charge has been determined by the Board to be consistent with the purposes and needs of the Community Authority and not inconsistent with any commitments made with respect to any obligations of the Community Authority; and

(c) any Development Parcels for which (i) no certificate of occupancy has been issued or is eligible to be issued for a new structure on that Parcel; or (ii) any new structure thereon is not substantially completed as determined by the Board.

2.11. Community Authority. "Community Authority" means the Jerome Village Community Authority, a body corporate and politic, established for the New Community District pursuant to Chapter 349.

2.12. Community Development Charge. "Community Development Charge" means, collectively, the charges established in Articles IV, V and VI hereof, including all applicable penalties and interest pertaining to any unpaid amount.

2.13. Community Facilities. "Community Facilities" has the meaning given in Section 349.01 of the Ohio Revised Code; provided, however, that all Community Facilities provided through or under, or the operation and maintenance of which are supported from the Community

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Development Charge, shall be consistent with the Petition and any applicable agreements between Union County, Ohio, and the Developer.

2.14. Community Fee. "Community Fee" means the fee established in Article IX hereof.

2.15. County. "County" means the county in which a Parcel is located.

2.16. Declaration. "Declaration" means this Declaration of Covenants, Restrictions and Agreements for Jerome Village Community Authority in the County of Union, Ohio, as of the date set forth above, as the same may be amended or supplemented from time to time in the manner prescribed in Articles III or XII hereof.

2.17. Developer. "Developer" means the Initial Private Developer or any Additional Private Developer, and "Developers" means, collectively, the Initial Private Developer and any Additional Private Developers.

2.18. Development Parcel. "Development Parcel" means any Parcel for which a final subdivision plat or lot split creating additional tax parcels has been filed from and after the Effective Date; provided, however, that the Board may determine, in its sole discretion, that the Parcels resulting from the split of any Parcel in existence on the Effective Date into three (3) or fewer Parcels shall not constitute a Development Parcel.

2.19. Development Period. "Development Period" for any portion of the Property means the period commencing on the date on which this Declaration is Recorded and ending on the date the Developer of such Property has transferred such Property to other Owners (other than to another Developer).

2.20. Effective Date. "Effective Date" has the meaning given in Section 11.01 hereof.

2.21. Fiscal Meeting. "Fiscal Meeting" means the annual meeting of the Board described in Article VII hereof.

2.22. Income. "Income" means, with respect to a Resident who has a Place of Residence on the Property, Adjusted Gross Income, and with respect to a Resident who maintains a Place of Business on the Property, Profits, with the calculation of each subject to adjustment as provided in Section 7.03. A person or entity shall not be deemed to be maintaining a Place of Business on the Property because a partnership in which he is a partner or an S Corporation (as defined by the Internal Revenue Code of 1986, as amended) of which he is a shareholder is maintaining a Place of Business on the Property.

2.23. Income Charge. "Income Charge" means the charge established in Article VI hereof.

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2.24. Income Charge Administrator. "Income Charge Administrator" means any person designated by the Community Authority to administer or enforce the provisions of the Income Charge, or its designee.

2.25. Income Charge Year. "Income Charge Year" means, for each Resident, such Resident's taxable year for federal income tax purposes.

2.26. Initial Private Developer. "Initial Private Developer" is defined in the preamble, but the defined term includes the Initial Private Developer's successors in interest. A person or entity shall be deemed a successor in interest of the Initial Private Developer only if specifically so designated in a duly Recorded written instrument as a successor or assign of the Initial Private Developer under this Declaration and/or under a supplemental Declaration and shall be deemed a successor in interest of the Initial Private Developer only as to the particular rights or interests of the Initial Private Developer under the Petition, this Declaration or under such supplemental Declaration which are specifically designated in the Recorded written instrument.

2.27. Initial Property. "Initial Property" means the real estate as described in Exhibit A and depicted in Exhibit B, each attached hereto and incorporated herein by reference.

2.28. Jerome Township. "Jerome Township" means Jerome Township, Union County, Ohio.

2.29. Jerome Village Fire Safety Contribution. The "Jerome Village Fire Safety Contribution" means the Initial Private Developer (i) donating to Jerome Township a site and constructing thereon for the benefit of Jerome Township a Township Fire Station facility, including space for a police substation and administrative offices as well as related parking and site amenities, and (ii) either equipping or providing funds to Jerome Township to equip the Jerome Village Fire Station to the specifications and requirements of the Jerome Village Fire Department; provided that the maximum amount of the Jerome Village Fire Safety Contribution, excluding the value of the land donated for the site but including all other design, engineering, architectural, development, construction and acquisition costs, is \$5,500,000.

2.30. Jerome Village General Township Contribution. The "Jerome Village General Township Contribution" means (i) an initial \$250,000 cash contribution to Jerome Township at the time of receipt of all required governmental approvals for the first final plat for the New Community District, and thereafter (ii) on a yearly basis, on each anniversary of the initial contribution, a \$100,000 cash contribution to Jerome Township for the next ten (10) years, (iii) a \$227.27 cash contribution to Jerome Township at the time of issuance of each residential building permit for the New Community District, up to a maximum amount of \$500,000, and (iv) a final \$400,000 cash contribution to Jerome Township on the eleventh (11th) anniversary of the initial \$250,000 payment, for a total maximum contribution of \$2,150,000, all to be made by the Initial Private Developer; provided, however, that in the event the Initial Private Developer, at the request of the Township, provides land, buildings or other facilities to the Township (other than as part of the Jerome Village Fire Safety Contribution), the Initial Private Developer shall receive a dollar-for-dollar offset of the abovementioned cash contributions.

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2.31. Late Payment Rate. "Late Payment Rate" means the "federal short term rate" determined pursuant to Section 5703.47(A) of the Ohio Revised Code, rounded to the nearest whole number percent, plus three percent (3%).

2.32. New Community District. "New Community District" means the New Community District for the Jerome Village Community Authority created pursuant to Chapter 349.

2.33. Ohio Revised Code. Reference to any Section of the Ohio Revised Code means that Section of the Ohio Revised Code as enacted and amended from time to time.

2.34. Owner. "Owner" means, with respect to any Parcel, the owner of record from time to time, whether one or more persons or entities, of an interest in: (i) fee simple; (ii) reversion; (iii) remainder; or (iv) leasehold estate of 75 years or more, and includes (but is not limited to) the Initial Owners, but shall not include the Community Authority.

2.35. Parcel. "Parcel" means such parcel of the Property which has a separate listing on the tax duplicate prepared by the Auditor or on the records of any other official authorized by Ohio law to assess real estate in the County. Should each unit of a condominium not have a separate listing on the tax duplicate as provided above, then until such time, each condominium unit chargeable by its condominium association for such unit's share of that parcel's real property taxes shall also be considered a "Parcel."

2.36. Petition. "Petition" means the Petition for Organization of a New Community Authority relating to the New Community District.

2.37. Place of Business. "Place of Business" means any location on the Property on or in which an Owner or Tenant (including any subsidiary or other entity controlled directly or indirectly by such Owner or Tenant) conducts a professional, commercial (including retail) or industrial activity or any other activity permitted by law. A contractor who is an Owner or Tenant shall have a Place of Business at each of his or her construction or work sites on the Property. Each landlord of any Parcel or any part thereof or interest therein, including each sublandlord and each assignee of such landlord or sublandlord, shall have a Place of Business at the Parcel.

2.38. Place of Residence. "Place of Residence" means the place on the Property in which a person's habitation is fixed, and to which, whenever such person is absent, such person has the intention of returning. A person shall not be considered to have lost such person's Place of Residence by leaving it temporarily with the intention of returning.

2.39. Profits. "Profits" means Profits as defined in Exhibit C attached hereto and incorporated herein by reference.

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2.40. Property. "Property" means, collectively, the Initial Property and any Additional Property, the Initial Property being all of the Property unless and until any other real estate is added or removed by supplemental Declaration.

2.41. Recorded. "Recorded" means filed for record in the office of the Recorder of the County or in such other office as may be provided by law for the recordation of instruments conveying lands in the County.

2.42. Resident. "Resident" means any person who has a Place of Residence or any person or entity who has a Place of Business, including a partnership or an S corporation as defined in Section 1361 of the Internal Revenue Code of 1986, as amended.

2.43. Restrictions. "Restrictions" means all covenants, conditions, restrictions, charges, liens and other obligations provided for in this Declaration.

2.44. Secretary. "Secretary" means the person serving as the secretary of the Board, or any other person designated by the Board to receive service of process.

2.45. Tenant. "Tenant" means any person or entity (i) occupying all or a portion of any Parcel (including any part thereof and any structure or any part of any structure thereon) pursuant to a written or oral lease, rental or license agreement with the Owner, (ii) by permission of the Owner or with any other person or entity claiming under the Owner, or (iii) under a tenancy at will or sufferance.

2.46. Terms Defined in Chapter 349. The terms "Land Acquisition", "Land Development," "New Community," "New Community Authority," "New Community Development Program" and "New Community District" have the meanings given in Section 349.01 of the Ohio Revised Code provided, however, that all Land Acquisition or Land Development provided through or under, or the operation and maintenance of which are supported from the Community Development Charge, shall be consistent with the Petition, this Declaration and any applicable agreements between Union County, Ohio, and the Developer.

2.47. Utility Access/Community Fee. "Utility Access/Community Fee" means the fee established in Article X hereof.

ARTICLE III

EXPANSION

Additional Property may from time to time be subjected to this Declaration and the Restrictions by recording a supplemental Declaration substantially in the form of Exhibit D attached hereto and incorporated herein by reference describing the Additional Property and subjecting it to the Restrictions and this Declaration. Such supplemental Declaration shall not require the consent of the Owners of the Property or compliance with the provisions of Article XII hereof but shall be made with the consent of the Initial Private Developer (so long as it owns

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or controls any of the Property) and the Community Authority. Any such expansion shall be effective upon such supplemental Declaration being Recorded, unless otherwise provided therein. Any expansion may be accomplished in stages by successive supplemental Declarations or in one supplemental Declaration. All Owners, successors and assigns to any of the Property shall take such Property subject to this Declaration for so long as this Declaration is in effect.

ARTICLE IV

COVENANT FOR COMMUNITY DEVELOPMENT CHARGE; ENFORCEMENT OF CHARGE AND FEES

4.01. Community Development Charge Covenant. The Developers and the other Owners (including the Initial Owners, their heirs, successors and assigns, and any Owner of any Additional Property subsequently subjected to this Declaration), as the original Owners of their respective Parcels, hereby covenant, and each Owner of any Parcel, by acceptance of a deed or other instrument or conveyance therefor, shall covenant and be deemed to covenant to pay or secure the payment of the Community Development Charge applicable to the Owner's Chargeable Parcel to the Community Authority as provided in this Article IV and in Articles V and VI hereof. The Developers and each Owner agree that every transfer agreement for a Parcel entered into after this Declaration is Recorded shall, in compliance with Section 349.07 of the Ohio Revised Code, specifically refer to the Community Development Charge and identify the instrument number in the deed records in which this Declaration is Recorded.

4.02. Purpose of Community Development Charge. The Community Development Charge is established for the benefit and use of the Community Authority to cover all or part of the cost of Land Acquisition, the development, construction, operation and maintenance of land, Land Development and Community Facilities, the debt service therefor and any other cost incurred by the Community Authority in the exercise of its powers pursuant to Chapter 349 (including, without limitation, the reimbursement of loans, advances or expenditures made to or by the Developer for such purposes) and shall not be used for any other purpose.

4.03. Creation of Lien and Personal Obligation of Community Development Charge, Community Fee and Utility Access/Community Fee. The Community Development Charge shall be a charge and lien on each Chargeable Parcel and shall also be the personal obligation of the Owner of each Chargeable Parcel, all to the extent and for the period provided in Articles V and VI hereof. The Community Fee and Utility Access/Community Fee shall be a charge and lien on each Development Parcel, and each shall also be the personal obligation of the Owner of each Development Parcel, all to the extent and for the period provided in Articles IX and X hereof.

4.04. Enforcement of Lien and Collection of Community Development Charge, Community Fee and Utility Access/Community Fee. Any lien established under this Declaration may be enforced by the Community Authority in the same manner and to the same extent (including appointment of a receiver, foreclosure sale and, where appropriate, deficiency judgment) and subject to the same procedures as in the case of foreclosure of a real property

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mortgage under the laws of the State of Ohio and personally against each Owner to the extent authorized under Sections 5.06, 6.17, 9.01 and 10.01. In any such enforcement proceeding, the amount that may be recovered by the Community Authority shall include all costs of such proceeding, including reasonable attorneys' fees. In any foreclosure sale, the Community Authority may become the purchaser.

The Community Authority may also cause the collection of any Community Development Charge by certifying that Community Development Charge to the Auditor for collection on the tax duplicate.

No remedy conferred upon or reserved to the Community Authority by this Declaration is intended to be exclusive of any other remedy. Each remedy shall be cumulative and shall be in addition to every other remedy given hereunder or otherwise to the Community Authority or now or hereafter existing.

ARTICLE V

ASSESSED VALUATION CHARGE

5.01. Establishment of Assessed Valuation Charge. There is hereby established for the benefit of the Community Authority, as a charge on each Chargeable Parcel, an annual Community Development Charge based upon the Assessed Valuation of such Chargeable Parcel (the "Assessed Valuation Charge"), which may be expressed as a number of mills (one mill equals 1/10 of 1%), as determined in accordance with Section 5.02 hereof, multiplied by each dollar of the Assessed Valuation thereof. Such Assessed Valuation Charge shall be paid to the Community Authority by the Owner of each such Chargeable Parcel in the manner provided in this Article V.

5.02. Amount of Assessed Valuation Charge. Subject to waiver, reduction, increase or termination of the Assessed Valuation Charge as provided in Sections 7.03 and 7.04 hereof, the amount of the annual Assessed Valuation Charge for each Chargeable Parcel shall be the product of (i) the Assessed Valuation for such Chargeable Parcel, multiplied by (ii) .0095 (i.e., 9.5 mills).

5.03. Payment. The annual Assessed Valuation Charge for each Chargeable Parcel shall be due and payable on the date or dates determined by the Board, provided that the Assessed Valuation Charge may not be collected more than semiannually. However, if Chapter 349 shall hereafter be amended to allow the payment of the Assessed Valuation Charge at more frequent intervals, the Board shall have the power to increase the frequency of such installments accordingly. If the Board determines to certify the annual Assessed Valuation Charge for a Chargeable Parcel to the Auditor for collection on the tax duplicate pursuant to Section 4.04 hereof for any year, the entire Assessed Valuation Charge for that Chargeable Parcel will be deemed due for purposes of Section 349.07 of the Ohio Revised Code on August 1 of the preceding year; provided that, if permitted by law, the Board may provide for or require such payment to be due on other dates so as to permit the certification of the Assessed Valuation Charge not paid when due to the Auditor and provided, further, that the Community Authority

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shall not be entitled to pursue the enforcement of payment of a Assessed Valuation Charge certified to the Auditor unless that Assessed Valuation Charge has not been paid on or before the dates for payment of real property taxes prescribed by Chapter 323 of the Ohio Revised Code. No Owner shall be required to prepay any installment to the Community Authority, but nothing herein shall preclude any Owner from agreeing with the Community Authority to prepay all or any part of the semiannual installments on a monthly or other basis.

Notwithstanding the foregoing, (i) the Community Authority may enter into an agreement with any mortgage lender for the escrowing of Assessed Valuation Charge installments with such lender with respect to any Chargeable Parcel and for the periodic payment of the escrowed installments to the Community Authority, and (ii) so long as such agreement continues, the Owner of any Chargeable Parcel on which such lender holds a mortgage shall, if such Owner so consents, pay the Assessed Valuation Charge installments with respect thereto directly to the lender; provided, however, that the obligation to pay the Assessed Valuation Charge shall remain that of the Owner and is not satisfied until and unless full payment of the Assessed Valuation Charge is received by the Community Authority.

5.04. Penalty and Interest. For each Chargeable Parcel for which any installment of the Assessed Valuation Charge: (i) is not paid on or before the due date or dates established by the Board pursuant to Section 5.03 hereof, or (ii) if such Assessed Valuation Charge was certified to the Auditor for collection on the tax duplicate pursuant to Section 4.04 hereof and is not paid on or before the dates for payment of real property taxes prescribed by Chapter 323 of the Ohio Revised Code, there shall be added to the installment (a) a penalty of ten percent (10%) thereof (imposed at the same time that penalties for delinquent real property taxes are imposed pursuant to Chapter 323 of the Ohio Revised Code), provided that if the penalty under Ohio law for late payment or non-payment of real property taxes is increased or decreased, the Board may instead impose that greater or lesser penalty, (b) interest (imposed at the same time that interest on delinquent real property taxes is imposed pursuant to Chapter 323 of the Ohio Revised Code) on the sum of (A) the amount of such installment, (B) the interest that has accrued thereon for more than six months, and (C) the penalty until paid at the greater of (1) the Late Payment Rate or (2) ten percent (10%) per year (or the maximum rate permitted under Ohio's usury laws, whichever is lower), provided that if the rate of interest imposed under Ohio law for late payment or non-payment of real property taxes is increased or decreased, the Board may instead impose that greater or lesser rate, and (c) any costs of the Community Authority incurred in connection with the enforcement of the Assessed Valuation Charge or any penalties, interests or costs thereon, including reasonable attorneys' fees. Any payments of less than the full amount shall be credited first against the penalty, second against the interest accrued to the date of payment and third to the balance due. The applicable penalties, interest and costs are part of the Assessed Valuation Charge. To the extent any of such penalties, interest and costs owing with respect to a Assessed Valuation Charge certified to the Auditor are not collected by the Auditor or otherwise collected by the Community Authority, such amounts shall be added to the amount of the Assessed Valuation Charge imposed with respect to such Chargeable Parcel in the following year. Notwithstanding anything contained herein to the contrary, no Owner shall be permitted to enter into an agreement pursuant to Section 323.31 of the Ohio Revised Code with respect to a

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delinquent Assessed Valuation Charge without the prior written consent of the Community Authority.

5.05. Refund and Reduced Assessed Valuation. If the official assessed valuation of any Chargeable Parcel (by which the Assessed Valuation thereof is determined pursuant to Section 2.03 hereof) is reduced for any year pursuant to Sections 5715.11 through 5715.16 of the Ohio Revised Code, upon application of the Owner to the Board the Assessed Valuation shall be reduced in the same amount, and the Assessed Valuation Charge for such year shall be proportionately reduced. If any installment of such Assessed Valuation Charge has been paid before the date of such reduction, the sole procedure for refund is that the Board shall credit the same against any other amounts due or to become due to the Community Authority with respect to the Chargeable Parcel.

5.06. Personal Obligation. Each Owner shall only be and remain personally obligated for the payment of the Assessed Valuation Charge with respect to that Owner's Chargeable Parcel, including any penalties and interest thereon and costs of collection as provided herein, which is attributable to that Owner's period of ownership.

5.07. Assessed Valuation Charge Lien. The Assessed Valuation Charge with respect to each Chargeable Parcel, including any penalty and interest thereon, shall constitute a continuing lien in favor of the Community Authority on such Chargeable Parcel. If an installment or any part of an installment of the Assessed Valuation Charge on any Chargeable Parcel is not paid within the period provided in Section 5.03 hereof, the lien with respect to such delinquent installment or part thereof shall be enforceable in any manner provided in Section 4.04 hereof. Such lien shall be prior to all other liens and encumbrances thereon whatsoever, excepting real estate taxes and assessments and liens of the United States of America, the State of Ohio, and all other political subdivisions or governmental instrumentalities of the State of Ohio to the extent made superior by applicable laws enacted by the Ohio General Assembly.

5.08. Evidence of Payment. Upon the request of the Owner or any mortgagee or lessee of any Chargeable Parcel or any prospective purchaser, mortgagee or lessee thereof, the Board shall furnish written evidence of the amount of the Assessed Valuation Charge with respect thereto for the current year and the amount of any unpaid Assessed Valuation Charge, including any penalty and interest for the current or any previous year. Absent the existence of any Recorded evidence of unpaid Assessed Valuation Charges, such statement by the Board may be conclusively relied upon by any such party and by anyone furnishing any title evidence or opinion with respect to such Chargeable Parcel.

ARTICLE VI INCOME CHARGE

6.01. Establishment of Income Charge. There may be established, for the benefit of the Community Authority as a charge on each Chargeable Parcel, an annual Income Charge upon the Income of all Residents of such Chargeable Parcel in the maximum amount of two percent (2%) of that annual Income of those Residents. On and after the date that the Initial Private Developer is no longer entitled under Chapter 349 of the Ohio Revised Code and the Petition to appoint any members of the Board, the Board may implement up to one percent (1%) of the Income Charge by the affirmative vote of at least four (4) of the seven (7) Board members at any Fiscal Meeting; any Income Charge in excess of one percent (1%) may only be implemented by (a) the affirmative vote of at least four (4) of the seven (7) Board members at any Fiscal Meeting and (b) as specified in the Board resolution approving the Income Charge in excess of one percent (1%), either (i) the written consent of not less than a majority of the number of Owners of all Parcels replying to the Authority's solicitation for consent to the increased Income Charge, or (ii) the approval of a majority of electors with a Place of Residence in the New Community District and voting on the question at an election. The Board may, by resolution, approve credits against or exemptions from the Income Charge to the same extent an Ohio municipality may provide credits against or exemptions from an income tax it levies.

6.02. Income Charge with Respect to Fiscal Year Taxpayers. If, pursuant to Article VII hereof, the percentage stated in Section 6.01 hereof is reduced with respect to any calendar year, the percentage to be used in determining an Income Charge or any portion thereof attributable to the Income of a Resident who is on a fiscal year basis for federal income tax purposes shall be the sum of (i) the percentage applicable to such calendar year multiplied by a fraction, the denominator of which is 12 and the numerator of which is the number of months from the beginning of the applicable Income Charge Year through December of such calendar year, and (ii) the percentage applicable to the following calendar year multiplied by a fraction, the denominator of which is 12 and the numerator of which is the number of months from the beginning of such following calendar year to the end of the applicable Income Charge Year.

6.03. Proration of Income Charge. If, in any Income Charge Year, a Resident is a Resident for less than the full year, the Income Charge, or any portion thereof attributable to the Income of such Resident for such year, shall be determined by multiplying the Income Charge or respective portion thereof, which would have been payable if the Resident had been a Resident for the full year, by a fraction the denominator of which shall be the number of days in such year during which the Resident was alive, with respect to any Resident who is a natural person, or was in existence, with respect to any other Resident, and the numerator of which shall be the number of days in such year that the Resident was a Resident. If such proration does not reasonably reflect that portion of the Resident's income which was received while the Resident was a Resident, the Board may, upon the written request of the Resident or the Owner of the Chargeable Parcel to which the Income Charge relates and the presentation of supporting proof satisfactory to it, prorate the Income Charge or respective portion thereof attributable to the Income of such Resident in such other manner as may be equitable.

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6.04. Income Charge Estimate. Annually, each Resident who has received or expects to receive Income in his current Income Charge Year shall file with the Community Authority an Income Charge estimate, on a form provided by it, estimating the amount of Income Charge payable by such Resident in such year. If married Residents file a joint return for federal income tax purposes, they may file a joint Income Charge estimate. Except as otherwise provided in Section 6.05 hereof, the Income Charge estimate shall be filed on or before July 15 of each year, or in the case of a Resident whose Income Charge Year is a fiscal year, the estimate shall be filed on or before the fifteenth day of the seventh month of his Income Charge Year.

6.05. Partial Year Estimate. Each Resident who becomes a Resident within the first six months of any Income Charge Year shall file with the Community Authority his Income Charge estimate for such year on or before July 15 thereof. Each Resident who becomes a Resident within the last six months of any Income Charge Year shall file with the Community Authority his Income Charge estimate for such year on or before January 15 of the following Income Charge Year. In the case of a Resident whose Income Charge Year is a fiscal year, the dates July 15 and January 15 in the two preceding sentences shall be the fifteenth day of, respectively, the seventh month of his Income Charge Year and the first month after the end of such Income Charge Year.

6.06. Income Charge Return. Annually, commencing in the year following the year in which he becomes a Resident, each Resident shall file with the Community Authority an Income Charge return, on a form provided by it, stating the amount of the Resident's Income for the preceding year and the amount of Income Charge payable with respect thereto. Spouses who file a joint return for federal income tax purposes may file a joint Income Charge return.

Each Resident who is an Owner or Tenant shall, to the best of his knowledge, list on his return the name of each Tenant of such Resident during such year and the address or other identification of the Place of Residence or Place of Business leased by each such named Tenant.

Each Income Charge return shall be signed by the Resident or Residents filing the same. The Income Charge return with respect to any Income Charge Year shall be filed on or before April 15 of the following year, or in the case of a Resident whose Income Charge Year is a fiscal year, the Income Charge return or the information return with respect to any Income Charge Year shall be filed on or before the fifteenth day of the fourth month after the end of such Income Charge Year. The Board shall have the power to change the date of filing of such Income Charge returns and information returns.

6.07. Payment. One-half of the estimated Income Charge for each Income Charge Year shall be paid when the estimate for such year is filed, but in no event later than the date by which such estimate is required to be filed, and the balance of the estimated Income Charge shall be paid on or before six months after the date by which the estimate is required to be filed, except that in the case of a Resident who becomes a Resident in the last six months of any Income Charge Year, all of the estimated Income Charge shall be paid when the estimate for such year is

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filed, but in no event later than the date by which such estimate is required to be filed. If the total payments made pursuant to the Income Charge estimate for any Income Charge Year are less than the Income Charge due for such year, as shown by the Income Charge return therefor, the difference shall be paid on or before the date by which the return is required to be filed. If such total payments exceed the Income Charge due, as shown by the return, the difference shall be applied as a credit against the Income Charge for the following Income Charge Year or, if a Resident certifies that his Income Charge for the following year will be less than the amount of the difference, the difference less the amount of his expected Income Charge for the following year shall be refunded to him promptly by the Community Authority. No Resident shall be required to prepay any installment to the Community Authority, but nothing herein shall preclude any Resident from agreeing with the Community Authority to prepay all or any part of the semiannual installments on a monthly or other basis. If Chapter 349 shall hereafter be amended to allow the payment of the Community Development Charge at more frequent intervals, the Board shall have the power to increase the frequency of such installments accordingly.

Notwithstanding the foregoing, (i) the Community Authority may enter into an agreement with any mortgage lender for the escrowing of Income Charge installments with such lender with respect to any Chargeable Parcel and for the periodic payment of the escrowed installments to the Community Authority, and (ii) so long as such agreement continues, the Owner of any Chargeable Parcel on which such lender holds a mortgage shall, if such Owner so consents, pay the Income Charge installments with respect thereto directly to the lender.

6.08. Penalty and Interest. If any installment of an Income Charge is not paid by the date provided in Section 6.07 hereof for the payment thereof, there shall be added to the installment as of the due date of such installment (i) a penalty of ten percent (10%) thereof, provided that if the penalty under Ohio law for late payment or non-payment of real property taxes is increased or decreased, the Board may instead impose that greater or lesser penalty, plus (ii) interest on the sum of (1) the amount of such installment, (2) the interest that has accrued thereon for more than six months, and (3) the penalty until paid at the greater of (A) the Late Payment Rate or (B) ten percent (10%) per year (or the maximum rate permitted under Ohio's usury laws, whichever is lower), provided that if the rate of interest imposed under Ohio law for late payment or non-payment of real property taxes is increased or decreased, the Board may instead impose that greater or lesser rate, and (iii) any costs of the Community Authority incurred in connection with the enforcement of the Income Charge or any penalties, interests or costs thereon, including reasonable attorneys' fees. Any payments of less than the full amount shall be credited first against the penalty, second against the interest accrued to the date of payment and third to the balance due. The applicable penalties, interest and costs are part of the Income Charge. To the extent any of such penalties, interest and costs owing with respect to an Income Charge certified to the Auditor are not collected by the Auditor or otherwise collected by the Community Authority, such amounts shall be added to the amount of the Income Charge imposed with respect to such Chargeable Parcel in the following year. Notwithstanding anything contained herein to the contrary, no Owner shall be permitted to enter into an agreement pursuant

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to Section 323.31 of the Ohio Revised Code with respect to a delinquent Income Charge without the prior written consent of the Community Authority.

If the amount of Income Charge owed by a Resident in any Income Charge Year exceeds by more than twenty percent (20%) the figure listed on such Resident's Income Charge estimate for such year, there shall be added to the Income Charge a penalty of ten percent (10%) per annum on the difference between the Income Charge owed and one hundred and twenty percent (120%) of the figure listed on the estimate, plus interest at the greater of (A) the Late Payment Rate or (B) ten percent (10%) per year (or the maximum rate permitted under Ohio's usury laws, whichever is lower) on the sum of such difference and penalty. The interest shall be measured as to each installment of such Income Charge from the date on which such installment became due to the date of payment of such difference, penalty and interest. Notwithstanding the foregoing, such penalty and interest shall not be added if, in good faith, a Resident bases his Income Charge estimate upon his Income for the preceding Income Charge Year.

6.09. Income Charge Lien. The Income Charge established by Section 6.01 hereof, with respect to each Chargeable Parcel, together with any penalty and interest thereon, shall constitute a continuing lien in favor of the Community Authority on such Chargeable Parcel. If an installment of the Income Charge on any Chargeable Parcel is not paid within the period provided in Section 6.07 hereof, the lien with respect to such delinquent installment shall be enforceable in the manner provided in Section 4.04 hereof. Such lien shall be prior to all other liens and encumbrances, whenever perfected, on such Chargeable Parcel except real estate taxes and assessments and liens of the United States of America, the State of Ohio and all other political subdivisions or governmental instrumentalities of the State of Ohio to the extent made superior by applicable law. Such lien shall continue until paid or released as provided in this Article VI.

If a Resident who is required to file an estimate or a return hereunder fails to do so, or if the Community Authority has reason to believe that the amount of Income Charge is understated in any estimate or return, the Community Authority shall, for the purpose of bringing action to collect the Income Charge owed or for the purpose of releasing the lien, have the right to estimate the amount of Income Charge owed or, for the purpose of releasing the lien, have the right to estimate by any reasonable means the amount of Income Charge payable by any Resident.

6.10. Release of Lien in Event of Sale or Mortgage. In the event of sale or mortgaging of any Chargeable Parcel by the Owner, the Board shall have the authority to release the lien thereon attributable to the Income Charge for the current Income Charge Year. Such release shall be given only if such Owner (i) signs, causes his spouse (if any) to sign, and delivers to the Community Authority a written commitment form similar in form to the Income Charge commitment form provided in Section 6.11 hereof, (ii) causes each Resident of his Chargeable Parcel to sign and deliver to the Community Authority an Income Charge commitment form pursuant to Section 6.11 hereof, (iii) causes each Tenant of his Chargeable Parcel to sign and deliver to the Community Authority a Tenant's Income Charge commitment form as described in

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Section 6.14 hereof, and (iv) as to that portion of the Income Charge for which he and his spouse are personally obligated, makes such payments into an escrow account as the Board may reasonably require. Such release of lien shall not impair the personal obligation of such Owner to the Community Authority as provided in Section 6.17 hereof.

6.11. Release of Lien for Owners Without Tenants. To the extent that any portion of any Income Charge lien on a Chargeable Parcel is attributable to the Income of a Resident thereof (other than the Owner) who is not a Tenant, the Owner may obtain a release of such portion of the lien, by delivering to the Community Authority an Income Charge commitment form signed by such Resident. By such form, such Resident shall (i) personally obligate himself to the Community Authority (a) to pay to the Community Authority that portion of all Income Charges attributable to his Income, together with any penalty and interest thereon, (b) to file all Income Charge estimates and returns required to be filed by a Resident, and (c) to exhibit to the Community Authority such records and other evidence including in particular cases pertinent portions of applicable federal or state income tax returns as it may reasonably request solely to verify the information contained in any such Income Charge return, and (ii) appoint and designate the secretary of the Board as his agent for the service of process in any action brought by the Community Authority to enforce or collect the payment of any Income Charge payable by such Resident; provided, however, that such appointment and designation shall become effective only if such Resident has ceased to be a Resident, conceals his whereabouts, or otherwise makes it impossible for the Community Authority to personally serve process upon such Resident on the Property. The Board shall prescribe the Income Charge commitment form and may revise that form from time to time in accordance with the requirements of this Section.

6.12. Release of Lien for Owners with Tenants. To the extent that any portion of an Income Charge lien on a Chargeable Parcel is attributable to the Income of a Tenant thereof under a written lease or a tenancy at will or sufferance subsequent to the term of such written lease, the Owner may obtain a release of such portion of the lien by:

- (a) including in the lease those lease provisions required by Section 6.13 hereof; and
- (b) delivering to the Community Authority a Tenant's Income Charge commitment form as described in Section 6.14 hereof, signed by such Tenant.

Upon written request of the Community Authority, an Owner shall deliver an executed or certified copy of any lease for any portion of a Chargeable Parcel to the Community Authority.

To the extent that any portion of an Income Charge lien on a Chargeable Parcel is attributable to the Income of a Tenant under an oral lease or a tenancy at will or sufferance subsequent to the term of such oral lease, the Owner thereof may obtain a release of such portion of the lien by:

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- (a) certifying to the Community Authority the name of each Tenant on the Chargeable Parcel, the rent payable by each such Tenant, the date on which each such Tenant became a Tenant, and each such Tenant's place of employment; and
- (b) delivering to the Community Authority a Tenant's Income Charge commitment form as described in Section 6.14 hereof, signed by the Tenant with respect to whose Income the release is to be obtained.

6.13. Required Lease Provisions. Each Owner shall include in every lease of his Chargeable Parcel or any part thereof for the benefit of the Community Authority as a third-party beneficiary the following covenants and provisions:

- (a) The Tenant hereby personally obligates himself to the Community Authority (i) to pay to the Community Authority that portion of all Income Charges attributable to his Income, together with any penalty or interest thereon, (ii) to guarantee the payment to the Community Authority of that portion of all Income Charges attributable to the Income of all other Residents of the property leased by such Tenant, together with any penalty and interest thereon, (iii) to file all Income Charge estimates and returns required to be filed by a Resident under this Declaration, and (iv) to exhibit to the Community Authority such records and other evidence including in particular cases pertinent portions of applicable federal or state income tax returns as it may reasonably request solely to verify the information contained in any such Income Charge return.
- (b) The Tenant shall, concurrently herewith, execute and deliver to the Community Authority the Tenant's Income Charge commitment form described in Section 6.14.
- (c) The Tenant hereby appoints and designates the Secretary of the Board as his agent for the service of process in any action brought by the Community Authority to enforce or collect the payment of any portion of an Income Charge payable by the Tenant pursuant to paragraph (a) above, together with any penalty and interest thereon; provided, however, that such appointment and designation shall become effective only if the Tenant has ceased to be a Resident, conceals his whereabouts, or otherwise makes it impossible for the Community Authority to personally serve process upon such Tenant on the Property.
- (d) The Tenant shall impose the same covenants and provisions contained in paragraphs (a), (b) and (c) above in every sublease and assignment of his leasehold interest and shall require that the same be imposed in every further sublease and assignment.

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- (e) The words Community Authority, Declaration, Income Charge, Residents, Secretary of the Board and Tenant shall have the same meaning as defined in Article II of the Declaration of Covenants, Restrictions and Agreements for Jerome Village Community Authority in the County of Union, Ohio.

6.14. Tenant's Income Charge Commitment Form. By executing the Tenant's Income Charge commitment form, the Tenant shall (i) personally obligate himself to the Community Authority (a) to pay to the Community Authority that portion of Income Charges attributable to his Income, together with any penalty and interest thereon, (b) to guarantee the payment to the Community Authority of that portion of all Income Charges attributable to the Income of all other Residents of the property leased by such Tenant, together with any penalty and interest thereon, (c) to file all Income Charge estimates and returns required to be filed by a Resident, (d) to exhibit to the Community Authority such records and other evidence including in particular cases pertinent portions of applicable federal or state income tax returns as it may reasonably request solely to verify the information contained in any such Income Charge return, and (e) to impose the same covenants and provisions as contained in this Section in every sublease and assignment of his leasehold interest and to require that the same be imposed in every further sublease and Assignment, and (ii) appoint and designate the Secretary of the Board as his agent for the service of process in any action brought by the Community Authority to enforce or collect the payment of that portion of any Income Charge, together with any penalty and interest thereon, for which the Tenant is liable; provided, however, that such appointment and designation shall become effective only if the Tenant has ceased to be a Resident, conceals his whereabouts, or otherwise makes it impossible for the Community Authority to personally serve process upon such Tenant on the Property. The Board shall prescribe the Tenant's Income Charge commitment form and may revise that form from time to time in accordance with the requirements of this Section.

6.15. Release of Tenant from Guarantee. Any Tenant shall be released from his guarantee under Sections 6.13 and 6.14 hereof with respect to that portion of all Income Charges attributable to the Income of any other Resident of the property leased by such Tenant, except a subtenant of the Tenant or an assignee of the Tenant's leasehold interest, by delivering to the Community Authority an Income Charge commitment form as described in Section 6.11 hereof signed by such other Resident. Any Tenant shall be released from his guarantee under Sections 6.13 and 6.14 hereof with respect to that portion of all Income Charges attributable to the Income of a subtenant or an assignee of the Tenant's interest and all persons and entities claiming under either of them by delivering to the Community Authority a Tenant's Income Charge commitment form as described in Section 6.14 hereof signed by such subtenant or assignee.

6.16. Records and Other Evidence; Service of Process. Each Owner of any Chargeable Parcel, by the acceptance of a deed therefor, (i) personally obligates himself to exhibit to the Community Authority such records and other evidence including in particular cases pertinent portions of applicable federal or state income tax returns as it may reasonably request solely to verify the information contained in any Income Charge return required to be filed by the Owner

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hereunder, and (ii) appoints and designates the Secretary of the Board as his agent for the service of process in any action brought by the Community Authority to enforce or collect the payment of any Income Charge payable by such Owner; provided, however, that such appointment and designation shall become effective only if the Owner is not a Resident or, having become a Resident, has ceased to be a Resident, conceals his whereabouts, or otherwise makes it impossible for the Community Authority to personally serve process upon such Owner on the Property.

6.17. Personal Obligation. Each Owner shall be and remain personally obligated for the payment of that portion of all Income Charges with respect to his Chargeable Parcel, together with penalty and interest thereon and costs of collection as provided herein, which is attributable to his Income. Each Owner shall be and remain obligated for the payment of that portion of all Income Charges with respect to his Chargeable Parcel, together with penalty and interest thereon, which is attributable to the Income of all other Residents thereof, but the Community Authority shall enforce collection of such portion only in accordance with Section 4.04 hereof, and an Owner shall be relieved of his obligation with respect to such portion attributable to the Income of such other Residents who have executed a commitment form pursuant to this Article VI.

6.18. Estimates and Returns. All estimates, returns and other documents described in or required by this Article VI shall be in such form as may be prescribed by the Board. The failure of any Resident to receive or procure an estimate, return, declaration or other required form shall not excuse him from filing such form or from paying his Income Charge.

All information contained in any estimate, return or other document or otherwise obtained by the Board pursuant to this Article VI shall be treated in a confidential manner and, except pursuant to subpoena or as may be necessary in connection with any action for the collection of any Income Charge or the enforcement of any lien relating thereto, no such information with respect to any Income Charge shall be disclosed. Nothing contained in this Section shall be deemed to preclude disclosure on a statistical or other basis not permitting identification of such information with particular persons or entities.

6.19. Evidence Regarding Liens. The Community Authority shall promptly furnish each Owner written acknowledgment of receipt of any commitment form relating to his parcel furnished to it pursuant to Section 6.11 and 6.12 hereof. The Community Authority shall also promptly furnish each Tenant written acknowledgement of receipt of any commitment form relating to his guarantee furnished to it pursuant to Section 6.15 hereof. Such acknowledgments shall constitute conclusive evidence of the release of the portion of the lien or guarantee attributable to the Resident or Tenant signing such commitment form.

Upon the request of the Owner or any mortgagee or lessee of any Chargeable Parcel or any prospective purchaser, mortgagee or lessee thereof, the Board shall furnish written evidence of the existence or absence of Income Charge liens and, to the extent known on the basis of available data, the amount thereof. Absent the existence of any Recorded evidence of unpaid

Income Charge liens, such statement by the Board may be conclusively relied upon by any such party and by anyone furnishing any title evidence or opinion with respect to such Chargeable Parcel.

6.20. Income Tax Administrator. The Community Authority may appoint an Income Charge Administrator and designate others as agents to carry out its duties pursuant to this Article VI.

ARTICLE VII

PROCEDURE FOR WAIVER, REDUCTION, INCREASE OR TERMINATION OF THE COMMUNITY DEVELOPMENT CHARGE

7.01. Fiscal Meeting. Annually, the Board shall hold a Fiscal Meeting to determine whether any of the Community Development Charge should be waived, reduced, increased (but only as hereafter provided) or terminated. The Fiscal Meeting shall be held on such date as the Board shall determine. The Fiscal Meeting shall be open to the public, and the Board shall take no action to waive, reduce, increase or terminate the Community Development Charge except at a Fiscal Meeting.

7.02. Notice of Fiscal Meeting. Notice of the Fiscal Meeting shall be given by the Board in compliance with Section 121.22 of the Ohio Revised Code. Such notice shall specify the place, date and hour of the Fiscal Meeting and state that it is the Fiscal Meeting required by this Article VII.

7.03. Waiver, Reduction, Increase or Termination. At any Fiscal Meeting, the Board may waive, reduce, increase or terminate all or a portion of the Community Development Charge for one or more years or to a stated date or adjust the method by which the Income Charge is calculated in a manner that reduces the Income Charge for all Residents. The reduction or waiver of a portion of the Community Development Charge authorized by this Section may include but is not limited to an additional reduction or waiver, separate and distinct from any other reduction or waiver, for the early payment of the Community Development Charge by an Owner. Notwithstanding any other provision of this Declaration, no waiver, reduction or termination of the Community Development Charge shall be effective if it is inconsistent with the express obligations of the Community Authority under the terms of any outstanding Community Authority agreement, bonds, notes or loans authorized by the Community Authority under Chapter 349.

At any Fiscal Meeting held on and after the date that the Initial Private Developer is no longer entitled under Chapter 349 of the Ohio Revised Code and the Petition to appoint any members of the Board, the Board may increase the Community Development Charge or adjust the method by which the Income Charge is calculated in a manner that increases the Income Charge for any Resident by the affirmative vote of at least six (6) of the seven (7) Board members.

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Except as otherwise provided in this Declaration: (i) every action taken by the Board pursuant to this Article VII shall be governed by, and taken with reference to, the fiscal requirements of the Community Authority for the year for which the Community Development Charge is to be collected as reflected in the budget for that year adopted by the Board, which budget may provide for reasonable reserves and the development of funds for future uses and contingencies; and (ii) any action by the Board relating to the waiver, reduction or termination of any of the Community Development Charge shall be taken only after the Board has determined that the Community Development Charge to be waived, reduced or terminated is not needed for any of the purposes for which the Community Development Charge has been established as set forth in Section 4.02 hereof. Notwithstanding any other provision of this Declaration, if a Chargeable Parcel is removed from the New Community District pursuant to a supplemental Declaration, the Community Development Charge shall permanently terminate as to the Chargeable Parcel immediately on the date that such Chargeable Parcel has been removed from the New Community District; provided, however, that no Chargeable Parcel may be removed from the New Community District without the consent of the Initial Private Developer so long as it owns or controls any of the Property.

7.04. Discretion of the Board. Subject to the provisions of this Declaration and all applicable provisions of valid agreements of the Community Authority, the decision to waive, reduce, increase or terminate the Community Development Charge as provided herein shall otherwise be solely within the discretion of the Board.

ARTICLE VIII

COMMUNITY FACILITIES

8.01. Rights of Enjoyment in Community Facilities and Public Land Development. Each Owner shall have a right of use and enjoyment of the Community Facilities and Land Development within the New Community District that are of the type available for direct use by Owners, and such right shall be appurtenant to, and shall pass with the title of, the Owner's Parcel. Each Resident shall have a nontransferable privilege to use and enjoy the Community Facilities. Such rights and privileges, and any other use thereof, shall be subject, however, to the following:

(a) The right of the Board to issue Community Authority bonds or notes under Section 349.08 of the Ohio Revised Code, to take out loans under Section 349.06(J) of the Ohio Revised Code or to otherwise borrow for the purposes permitted under Chapter 349 and in aid thereof to mortgage or to otherwise encumber, and prescribe changes, conditions and requirements with respect to, the Community Facilities and Land Development.

(b) The right of the Board to adopt, modify and enforce, and from time to time to amend, reasonable rules and regulations pertaining to the use of the Community Facilities and Land Development, including, but not limited to, regulations requiring use

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and regarding the mode of use and limiting the number of guests of Owners and Residents who may use the Community Facilities and Land Development.

(c) The right of the Board to establish and charge reasonable admission, use and other fees for the use or availability of any of the Community Facilities and Land Development, including the right of the Board to fix, alter, impose, collect and receive reasonable service and user fees, rentals and other charges (including deposits, penalties and interest). In establishing any such fee, the Board may establish reasonable classifications. Each fee must be uniform within each class but need not be uniform between classes.

(d) The right of the Board to suspend (i) for a reasonable period of time, the right of any Owner or the privilege of any Resident to use the Community Facilities or Land Development for any infraction of the rules and regulations relating to the Community Facilities or Land Development, and (ii) the right of any Owner and the privilege of each Resident claiming through such Owner to use the Community Facilities or Land Development for any period during which the Assessed Valuation Charge or Income Charge or any other Community Fee, Utility Access/Community Fee, user fees, rentals or other charges payable by such Owner or by the Resident remains unpaid and delinquent; provided that each such right of suspension shall not, in itself, prevent ingress to or egress from such Owner's or Resident's Place of Residence or Place of Business or threaten the life, safety or health of a Resident.

(e) Such rights as the Board may have to grant easements in or rights of way over Land Development or Community Facilities to any public utility corporation or public agency.

(f) Such rights as the Board may have to convey or lease all or any part of the Land Development or Community Facilities.

(g) All applicable provisions of valid agreements of the Community Authority relating to the Land Development or Community Facilities.

The foregoing rights of the Board stated in clauses (a) through (g) are hereby established as part of the authority of the Board and, through it, of the Community Authority and are in addition to any other authority they may exercise.

8.02. Subordination to Mortgage or Other Lien. The rights and privileges provided in this Article VIII shall be subordinate to any mortgage or other lien given by the Community Authority for the purposes of acquiring, improving or maintaining the Community Facilities or Land Development.

ARTICLE IX

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COMMUNITY FEE

9.01. Community Fee Covenant. The Initial Private Developer and the Initial Owners hereby covenant, and each Owner (except as exempt in Section 9.04 hereof) of any Parcel within the initial boundaries of the New Community District, by acceptance of a deed or other instrument or conveyance therefor, shall covenant and be deemed to covenant to pay or secure the payment to the Community Authority of the Community Fee which is applicable to the Owner's Parcel as provided in this Article IX. Each Owner shall be and remain personally obligated for the payment of the Community Fee with respect to that Owner's Parcel, including any penalties and interest thereon and costs of collection as provided herein.

9.02. Purpose of Community Fee. The Community Fee is established and will be collected as a charge under Section 349.06(E) to cover costs in carrying out the New Community Development Program.

The Community Fee shall initially be allocated and paid to Jerome Township as a credit toward the Jerome Village General Township Contribution or the Jerome Village Fire Safety Contribution, in recognition of the increased costs incurred by Jerome Township and the increased need for fire and safety services to be provided by Jerome Township as a consequence of the development of the New Community District and as a condition of zoning, until the overall cap of \$7,650,000 on payments from all sources to the Jerome Village General Township Contribution and the Jerome Village Fire Safety Contribution is reached. Thereafter, all additional receipts from the Community Fee shall be allocated and paid to the Community Authority to assist in the financing of Community Facilities and other services provided by the Community Authority.

9.03. Amount and Collection of Community Fee. At the time a building permit is issued or eligible to be issued for any dwelling or commercial structure, the Owner of each Development Parcel within the initial boundaries of the New Community District shall pay to the Community Authority a one-time Community Fee as follows:

- (a) \$200 per single-family unit;
- (b) \$100 per multi-family unit;
- (c) \$0.25 per sq. ft. of commercial, industrial, warehouse, office or institutional space;

provided, that if a Development Parcel is further subdivided after payment of the Community Fee for that Development Parcel, the resulting Parcel on which the dwelling or commercial structure for which the Community Fee was paid shall not be further subject to the Community Fee requirement, but each other resulting Parcel shall be subject to the payment of the Community Fee requirement. If any Community Fee is not paid by the date provided in this Section for the payment thereof, there shall be added to the Community Fee as of the due date of such fee (i) a penalty of ten percent (10%) thereof, plus (ii) interest on the sum of (1) the amount

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of such fee, (2) the interest that has accrued thereon for more than six months, and (3) the penalty until paid at ten percent (10%) per year (or the maximum rate permitted under Ohio's usury laws, whichever is lower), and (iii) any costs of the Community Authority incurred in connection with the enforcement of the Community Fee or any penalties, interests or costs thereon, including reasonable attorneys' fees. Any payments of less than the full amount shall be credited first against the penalty, second against the interest accrued to the date of payment and third to the balance due. The applicable penalties, interest and costs are part of the Community Fee.

9.04. Exemption from Payment of Community Fee. The Community Fee will not be charged to governmental facilities (e.g., the Township, Township Fire Department, schools, library) or for public facilities such as the proposed Community Center and Recreation Center and Jerome Township Fire Station.

9.05. Adjustment to Community Fee. The Community Fee shall be subject to adjustment from time to time by the Initial Private Developer, so long as it owns or controls any of the Property, and thereafter by the Board, to account for inflation and increased costs. The determination of the amount of inflation and increased costs and the way in which such amount has been calculated, and any adjustment to the Community Fee by the Initial Private Developer or the Board, as applicable, shall be conclusive (absent manifest error) as to the amounts thereof.

ARTICLE X

UTILITY ACCESS/COMMUNITY FEE

10.01. Utility Access/Community Fee Covenant. Each Owner (except as exempt in Section 10.04 hereof) of a Parcel outside the initial boundaries of the New Community District that joins the Community Authority to access utilities shall covenant and be deemed to covenant to pay or secure the payment to the Community Authority of the Utility Access/Community Fee which is applicable to the Owner's Parcel as provided in this Article X. Any such Owner joining the Community Authority to access utilities must do so in accordance with the requirements of Article III hereof, and that Owner and Parcel will thereafter be subject to all Restrictions provided for in this Declaration, including, but not limited to, the obligation to pay the Community Development Charge. Each Owner shall be and remain personally obligated for the payment of the Utility Access/Community Fee with respect to that Owner's Parcel, including any penalties and interest thereon and costs of collection as provided herein.

10.02. Purpose of Utility Access/Community Fee. The Utility Access/Community Fee is established and will be collected as a charge under Section 349.06(E) to cover costs in carrying out the New Community Development Program.

The Utility Access/Community Fee shall initially be allocated and paid as follows:

- (a) 80% for the Community Authority to offset upfront infrastructure costs;

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(b) 20% to Jerome Township as a credit toward the Jerome Village General Township Contribution or the Jerome Village Fire Safety Contribution.

There is an overall cap of \$7,650,000 on payments from all sources to the Jerome Village General Township Contribution and the Jerome Village Fire Safety Contribution. Once this cap is reached, all additional receipts constituting that portion of the Utility Access/Community Fee that would have been allocated and paid to the Jerome Village General Township Contribution or the Jerome Village Fire Safety Contribution shall thereafter be allocated and paid to the Community Authority to assist in the financing of Community Facilities and other services provided by the Community Authority.

10.03. Amount and Collection of Utility Access/Community Fee. At the time a building permit is issued or eligible to be issued for any dwelling or commercial structure, the Owner of each Parcel outside the initial boundaries of the New Community District that joins the Community Authority to access utilities shall pay to the Community Authority a one-time Utility Access/Community Fee as follows:

- (a) \$1,000 per single-family unit;
- (b) \$500 per multi-family unit;
- (c) \$0.50 per sq. ft. of commercial, industrial, warehouse, office or institutional space.

provided, that if a Parcel is further subdivided after payment of the Utility Access/Community Fee for that Parcel, the resulting Parcel on which the dwelling or commercial structure for which the Utility Access/Community Fee was paid shall not be further subject to the Utility Access/Community Fee requirement, but each other resulting Parcel shall be subject to the payment of the Utility Access/Community Fee requirement. If any Utility Access/Community Fee is not paid by the date provided in this Section for the payment thereof, there shall be added to the Utility Access/Community Fee as of the due date of such fee (i) a penalty of ten percent (10%) thereof, plus (ii) interest on the sum of (1) the amount of such fee, (2) the interest that has accrued thereon for more than six months, and (3) the penalty until paid at ten percent (10%) per year (or the maximum rate permitted under Ohio's usury laws, whichever is lower), and (iii) any costs of the Community Authority incurred in connection with the enforcement of the Utility Access/Community Fee or any penalties, interests or costs thereon, including reasonable attorneys' fees. Any payments of less than the full amount shall be credited first against the penalty, second against the interest accrued to the date of payment and third to the balance due. The applicable penalties, interest and costs are part of the Utility Access/Community Fee.

10.04. Exemption from Payment of Utility Access/Community Fee. The Utility Access/Community Fee will not be charged to governmental facilities (e.g., Jerome Township, Jerome Township Fire Department, schools, library) or for public facilities such as the proposed Community Center and Recreation Center and Jerome Township Fire Station.

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10.05. Adjustment to Utility Access/Community Fee. The Utility Access/Community Fee shall be subject to adjustment from time to time by the Initial Private Developer, so long as it owns or controls any of the Property, and thereafter by the Board, to account for inflation and increased costs. The determination of the amount of inflation and increased costs and the way in which such amount has been calculated, and any adjustment to the Utility Access/Community Fee by the Initial Private Developer or the Board, as applicable, shall be conclusive (absent manifest error) as to the amounts thereof.

ARTICLE XI

DURATION, AMENDMENT AND TERMINATION

11.01. Effective Date. The Restrictions shall be effective and shall be, and be deemed, covenants running with the land when this Declaration is Recorded (the "Effective Date"). Subsequent to the Effective Date, no Community Development Charge, Community Fee or Utility Access/Community Fee shall be collected, and the Community Authority shall have no rights or obligations hereunder until the Community Authority executes and there is Recorded an instrument by which the Community Authority joins in this Declaration for the purposes of accepting the duties, responsibilities and benefits imposed and conferred on it by the Restrictions.

11.02. Duration and Effect. The Restrictions (i) shall be, and be construed as, covenants running with the land; (ii) shall be binding upon the Developers, the Community Authority and each Owner and Resident; and (iii) shall inure to the benefit of and be enforceable by (a) the Developers or the Community Authority (regardless of whether or not any such beneficiary owns an interest in any Parcel), (b) each Owner, and (c) any Resident. The Restrictions shall continue in full force and effect unless amended, stayed or terminated pursuant to Section 11.03 hereof.

11.03. Stay or Termination of Restrictions. The Restrictions shall terminate, if and effective as of the date when, there occurs a dissolution of the Community Authority pursuant to Chapter 349. Notwithstanding any other provision of this Declaration, no termination, stay or amendment of the Restrictions shall be effective to the extent it is inconsistent with the express obligations of the Community Authority under the terms of any outstanding Community Authority bonds, notes or loans authorized by the Community Authority under Chapter 349. Further, except as hereafter provided, no termination due to dissolution of the Community Authority pursuant to Chapter 349 shall be effective unless approved in writing by each Developer owning any of the Parcels or, if no Developer owns any Parcels, by a majority vote of Owners of all Parcels, with each Parcel receiving one vote, at the time of execution of such termination document. Notwithstanding any other provision of this Declaration, the Restrictions shall terminate and shall be null and void automatically as to any Chargeable Parcel if and on the date that such Chargeable Parcel is removed from the New Community District pursuant to an amendment to this Declaration; provided, however, that no Chargeable Parcel may be removed from the New Community District without the consent of the Initial Private Developer so long as it owns or controls any of the Property. No amendments to this Section shall be permitted without the written consent of 66% of the Owners at the time such amendment is proposed.

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If a final judicial adjudication is rendered, or lawful executive or legislative action is taken by the government of the State of Ohio, which effectively enjoins or prevents the Community Authority from (i) implementing or collecting the Community Development Charge or (ii) carrying out any other substantial or important duty or responsibility imposed on it under this Declaration or receiving or accepting any other substantial or important benefit granted to it by this Declaration, the Community Authority and each Developer owning any of the Parcels shall, within thirty (30) days after the rendition of such adjudication or the taking of such action (or such longer period that they may agree upon), attempt to agree upon a course of action that will remedy any defect identified in such adjudication or created by such action. If within such thirty-day (or extended) period no course of action is agreed upon by the Community Authority and each Developer owning any of the Parcels, subject to any applicable restrictions pertaining to outstanding bonds, notes or loans authorized by the Community Authority under Chapter 349, the Restrictions shall be terminated on such date as shall be designated in a written declaration of termination by (i) each Developer for the portion of the Property being developed by such Developer if within the Development Period for such Property, or (ii) the Community Authority with respect to any portion of the Property as to which the Development Period has concluded.

If the Restrictions are required or permitted to be terminated or stayed pursuant to this Section, such termination or stay shall become effective when a certificate or other document stating the authority for such termination or stay and signed by the person or entity or entities empowered to effect such termination or stay is Recorded. If the Restrictions terminate, stay or resume automatically, a certificate or other document stating the authority for such termination, stay or resumption and the effective date thereof shall promptly be Recorded by (i) each Developer for the portion of the Property being Developed by such Developer if within the Development Period for such Property, or (ii) the Community Authority with respect to any portion of the Property as to which the Development Period has concluded.

All rights and obligations which had accrued under the Restrictions prior to the date of termination or stay shall survive such termination or stay, including, without limitation, all personal obligations and liens under this Declaration.

ARTICLE XII

AMENDMENTS AND SUPPLEMENTS

12.01. Amendments or Supplements Not Requiring Consent of Owners. Without the consent of or notice to any of the Owners, the Initial Private Developer (so long as it owns or controls any of the Property) or the Community Authority may amend or supplement this Declaration (i) to meet the requirements of institutional mortgagees, guarantors and insurers of first mortgage loans; (ii) to bring this Declaration into compliance with the requirements of Chapter 349, as amended from time to time; (iii) to cure any ambiguity, inconsistency or formal defect or omission or eliminate any typographical or other inadvertent error; (iv) to grant to or confer upon the Community Authority, for the benefit of the Owners, the Developers or the Community Authority, any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, the Developers or the Community Authority; (v) to

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make or accommodate adjustments in the manner or method for billing and collecting the Community Development Charge, the Community Fee or the Utility Access/Community Fee, or to reduce or eliminate the Community Development Charge, the Community Fee or the Utility Access/Community Fee; (vi) as provided in Article III hereof; (vii) to conform this Declaration to any amendment permitted by Section 349.03 of the Ohio Revised Code to the Petition filed pursuant to that Section to organize the Community Authority; (viii) to permit the Developers or the Community Authority to comply with any obligations imposed upon it by law; (ix) to specify further the duties and responsibilities of, and to define further the relationship among, the Owners, the Developers and the Community Authority; (x) to admit Additional Private Developers to this Declaration by supplemental Declaration under Article III hereof or otherwise; (xi) to remove one or more Parcels from the New Community District; or (x) to make any other amendment which, in the judgment of the Community Authority, is not to the material prejudice of the Owners; provided, however, that there shall be no amendment or supplement to this Declaration by the Community Authority without the consent of the Initial Private Developer so long as it owns or controls any of the Property.

12.02. Amendments or Supplements Requiring Consent of Owners. Except as provided in Sections 7.03, 11.03 or 12.01 hereof, no provision of this Declaration may be amended or supplemented, in whole or in part, or terminated without the written consent of (i) each Developer then owning any Parcels to be affected by the proposed amendment or supplement, (ii) not less than 66% of the number of Owners of all Parcels to be affected by the proposed amendment or supplement and as to which the Development Period has ended, and (iii) the Community Authority.

For the purposes of this Section only, all Owners of a Parcel shall be deemed to constitute one Owner and together shall only have one consent for the Parcel.

In connection with any bonds, notes or loans authorized by the Community Authority under Chapter 349, the Community Authority may agree that no amendment may be made to this Declaration and no waiver, reduction or termination of the Community Development Charge may be made without the consent of or on behalf of the holders of such securities or without the consent of any provider of a "Credit facility" as defined in Section 9.98(G) of the Ohio Revised Code.

The Secretary shall determine (i) whether the Owners have consented to any amendment or supplement of this Declaration and (ii) whether, if their consent is necessary, the Developers or the holders of any outstanding Community Authority bonds, notes or loans issued under Chapter 349 or provider of a "Credit facility" as defined in Section 9.98(G) of the Ohio Revised Code have consented to any such amendment or supplement of this Declaration. Such determinations of the Secretary shall be conclusive against all Owners.

12.03. Recording of Amendments and Supplements. Promptly after any amendment or supplement of this Declaration, the Secretary shall cause to be Recorded a written instrument certified by the Secretary setting forth such amendment or supplement and stating that any required written consents were obtained.

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ARTICLE XIII

MISCELLANEOUS

13.01. Priority. The Restrictions contained in this Declaration shall take priority over all other covenants, conditions, restrictions or easements applicable to any Parcel whatsoever, to the extent permitted by law and except as otherwise provided herein.

13.02. Reservation. Subject to this Declaration being recorded but prior to the New Community District being created pursuant to Chapter 349, the Developers may sell to purchasers (each, a "Purchaser" and collectively, the "Purchasers") lots or condominium interests which may comprise a part of the Property and be included as part of the New Community District (individually, a "Lot" or collectively, the "Lots"). Each Purchaser, and each Purchaser's successors and assigns, shall be deemed an Owner and shall take title to a Lot subject to this Declaration. In order to more fully provide for the inclusion of the Lots as part of the New Community District, the Developers hereby reserve to themselves and their successors and assigns a reservation in the Lots and a beneficial interest and control therein solely for the purpose of including the Lots as part of the New Community District. In consideration of the transfer of a Lot to a Purchaser, a Purchaser shall take title to a Lot subject to such reservation. In recognition of such reservation, and in order to more fully evidence such Developer's reservation, such Purchaser irrevocably constitutes and appoints such Developer as such Purchaser's true and lawful attorney-in-fact, coupled with an interest, in such Purchaser's name, place and stead for the limited purpose of taking, and delegates to such Developer the authority to take, all such action that is necessary and appropriate, in accordance with Chapter 349, to include such Purchaser's Lot within the New Community District. Acceptance by a Purchaser of a deed or other instrument of conveyance from a Developer or from any other Owner shall constitute appointment of the attorney-in-fact as provided herein. The reservation and appointment reserved and granted hereby shall automatically terminate on the date on which a Purchaser's Lot, in accordance with Chapter 349, is accepted and established as part of the New Community District. The durable power of attorney is coupled with an interest and shall not be affected by the death or disability of the Purchaser.

13.03. No Reverter. No covenant, condition, restriction or reservation contained in this Declaration is intended to create, or shall be construed as creating, a possibility of reverter or, except as provided in Sections 5.01, 6.01 and 11.01 hereof, a condition subsequent.

13.04. Severability. In case any section or provision of this Declaration, or any Restriction, agreement, obligation, act or action, or part thereof, made, assumed, entered into, done or taken under this Declaration or a Restriction, or any application thereof, is held to be illegal or invalid for any reason, or is inoperable at any time, that illegality, invalidity or inoperability shall not affect the remainder of this Declaration or any other section or provision of this Declaration or any other Restriction, agreement, obligation, act or action, or part thereof, made, assumed, entered into, done or taken under this Declaration, all of which shall be construed and enforced at the time as if the illegal, invalid or inoperable portion were not contained therein. Any illegality, invalidity or inoperability shall not affect any legal, valid and

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operable section, provision, restriction, agreement, obligation, act, action, part or application, all of which shall be deemed to be effective, operative, made, assumed, entered into, done or taken in the manner and to the full extent permitted by law from time to time.

13.05. Construction. The Board, where specifically authorized herein to act, shall have the right to construe the provisions of this Declaration and, in the absence of an adjudication by a court of competent jurisdiction to the contrary, such construction shall be final and binding as to all persons and entities benefited or bound by the provisions of this Declaration.

13.06. Headings. The headings of the Articles and Sections are for convenience only and shall not affect the meaning or construction of the contents of this Declaration.

13.07. Interpretation and References. Any reference in this Declaration to a section or provision of the Ohio Revised Code or to the laws of the State of Ohio shall, unless otherwise provided herein, include that section or provision and those laws as from time to time amended, modified, revised, supplemented or superseded. However, no such amendment, modification, revision, supplementation or supersession, or further action by the General Assembly, shall alter the obligation to pay the Community Development Charge in the amount and manner and at the times provided in this Declaration or otherwise impair the application of the Restrictions, except to the extent that the Restrictions cannot be sustained by reason of such amendment, modification, revision, supplementation or supersession.

Unless the context otherwise indicates, the masculine gender shall be deemed to include the feminine and neuter, and the singular shall be deemed to include the plural and vice versa.

References in this Declaration to sections and articles, unless otherwise stated, are to sections and articles of this Declaration. The terms "hereof," "herein," "hereby," "hereto" and "hereunder," and similar terms, mean and refer to this Declaration.

[signature pages follow]


This document prepared by: Squire, Sanders & Dempsey L.L.P.
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215

EXECUTION COPY

IN WITNESS WHEREOF, Jerome Village Company, LLC, has caused this Declaration to be executed by its duly authorized representative as of the day and year first above written.

JEROME VILLAGE COMPANY, LLC,
an Ohio limited liability company

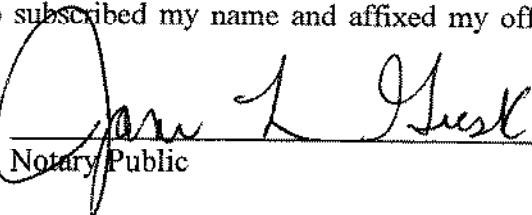
By: Nationwide Realty Investors, Ltd., its
member and manager

By: 
Brian J. Ellis, President and Chief
Operating Officer

STATE OF OHIO)
COUNTY OF Franklin) SS:

The foregoing instrument was acknowledged before me this 17 day of February, 2010, by Brian J. Ellis, the President and Chief Operating Officer of Nationwide Realty Investors, Ltd, a member and the manager of JEROME VILLAGE COMPANY, LLC, on behalf of Jerome Village Company, LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.


Notary Public



JANICE L. GRESKO
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

IN WITNESS WHEREOF, Jerome United Methodist Church, Inc., has caused this Declaration to be executed by its duly authorized representative as of the day and year first above written.

JEROME UNITED METHODIST
CHURCH, INC., as an Initial Owner

By: [Signature]

Print Name: Judson W. Smith

Title: Chair Administrative Council

STATE OF OHIO)
COUNTY OF UNION) SS:

The foregoing instrument was acknowledged before me this 1 day of December, 2009, by Judson Smith, the Chair Admin Council of JEROME UNITED METHODIST CHURCH, INC., on behalf of Jerome United Methodist Church, Inc.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.

[Signature]
Notary Public



CHRISTINE M. MILLS
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Union County
My Comm. Exp. 9/27/20 12

IN WITNESS WHEREOF, J.A.S. Limited Partnership has caused this Declaration to be executed by its duly authorized representative as of the day and year first above written.

J.A.S. LIMITED PARTNERSHIP,
as an Initial Owner

By: *Dan Slane*

Print Name: Dan Slane

Title: Owner

STATE OF OHIO
COUNTY OF Franklin) SS:

The foregoing instrument was acknowledged before me this 5th day of February, 2010, by Daniel M. Slane, the Owner of J.A.S. LIMITED PARTNERSHIP, on behalf of J.A.S. Limited Partnership.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.

Marcia A. McCoy
Notary **MARCIA A. MCCOY**
Notary Public
State of Ohio
My Commission Expires April 15, 2012

IN WITNESS WHEREOF, John R. Andrews, Trustee of the John R. Andrews Living Trust, has caused this Declaration to be executed as of the day and year first above written.

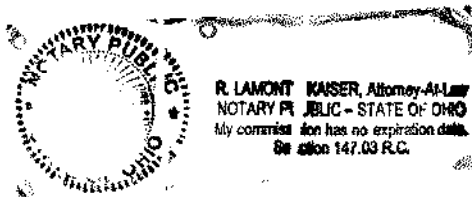
JOHN R. ANDREWS, Trustee of the John R. Andrews Living Trust, as an Initial Owner

John R. Andrews Trustee

STATE OF OHIO)
COUNTY OF Lawrence) SS:

The foregoing instrument was acknowledged before me this 5th day of November 2009, by JOHN R. ANDREWS, Trustee of the John R. Andrews Living Trust, as his free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.



R. Lamont Kaiser
Notary Public

IN WITNESS WHEREOF, George Edward Andrews and Rebecca J. Andrews have caused this Declaration to be executed as of the day and year first above written.

GEORGE EDWARD ANDREWS,
as an Initial Owner

George E Andrews

REBECCA J. ANDREWS,
as an Initial Owner

Rebecca J Andrews

STATE OF OHIO)
COUNTY OF Union) SS:

The foregoing instrument was acknowledged before me this 10th day of November ²⁰2009, by GEORGE EDWARD ANDREWS, as his free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.



STEPHANIE SCHNARR
Notary Public, State of Ohio
My Commission Expires May 11, 2013

[Signature]
Notary Public

STATE OF OHIO)
COUNTY OF Union) SS:

The foregoing instrument was acknowledged before me this 10th day of November 2009, by REBECCA J. ANDREWS, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.



STEPHANIE SCHNARR
Notary Public, State of Ohio
My Commission Expires May 11, 2013

[Signature]
Notary Public

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IN WITNESS WHEREOF, William Henry Andrews has caused this Declaration to be executed as of the day and year first above written.

WILLIAM HENRY ANDREWS,
as an Initial Owner

William H. Andrews

STATE OF OHIO)
COUNTY OF Franklin) SS:

The foregoing instrument was acknowledged before me this 11 day of Nov, 2009, by WILLIAM HENRY ANDREWS, as his free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.

Jennifer L. McGrady

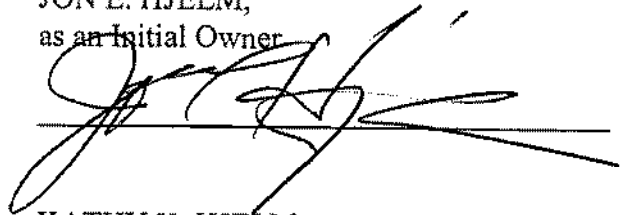
Notary Public



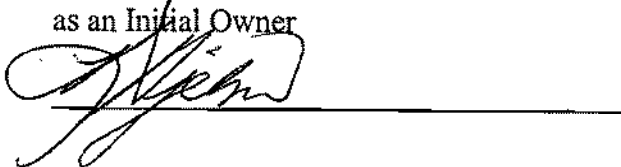
JENNIFER L. MCGRADY
Notary Public, State of Ohio
My Commission Expires 04-24-2010

IN WITNESS WHEREOF, Jon E. Hjelm and Kathy K. Hjelm have caused this Declaration to be executed as of the day and year first above written.

JON E. HJELM,
as an Initial Owner



KATHY K. HJELM,
as an Initial Owner



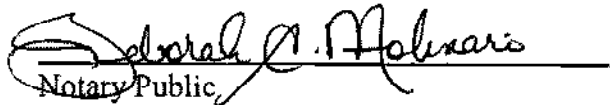
STATE OF OHIO)
COUNTY OF Franklin) SS:

The foregoing instrument was acknowledged before me this 9TH day of December 2009, by JON E. HJELM, as his free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.



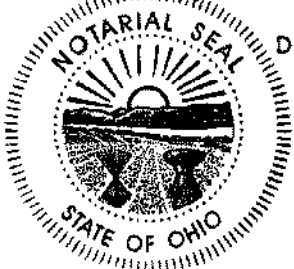
DEBORAH C. MOLINARO
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
February 01, 2010


Notary Public

STATE OF OHIO)
COUNTY OF Franklin) SS:

The foregoing instrument was acknowledged before me this 9TH day of December 2009, by KATHY K. HJELM, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.



DEBORAH C. MOLINARO
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
February 01, 2010


Notary Public

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IN WITNESS WHEREOF, William H. Marx, Jr., and Christine S. Marx have caused this Declaration to be executed as of the day and year first above written.

WILLIAM H. MARX, JR.,
as an Initial Owner

[Signature]

CHRISTINE S. MARX,
as an Initial Owner

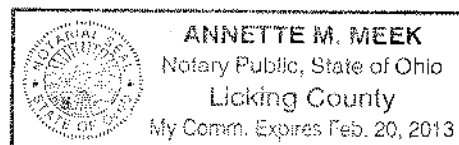
[Signature]

STATE OF OHIO)
COUNTY OF Licking) SS:

The foregoing instrument was acknowledged before me this 3 day of November 2009, by WILLIAM H. MARX, JR., as his free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.

[Signature]
Notary Public

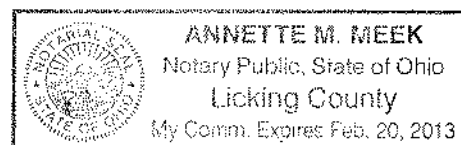


STATE OF OHIO)
COUNTY OF Licking) SS:

The foregoing instrument was acknowledged before me this 3 day of November 2009, by CHRISTINE S. MARX, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.

[Signature]
Notary Public



IN WITNESS WHEREOF, Scott E. Sonnenberg and Jennifer L. Sonnenberg have caused this Declaration to be executed as of the day and year first above written.

SCOTT E. SONNENBERG,
as an Initial Owner

Scott E. Sonnenberg

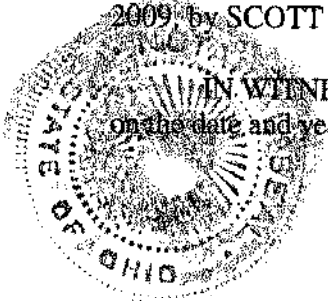
JENNIFER L. SONNENBERG,
as an Initial Owner

Jennifer L. Sonnenberg

STATE OF OHIO)
COUNTY OF Franklin) SS:

The foregoing instrument was acknowledged before me this 18th day of November, 2009, by SCOTT E. SONNENBERG, as his free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.



Daleen B. McNamara
Notary Public My Commission Expires 5-20-2014

STATE OF OHIO)
COUNTY OF Franklin) SS:

The foregoing instrument was acknowledged before me this 18th day of November, 2009, by JENNIFER L. SONNENBERG, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.



Daleen B. McNamara
Notary Public My Commission Expires 5-20-2014

IN WITNESS WHEREOF, Patricia E. Williams has caused this Declaration to be executed as of the day and year first above written.

PATRICIA E. WILLIAMS,
as an Initial Owner

Patricia E. Williams

STATE OF OHIO)
COUNTY OF DELAWARE) SS:

The foregoing instrument was acknowledged before me this 21st day of NOVEMBER 2009, by PATRICIA E. WILLIAMS, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.

David H. Starkey
Notary Public



DAVID H. STARKEY, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

IN WITNESS WHEREOF, Barbara Wilcox, Trustee of the Charles Wilcox Trust, has caused this Declaration to be executed as of the day and year first above written.

BARBARA WILCOX, Trustee of the Charles Wilcox Trust, as an Initial Owner

Barbara J. Wilcox

STATE OF OHIO)
COUNTY OF Delaware) SS:

The foregoing instrument was acknowledged before me this 29 day of January 2010, by BARBARA WILCOX, Trustee of the Charles Wilcox Trust, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.

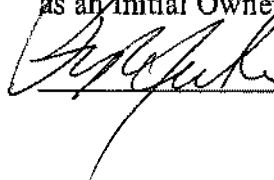
Charles G. Kaps
Notary Public



CHARLES G. KAPS, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

IN WITNESS WHEREOF, Peggy W. Yerke has caused this Declaration to be executed as of the day and year first above written.

PEGGY W. YERKE,
as an Initial Owner



STATE OF OHIO)
COUNTY OF Franklin) SS:

The foregoing instrument was acknowledged before me this 21st day of December, 2009, by PEGGY W. YERKE, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.



Notary Public



Deborah Maxwell
Notary Public, State of Ohio
My Commission Expires 01-28-2013

EXECUTION COPY

EXHIBIT A

LEGAL DESCRIPTION OF INITIAL PROPERTY

[see attached]

OR 859 PG 324



BENCHMARK
SURVEYING & MAPPING CO.
70 S. Liberty Street Suite 102 Powell, Ohio 43065
Phone 614-890-1201 Fax 614-890-1202

TONY MEACHAM, P.S., P.L.S.
DAN QUICK, P.S., L.S.

JEROME TWP., UNION COUNTY / CONCORD TWP., DELAWARE COUNTY

Situated in the Virginia Military Lands, Jerome Township, Union County & Concord Township, Delaware County, State of Ohio, and being more particularly described as follows;

Beginning at the intersection of the centerline of U.S. 42 with the centerline of Harriott Road (County Road 18);

- Thence N 83°43'42" E a distance of 1427.25 feet to a point;
- Thence S 10°57'19" E a distance of 699.30 feet to a point;
- Thence N 83°43'42" E a distance of 1250.00 feet to a point;
- Thence S 10°57'19" E a distance of 532.06 feet to a point;
- Thence N 78°45'30" E a distance of 926.58 feet to a point;
- Thence S 11°14'30" E a distance of 267.46 feet to a point;
- Thence N 78°45'30" E a distance of 158.11 feet to a point;
- Thence S 11°14'30" E a distance of 234.04 feet to a point;
- Thence N 83°06'00" E a distance of 516.88 feet to a point;
- Thence S 11°13'56" E a distance of 263.08 feet to a point;
- Thence S 11°15'03" E a distance of 683.11 feet to a point;
- Thence N 84°38'48" E a distance of 1096.49 feet to a point;
- Thence N 10°32'14" W a distance of 279.77 feet to a point;
- Thence N 84°38'59" E a distance of 1213.36 feet to a point;
- Thence N 06°18'42" W a distance of 472.92 feet to a point;
- Thence N 84°44'47" E a distance of 385.99 feet (passing the Union/Delaware County Line at 362.29 feet) to a point;
- Thence S 00°26'33" E a distance of 1910.41 feet to a point;
- Thence S 84°11'51" W a distance of 2378.20 feet (passing the Union/Delaware County Line at 17.64 feet) to a point;
- Thence S 11°15'03" E a distance of 630.20 feet to a point;
- Thence S 83°56'03" W a distance of 1996.68 feet to a point;
- Thence S 11°10'46" E a distance of 266.61 feet to a point;
- Thence S 11°10'46" E a distance of 830.41 feet to a point;
- Thence N 83°40'24" E a distance of 169.18 feet to a point;
- Thence N 83°40'24" E a distance of 1828.08 feet to a point;
- Thence S 11°14'35" E a distance of 60.22 feet to a point;
- Thence S 83°40'24" W a distance of 1743.24 feet to a point;

OR 859 PG 325



BENCHMARK
SURVEYING & MAPPING CO.
70 S. Liberty Street Suite 102 Powell, Ohio 43065
Voice 614-880-1201 Fax 614-880-1202

TONY BEACHAM, P.S., P.L.S.
DAN QUICK, P.S., L.S.

DESCRIPTION (CONT.)

Thence S 05°50'53" E a distance of 1520.98 feet to a point;
Thence S 06°03'50" E a distance of 1394.36 feet to a point;
Thence N 83°48'29" E a distance of 1144.08 feet to a point;
Thence S 06°08'38" E a distance of 210.55 feet to a point;
Thence N 83°49'22" E a distance of 174.83 feet to a point;
Thence S 06°19'30" E a distance of 510.71 feet to a point;
Thence N 83°40'38" E a distance of 427.22 feet to a point;
Thence N 06°10'48" W a distance of 720.33 feet to a point;
Thence N 06°05'54" W a distance of 300.09 feet to a point;
Thence N 86°53'56" E a distance of 1778.21 feet to a point in the Union/Delaware County Line;
Thence N 87°09'18" E a distance of 173.19 feet to a point;
Thence S 06°00'53" E a distance of 1557.43 feet to a point;
Thence S 87°07'20" W a distance of 724.19 feet (passing the Union/Delaware County Line at 321.01 feet) to a point;
Thence N 05°43'35" W a distance of 192.18 feet to a point;
Thence S 86°58'46" W a distance of 1224.88 feet to a point;
Thence S 06°10'48" E a distance of 318.54 feet to a point;
Thence S 06°10'48" E a distance of 293.67 feet to a point;
Thence S 85°15'33" W a distance of 210.44 feet to a point;
Thence S 06°18'26" E a distance of 403.25 feet to a point;
Thence N 83°49'28" E a distance of 209.48 feet to a point;
Thence S 06°10'48" E a distance of 210.95 feet to a point;
Thence S 83°00'43" W a distance of 627.96 feet to a point;
Thence S 06°10'48" E a distance of 313.50 feet to a point;
Thence N 83°00'43" E a distance of 305.04 feet to a point;
Thence S 06°50'14" E a distance of 161.46 feet to a point;
Thence S 83°49'46" W a distance of 12.37 feet to a point;
Thence S 06°11'08" E a distance of 120.11 feet to a point;
Thence S 83°54'05" W a distance of 246.93 feet to a point;
Thence S 06°07'16" E a distance of 105.86 feet to a point;

OR 859 PG 326



BENCHMARK
SURVEYING & MAPPING CO.
70 S. Liberty Street Suite 102 Powell, Ohio 43065
Voice 614-880-1281 Fax 614-880-1282

TONY MEACHAM, P.S., P.L.S.
DAN QUICK, P.S., L.S.

DESCRIPTION (CONT.)

Thence S 06°19'44" E a distance of 653.98 feet to a point;
Thence S 83°44'47" W a distance of 693.00 feet to a point;
Thence S 06°06'29" E a distance of 492.71 feet to a point;
Thence S 84°01'23" W a distance of 225.26 feet to a point;
Thence N 09°19'47" W a distance of 498.74 feet to a point;
Thence S 84°05'13" W a distance of 231.00 feet to a point;
Thence S 85°40'52" W a distance of 171.80 feet to a point;
Thence N 05°54'30" W a distance of 648.58 feet to a point;
Thence S 84°11'46" W a distance of 330.30 feet to a point;
Thence S 06°30'15" E a distance of 566.47 feet to a point;
Thence S 83°33'34" W a distance of 200.36 feet to a point;
Thence S 06°35'13" E a distance of 62.58 feet to a point;
Thence S 06°35'13" E a distance of 522.08 feet to a point;
Thence S 84°01'23" W a distance of 463.50 feet to a point;
Thence S 83°50'14" W a distance of 839.16 feet to a point;
Thence N 06°19'26" W a distance of 223.86 feet to a point;
Thence S 83°46'49" W a distance of 255.97 feet to a point;
Thence S 06°08'43" E a distance of 223.60 feet to a point;
Thence S 82°26'49" W a distance of 60.02 feet to a point;
Thence N 06°08'43" W a distance of 225.00 feet to a point;
Thence S 83°46'49" W a distance of 277.90 feet to a point;
Thence S 06°05'16" E a distance of 223.27 feet to a point;
Thence S 83°50'14" W a distance of 1046.26 feet to a point;
Thence N 06°04'55" W a distance of 1073.28 feet to a point;
Thence N 06°10'56" W a distance of 315.01 feet to a point;
Thence N 05°55'44" W a distance of 137.67 feet to a point;
Thence N 84°10'31" E a distance of 400.37' to a point;
Thence with a curve to the right having an arc length of 227.43 feet, with a radius of 595.00 feet,
with a chord bearing of S 84°52'29" E, with a chord length of 226.04 feet to a point;
Thence S 73°55'29" E a distance of 200.00 feet to a point;

OR 859 PG 327



BENCHMARK
SURVEYING & MAPPING CO.
79 S. Liberty Street Suite 102 Powell, Ohio 43063
Voice 614-880-1201 Fax 614-880-1202

TONY MBACHAM, P.S., P.L.S.
DAN QUICK, P.S., L.S.

DESCRIPTION (CONT.)

Thence with a curve to the left having an arc length of 403.47 feet, with a radius of 505.00', with a chord bearing of N 83°11'14" E, with a chord length of 392.82 feet to a point;

Thence N 05°54'00" W a distance of 1052.93 feet to a point;

Thence N 83°54'29" E a distance of 1920.32 feet to a point;

Thence N 06°33'12" W a distance of 287.31 feet to a point;

Thence S 83°43'33" W a distance of 642.27 feet to a point;

Thence N 06°11'57" W a distance of 1384.24 feet to a point;

Thence S 83°48'29" W a distance of 2957.97 feet to a point;

Thence N 05°17'33" W a distance of 2893.87 feet to a point;

Thence N 06°25'30" W a distance of 1182.13 feet to a point;

Thence S 81°32'25" W a distance of 904.20 feet to a point;

Thence N 56°09'17" W a distance of 1555.11 feet to a point;

Thence N 36°50'53" E a distance of 1177.50 feet to a point;

Thence S 57°09'10" E a distance of 479.52 feet to a point;

Thence N 36°50'53" E a distance of 488.67 feet to a point;

Thence N 64°58'27" W a distance of 488.72 feet to a point;

Thence N 36°50'53" E a distance of 2667.74 feet to a point;

Thence N 36°51'36" E a distance of 367.26 feet to the Point of Beginning and containing 1399.993 acres, more or less


Daniel L. Quick, PS
Benchmark Surveying & Mapping Co.



2/26/07
Date

LESS AND EXCEPT THE FOLLOWING PARCELS LEAVING A TOTAL OF
1395.388 ACRES, MORE OR LESS:

Legal Description
1.000 acre

The following described tract of land is situated in the State of Ohio, County of Union, Township of Jerome, VMS 2991, being part of Frances E. Barry, Trustee's original 83.51 acre tract described in official record 37, page 423, and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Jerome Road (C.R.#11) with the centerline of Wells Road (C.R. #17)(60 feet wide);

thence South 80°56'00" West 1939.42 feet, following the centerline of Wells Road, to a railroad spike found at the northwest corner of John L. and Maryanne M. Friend's 2.00 acre tract described in official record 45, page 475, said spike being in the north line of said 83.51 acre tract and marking the point of beginning;


thence South 09°04'00" East 463.89 feet, following the west line of said 2.00 acre tract, passing at 30.00 feet, an iron pin found; to an iron pin found at the southwest corner of said 2.00 acre tract;

thence South 80°56'00" West 93.50 feet, entering said 83.51 acre tract, to an iron pin set;

thence North 09°04'00" West 463.89 feet, passing at 435.89 feet an iron pin set, to a PK nail set in the centerline of Wells Road and the north line of said 83.51 acre tract;

thence North 80°56'00" East 93.50 feet, following the centerline of Wells Road and the north line of said 83.51 acre tract, to the point of beginning, containing 1.000 acres, more or less, and subject to all valid easements and restrictions of record.

I hereby certify that this description was prepared from an actual field survey made by me and that monuments were placed as indicated herein. Iron pins set are 3/8" x 30" reinforcing rods with caps marked "GUIDER S 7752." Basis of bearing: centerline of Wells Road from survey by Timothy L. Gulder dated 6/16/97.


Timothy L. Gulder R.S. #7752
240 West Third Street
Marysville, Ohio 43040
(937) 644-2656



Date:
Job #97138

DESCRIPTION ACCEPTABLE
1.00 ACRE TRACT(S)
PLANNING COMMISSION APPROVAL
1/5 REQUIRED
DATE 11/28/97
STEVE A. STOEKE
UNION COUNTY ENGINEER

THE SALE OR EXCHANGE OF PARCELS
BETWEEN ADJOINING LOT OWNERS,
WHERE SUCH SALE OR EXCHANGE DOES
NOT CREATE ADDITIONAL BUILDING
SITES

OR 859 PG 329

AND

the following REAL PROPERTY:

SITUATED IN THE TOWNSHIP OF JEROME, COUNTY OF UNION AND STATE OF OHIO;

BEING A PART OF SURVEY NO. 2991 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE FOUND IN THE INTERSECTION OF COUNTY ROAD 11-C (JEROME ROAD) AND COUNTY ROAD 17 (WELLS ROAD), ALSO BEING IN THE EAST LINE OF SURVEY NO. 2991

(WEST LINE OF SURVEY NO. 2365);

THENCE ALONG THE CENTERLINE OF WELLS ROAD, SOUTH 80° 56' 00" WEST (PASSING OVER A RAILROAD SPIKE FOUND AT 603.32 FEET) A TOTAL DISTANCE OF 1772.38 FEET TO A RAILROAD SPIKE SET AT THE TRUE PLACE OF BEGINNING OF THE HEREIN DESCRIBED 2.00 ACRES TRACT OF LAND;

THENCE SOUTH 09° 04' 00" EAST (PASSING OVER A 5/8" SOLID IRON PIN SET AT 30.00 FEET) A TOTAL DISTANCE OF 465.89 FEET TO A 5/8" SOLID IRON PIN SET;

THENCE SOUTH 80° 56' 00" WEST A DISTANCE OF 187.00 FEET TO A 5/8" SOLID IRON PIN SET;

THENCE NORTH 09° 04' 00" WEST (PASSING OVER A 5/8" SOLID IRON PIN SET AT 435.89 FEET) A TOTAL DISTANCE OF 465.89 FEET TO A RAILROAD SPIKE SET IN THE CENTERLINE OF WELLS ROAD;

THENCE ALONG THE CENTERLINE OF WELLS ROAD, NORTH 80° 56' 00" EAST A DISTANCE OF 187.00 FEET TO THE TRUE PLACE OF BEGINNING;

CONTAINING 2.00 ACRES MORE OR LESS.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD;

ALL IRON PINS SET ARE 5/8" SOLID IRON PINS WITH YELLOW PLASTIC CAPS STAMPED STULTS & ASSOCIATES.

BEARING SYSTEM BASED ON THE CENTERLINE BEARING OF CO. RD. 17 (WELLS ROAD) - SOUTH 80° 56' 00" WEST, TAKEN FROM E.L. KAUFMAN'S 1.0 ACRE TRACT OF LAND AS DESCRIBED IN DEED BOOK 241, PAGE 256.

AND

OR 859 PG 330

SURVEY FOR JOHN ANDREWS

1.604 Acres

December 21, 1999

The following described tract of land is situated in the State of Ohio, County of Union, Township of Jerome, V.M.S. 2990, being part of 1) William Henry Andrews and George Edward Andrews' 80.448 acre tract described in Deed Volume 336, page 623(each, undivided 1/4 interest), 2) John R. Andrews' Living Trust's 80.448 acre tract described in Official Record 37, page 209(undivided 1/4 interest), 3) William Henry Andrews' 80.448 acre tract described in Official Record 116, page 27(undivided 1/12 interest), and 4) John Robert Andrews and George Edward Andrews' 80.448 acre tract described in Official Record 114, page 234(undivided 2/12 interest), being more particularly described as follows:

Beginning for reference at a railroad spike found at the intersection of the centerline of Jerome Road (CR #11)(60 feet wide) with the centerline of Hill Road (T.R. #14);

Thence North 09°10'54" West (assumed bearing) 1927.95 feet, following the centerline of Jerome Road and passing at 1777.95 feet a magnetic nail set at the southwest corner of said 80.448 acre tract, thereafter following the west line of said 80.448 acre tract, to a magnetic nail set and marking the place of beginning;

Thence North 09°10'54" West 150.00 feet, continuing with the centerline of said Road and west line of said 80.448 acre tract, to a magnetic nail set;

Thence North 86°15'41" East 468.00 feet, departing from the centerline of said Road and entering said 80.448 acre tract, passing at 30.14 feet an iron pin set, to an iron pin set;

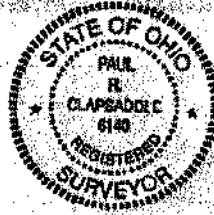
Thence South 09°10'54" East 150.00 feet to an iron pin set;

Thence South 86°15'41" West 468.00 feet, passing at 437.86 feet an iron pin set, to the place of beginning, containing 1.604 acres, more or less, and subject to all valid easements and restrictions of record.

The above description was prepared from an actual field survey made under the supervision of Paul R. Clapsaddle, Registered Surveyor #6140 during the month of December 1999. Iron pins set are 3/8" by 30" reinforcing rods with caps marked "Clapsaddle, R.S. #6140." Bearings indicated herein are based on an assumed meridian and are to denote angles only.

ATTEST:

Paul R. Clapsaddle, R.S. #6140
19019 West Darby Road
Marysville, Ohio 43040
(937) 747-2599



EXISTING DESCRIPTION
ACCEPTABLE FOR TRANSFER
DATE 12/22/99
STEVE STRATE INCH CO. ENG

210 PAGE 94

OR 859 PG 331

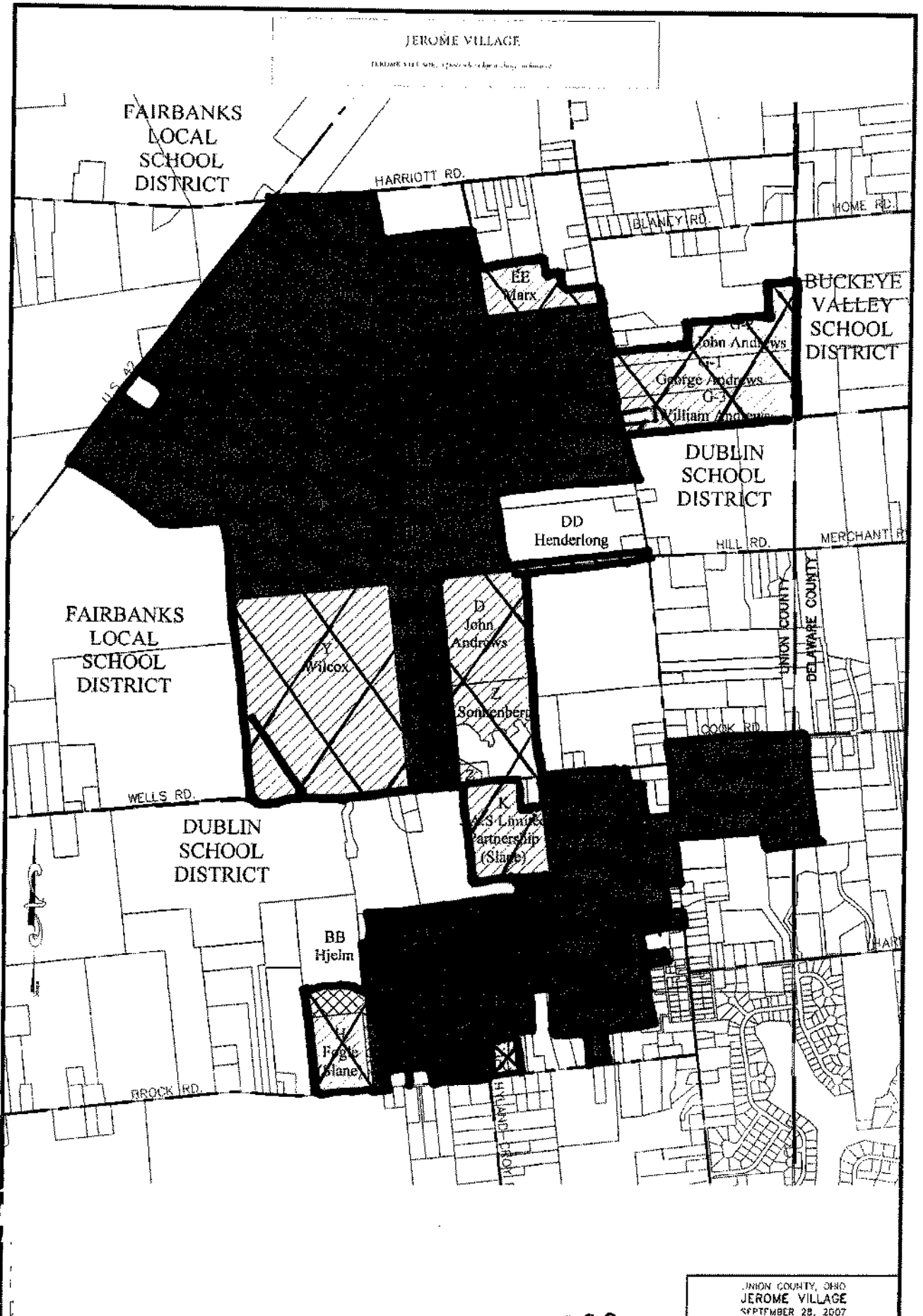
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EXHIBIT B

MAP OF INITIAL PROPERTY

[see attached]

UR 859 PC 332



JEROME VILLAGE

JEROME VILLAGE, OHIO

FAIRBANKS
LOCAL
SCHOOL
DISTRICT

HARRIOTT RD.

BLANEY RD.

HOME RD.

BUCKEYE
VALLEY
SCHOOL
DISTRICT

DUBLIN
SCHOOL
DISTRICT

DD
Henderlong

HILL RD.

MERCHANT P.

FAIRBANKS
LOCAL
SCHOOL
DISTRICT

WELLS RD.

DUBLIN
SCHOOL
DISTRICT

BB
Hjelm

ROCK RD.

Fogel-
Blane

UNION COUNTY, OHIO
JEROME VILLAGE
SEPTEMBER 28, 2007

OR 859 PG 333

SCALE: 1" = 100'

DATE: 10/1/07

BY: [Signature]

FOR: [Signature]

REVISION: [Signature]

EVOLUTION

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EXHIBIT C

PROFITS

"Profits" of a corporation means (i) net income as defined in Chapter 5733 of the Revised Code as it may from time to time be amended (or in the corresponding statute of any future Ohio corporation tax law imposed on or measured by net income), (ii) including (notwithstanding anything to the contrary in Chapter 5733 of the Revised Code) net income derived from intangible property, (iii) excluding net income with respect to which the imposition of an Income Charge is prohibited by the Constitution of the United States, by Act of Congress, by the Constitution of the State of Ohio, or by Act of the General Assembly of the State of Ohio, as (iv) allocated or apportioned to the Property in the manner described below.

"Profits" of a sole proprietorship means (i) net profit as reported to the Internal Revenue Service, (ii) excluding net profit with respect to which the imposition of an Income Charge is prohibited by the Constitution of the United States, by Act of Congress, by the Constitution of the State of Ohio, or by Act of the General Assembly of the State of Ohio, (iii) less the net losses as reported to the Internal Revenue Service for the five immediately preceding Income Charge Years to the extent that such losses have not previously been subtracted from net profit in calculating Profits, as (iv) allocated or apportioned to the Property in the manner described below.

"Profits" of a person or entity other than a corporation or sole proprietorship means (i) taxable income as defined in the Internal Revenue Code (or in the corresponding statute of any future United States Internal Revenue law), (ii) excluding taxable income with respect to which the imposition of an Income Charge is prohibited by the Constitution of the United States, by Act of Congress, by the Constitution of the State of Ohio, or by Act of the General Assembly of the State of Ohio, as (iii) allocated or apportioned to the Property in the manner described below.

For the purpose of paragraphs (a) and (b) below, "net income" shall mean (i) "net profit" in the case of a sole proprietorship and (ii) "taxable income" in the case of an entity other than a corporation or a sole proprietorship.

(a) Allocation of net income:

- (1) Net rents and royalties from any Parcel are allocable to the Property.
- (2) Net rents and royalties from tangible personal property, to the extent such tangible personal property is utilized on the Property, are allocable to the Property.
- (3) Capital gains and losses from the sale or other disposition of any Parcel or interest therein are allocable to the Property.
- (4) Capital gains and losses from the sale or other disposition of tangible personal property are allocable to the Property if such tangible personal property had a situs on the Property at the time of sale.

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(5) Capital gains and losses from the sale or other disposition of intangible personal property which may produce income enumerated in subparagraph (6) of this paragraph shall be allocated as set forth in such subparagraph. Capital gains and losses from the sale or other disposition of all other intangible personal property shall be allocated on the basis of commercial situs.

(6) Dividends, which are not otherwise deducted or excluded from net income, shall be apportioned to the Property in accordance with the ratio which the book value of the physical assets of the payor located on the Property bears to the book value of the total physical assets of the payor thereof located everywhere. Dividends received from payors, the location of whose physical assets is not available to the Resident, shall be apportioned as provided in subparagraph (8) of this paragraph.

(7) Patent and copyright royalties and technical assistance fees, not representing the principal source of gross receipts of the Resident are allocable to the Property to the extent that the activity of the payor thereof, giving rise to the payment, takes place on the Property.

(8) Any other net income, other than that enumerated in subparagraphs (1) to (7), inclusive, of this paragraph, shall be allocated to the Property on the basis of the apportionment mechanism provided in paragraph B below.

(b) Apportionment of net income: The amount of net income, excluding the net income which is allocable under subparagraphs A(1) through A(7), apportioned to the Property shall be determined by multiplying such net income by a fraction, the numerator of which is the sum of the property factor plus the payroll factor plus the sales factor, and the denominator of which is three, provided that the denominator of three shall be reduced by the number of factors which have a denominator of zero. The property, payroll and sales factors shall be determined as follows:

(1) The property factor is a fraction, the numerator of which is the average value of the Resident's real and tangible personal property owned or rented and used in the trade or business on the Property during the Income Charge Year and the denominator of which is the average value of all of the Resident's real and tangible personal property owned or rented and used in the trade or business everywhere during such year. There shall be excluded from the numerator and the denominator of the property factor the original cost of property within Ohio with respect to which a "pollution control facility" certificate has been issued pursuant to Section 5709.21 of the Revised Code or an "industrial water pollution control certificate" has been issued pursuant to Section 5709.21 or former Section 6111.31 of the Revised Code.

(A) Real and personal tangible property owned by a Resident is valued at its original cost. Real and personal tangible property rented by a Resident is valued at eight times the net annual rental rate. Net annual rental rate means the

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annual rental rate paid by the Resident less any annual rental rate received by the Resident from subrentals.

(B) The average value of real and personal tangible property shall be determined by averaging the values at the beginning and the end of the Income Charge Year, but the Community Authority may require the averaging of monthly values during the Income Charge Year, if reasonably required to reflect properly the average value of the property.

(2) The payroll factor is a fraction the numerator of which is the total amount paid within the Property during the Income Charge Year by the Resident for compensation, and the denominator of which is the total compensation paid everywhere by the Resident during such year:

(A) Compensation means any form of remuneration paid to an employee for personal services.

(B) Compensation is paid within the Property if:

(i) The recipient's service is performed entirely on the Property;

(ii) The recipient's service is performed both on and off the Property, but the service performed off the Property is incidental to the recipient's service performed on the Property; or

(iii) Some of the service is performed on the Property and either the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is on the Property.

(C) Compensation is paid on the Property to any employee of a common or contract motor carrier corporation, who performs his regularly assigned duties on a motor vehicle both on and off the Property, in the same ratio by which the mileage traveled by such employee on the Property bears to the total mileage traveled by such employee everywhere during the Income Charge Year.

(3) The sales factor is a fraction the numerator of which is the value of business done, measured by the sum of all sales on the Property by the Resident during the Income Charge Year, and the denominator of which is the total value of its business done, measured by the sum of all sales by the Resident everywhere during such year.

(A) Sales of tangible personal property on the Property shall include all sales originating at a Place of Business on the Property where the tangible personal property is received on the Property by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of

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transportation, the place at which such tangible personal property is ultimately received after all transportation has been completed shall be considered as the place at which such tangible personal property is received by the purchaser. Direct delivery on the Property, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser on the Property and direct delivery off the Property to a person or firm designated by a purchaser does not constitute delivery to the purchaser on the Property, regardless of where title passes or other conditions of sale.

(B) Sales of other than tangible personal property on the Property shall include all sales of services, of intangible property or of real property with respect to which either the income-producing activity is performed on the Property or the income-producing activity is performed both on and off the Property and a greater proportion of the income-producing activity is performed on the Property than off it, based on costs of performance. If the income-producing activity involves the solicitation of a sale, the location of the solicitation shall control. If the sale is principally solicited by the Resident, or its agent from an office on the Property, such activity shall be allocated to the Property. If the sale is principally solicited by the Resident or its agent from an office off the Property, such activity shall not be allocated to the Property.

(c) If application of the allocations and apportionment provided for in this Exhibit does not fairly determine the Profits of a Resident attributable to the business activity actually conducted by the Resident on the Property, the Community Authority may require, or the Resident may request in writing and the Community Authority may approve, application of an alternative method of allocation and apportionment.

EXECUTION COPY

EXHIBIT D

FORM OF SUPPLEMENTAL DECLARATION

SUPPLEMENTAL DECLARATION

OF COVENANTS, RESTRICTIONS AND AGREEMENTS

FOR JEROME VILLAGE COMMUNITY AUTHORITY

THIS _____ SUPPLEMENTAL DECLARATION OF COVENANTS, RESTRICTIONS AND AGREEMENTS FOR JEROME VILLAGE COMMUNITY AUTHORITY (this "_____ Supplemental Declaration") is made as of the _____ day of _____, _____, by [OWNER NAME, type of entity (the "Owner")][, JEROME VILLAGE COMPANY, LLC, an Ohio limited liability company (the "Initial Private Developer"),] and JEROME VILLAGE COMMUNITY AUTHORITY (the "Community Authority").

WHEREAS on _____, _____, that certain Declaration of Covenants, Restrictions and Agreements for Jerome Village Community Authority in the County of Union, Ohio (the "Declaration"), was recorded at _____ in the office of the Recorder, Union County, Ohio; and

WHEREAS, pursuant to the terms of Article III of the Declaration, the [Initial Private Developer and] the Community Authority reserved the right to submit Additional Property (as that term is defined in the Declaration) to the covenants, conditions, restrictions, charges, liens and other obligations provided for in the Declaration (the "Restrictions"); and

WHEREAS, the Owner, as the owner of a _____ acre tract of real property located in _____ County, Ohio, more particularly described in Exhibit A (the "Property") attached hereto and incorporated herein by reference, desires to subject such Property to the Restrictions and the Declaration;

[WHEREAS, the undersigned, being the Initial Private Developer and the Community Authority, hereby determine pursuant to the terms of Section 2.01 of the Declaration to permit _____ to become a party to the Declaration as an Additional Private Developer;]

NOW THEREFORE, pursuant to the powers reserved in Article III of the Declaration, the Owner[, the Initial Private Developer] and the Community Authority hereby declare that [the Owner shall be added as a party to the Declaration as an Additional Private Developer (as that term is defined in the Declaration), and that] the Property shall be improved, held, sold, conveyed, encumbered, leased, occupied or otherwise transferred subject to the Restrictions and the Declaration which shall constitute covenants running with the Property and shall be binding upon all parties now or hereafter having any right, title or interest in the Property or any part thereof, and all such persons, including their respective heirs, personal and legal representatives and successors and assigns, acquiring any right, title or interest in the Property, and as a part of the consideration

EXECUTION COPY

therefore, agree that their right, title and interest in the Property or any part therein shall be improved, held, sold, conveyed, encumbered, leased, occupied or otherwise transferred subject to the Restrictions.

IN WITNESS WHEREOF, the Owner[, the Initial Private Developer] and the Community Authority have executed this _____ Supplemental Declaration as of the date first above written.

[SIGNATORY],

[type of entity]

By: _____

Name: _____

Title: _____

STATE OF _____)
COUNTY OF _____) SS.

The foregoing instrument was acknowledged before me this ____ day of _____, by _____, as _____ of [ENTITY], [type of entity], on behalf of the [ENTITY].

Notary Public

This document prepared by:



Engineering, Planning and Zoning
City Hall, 209 South Main Street
Marysville, Ohio 43040-1641
(937) 645-7350
FAX (937) 645-7351
www.marysvilleohio.org

March 4, 2015

Bradley J. Bodenmiller
LUC Regional Planning Commission
9676 East Foundry
East Liberty, OH 43319

**Subject: Brittonwood Subdivision
Preliminary Plan Comment Letter #1**

The City of Marysville has the following comments pertaining to the water system design shown within your Preliminary Plan submittal for the Brittonwood Subdivision development.

General Comments:

1. Include the City of Marysville's contact information on future submittals
*City of Marysville
209 South Main Street
Marysville, OH 43040
P: (937) 645-7350
F: (937) 645-7351*
2. Provide the water service for each residential lot near each property line.
3. It appears that Sheet 5, 100' Curvature Roadway Alignment, is no longer included with the Preliminary Plan, please update sheet index and sheet quantity in bottom right corner to reflect this change.

Title Sheet (Sheet 1):

1. Please remove signature block from sheet. Signatures are only required on the approved final plans.
2. Benchmarks should be established by a State of Ohio Registered Professional Surveyor for the Basis of Bearings. Please use a benchmark provided by a Professional Surveyor in lieu of Contractor/Developer (Savko).

Existing Site Plan (Sheet 2):

1. Acreage for the proposed development differs on the sheet (5.011 acres vs. 5.001 acres). Please confirm total acres and update on sheet.
2. Overall lineweights and text heights need modified to make sheet more legible.
 - a. Darken property boundary so it's more easily seen.
 - b. Darken contours slightly so they are easily seen.
 - c. Text size and boldness varies throughout the sheet, please make text more uniform.

Site Plan (Sheet 3):

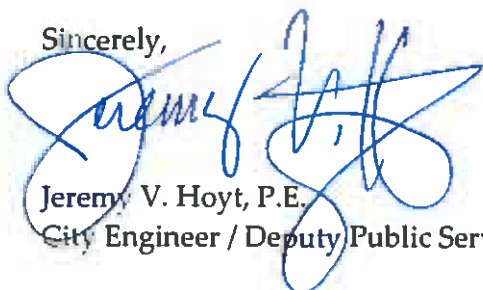
1. Provide additional detail of water line connection to existing water main along Jerome Road. Tapping sleeve and valve with heavy duty valve box is the preferred method of connection.
2. Fire protection requirements shall be coordinated and approved by the Jerome Township Fire Department. This includes requirements for fire hydrant spacing, location, type, etc.
3. City of Marysville requires a minimum 8" ductile iron water line for all public water lines. Please replace all 2" water lines with 8" ductile water lines.
4. The proposed 8" water line alignment shall reflect the acceptable horizontal deflection allowances for 8" ductile iron water lines. It appears that additional horizontal bends are required to achieve the proposed alignment.

Grading and Utility Plan (Sheet 4):

1. Profile is confusing to read. May want to start stationing at centerline intersection of Jerome Road and Craigen Court.
2. All water lines shall be installed with 4'-6" cover. Label this dimension in profile.
3. The location and elevations of the existing sanitary manhole on Dogwood Drive in Glacier Park Neighborhood Section 3 should be shown in the profile for clarity.

Please contact us if you need additional clarification or wish to discuss these comments further.

Sincerely,



Jeremy V. Hoyt, P.E.
City Engineer / Deputy Public Service Director

cc. Kyle Hoyng, P.E. (City of Marysville)
Mike Andrako, P.E. (City of Marysville)



940 London Ave
Suite 1100
Marysville, Ohio 43040

Administration
Environmental Health
Health Education
(937) 642-2053
Fax: (937) 645-3047

Help Me Grow
Nursing
(937) 642-2053
Fax: (937) 642-9725

Toll Free
1-888-333-9461

WEB Address
www.uchd.net

HEALTH COMMISSIONER
Mr. Jason E. Orcena, MA

BOARD OF HEALTH
Mr. James "Al" Channell
President

Mr. Rod Goddard
Vice-President

Ms. Donna Burke

Dr. Carol Karrer

Dr. Justin Krueger

Mr. Eric Milholland

Mr. Keith Watson

Our mission is to protect the
health, safety and well-being
of all Union County by
providing quality public health
services.

An equal opportunity
employer/ provider

Date: March 4, 2015

To: Logan-Union-Champaign
Regional planning commission

From: Jim Cogar R.S.

Re: Britonwood – Preliminary Plat

My comments are as follows:

- A sanitary sewer line and easements for sewer and water need to be extended to both 7353 Wells Rd. and 7387 Wells Rd. for future access. Required isolation distances between sewer and water lines shall apply.
- Note stating: If at any time during the development of the subdivision a private water system (PWS) or sewage treatment system (STS) is found, the Union County Health Department shall be notified for an inspection.
- Note stating: Proper permitting must be obtained for sealing and or abandonment of a PWS or STS. 10917 and 10927 Jerome Rd. will need the permits mentioned above prior to demolition.



940 London Ave
Suite 1100
Marysville, Ohio 43040

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Mr. Keith Watson

Our mission is to protect the health, safety and well-being of all Union County by providing quality public health services.

**An equal opportunity
employer/ provider**



Suggested sanitary sewer line extension path with easement.

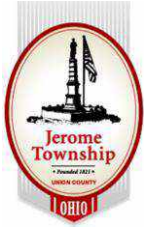
Please feel free to call and or email me with any questions you may have.

Thank you,

A handwritten signature in blue ink that reads "JRC R.S.".

Jim Cogar R.S.
Deputy Director
Environmental Health Division
Union County Health Department

Page 2 of 2



Jerome Township
Union County, Ohio

9777 Industrial Parkway
Plain City, Ohio 43064
Office (614) 873-4480
Fax (614) 873-8664

Jerome Township Zoning Office

March 2, 2015

Bradley J. Bodenmiller
LUC Regional Planning Commission
9676 E. Foundry
East Liberty, Ohio 43319

RE.: Britonwood – Preliminary Plat

Dear Brad,

I have reviewed the Preliminary Plat for Britonwood as forwarded by LUC and have the following comments:

1. The plan as sent alters the radius of Craighens Court from the original layout submitted with the zoning. However, these changes have already been discussed with the applicant and the engineering department prior to submission of the Preliminary Plat. Critical to making this layout work is the willingness to retain the original setbacks on the platted lots so that the lot widths can be defined as meeting the minimum required by zoning at the setback line. This plan reflects that intent however the township would like to see some dimensions added to the plat that indicate the depth of the setback line on each lot. In addition this will limit the placement of the driveways to where the lot lines narrow at the right-of-way lines. Provided that the Engineers department is accepting of this fact then the township has no concerns.
2. In this plan the Stormwater detention basis is listed as "Dry". I do not see a reference to this in the zoning text and do not necessarily see an issue with this but I believe it would be prudent to understand from the applicant their intent for the design, seeding, and maintenance of this dry basin to prevent it from becoming a mud pit or cattail habitat. This might be something that can be addressed at the time the Final Development Plan is submitted to the township but I am assuming that the Engineers office might have some investment in this as well.

Aside from those two items it appears as if the Preliminary Platt as submitted is consistent with the zoning as approved and the township has no additional concerns at this time. As always, my review is limited to the zoning related items only and the township defers to the expertise of the Union County Engineers office in regards to all traffic and engineering related items.

Respectfully,

Gary Smith
Jerome Township Zoning Officer



Received by LUC 02.25.2015
Complete on 03.02.2015

Logan-Union-Champaign regional planning commission

Director: Dave Golden
Jenny R. Snapp

Zoning Parcel Amendment Checklist

Date: February 25, 2015 Township: Jerome

Amendment Title: Ford & Associates (Dublin Green -- out parcels)

Notice: Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Parcel Amendment change must be received in our office along with a cover letter, explaining the proposed zone change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (which is the second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of Zoning Parcel Amendment Change(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Township point of contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parcel Number(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Completed Zoning Amendment Application	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Applicant's Name and contact information	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Current Zoning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Zoning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Current Land Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Land Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Acreage	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Zoning Text associated with proposed district(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Contiguous and adjoining Parcel Information, including Zoning District(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Any other supporting documentation submitted by applicant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-LUC Member Fee, If applicable	<u>N/A</u>	<u>N/A</u>

Also, reviewed existing PUD app

In original zoning app
Also, reviewed entire

Additionally, after final adoption regarding this zoning parcel amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted parcel change (s).

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

Revision: Initial, 8/2009

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com

Jerome Township Zoning Commission

Anita Nicol
Clerk

9777 Industrial Parkway
Plain City, Ohio 43064

February 25, 2014

Office: (614) 873-4480 x102
Fax: (614) 873-8664

Brad Bodenmiller
L.U.C. Regional Planning Commission
Box 219
East Liberty, Ohio 43319

Dear Brad:

This letter is to inform you of a Jerome Township Rezoning Amendment:

Application: PUD-06-112-MOD-02

Name of Applicant: Ford & Associates (Dublin Green Out-parcels)

Rezoning: Approximately 41.00 + acres (7.00 + outparcels) located at 7837 Industrial Parkway, Plain City, Ohio, Parcel Number #1500310180010.

Present Zoning: PUD (Planned Unit Development)

Proposed Zoning: PUD Modification

Public Hearing Date has been set for: March 23, 2015 at 7:00 p.m.

The Zoning Commission would like your comments regarding this rezoning before the public hearing date.

If you need further information, please feel free to contact me.

Sincerely yours,



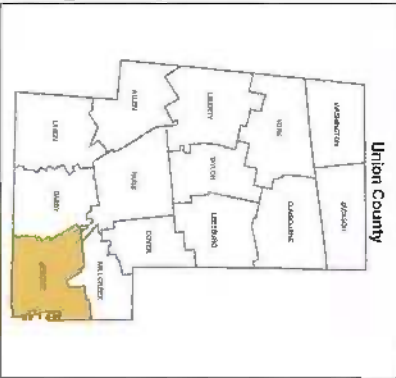
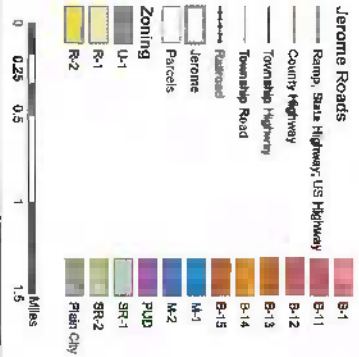
Anita Nicol
Zoning Clerk

Attachment

Jerome Township Zoning Map



Logan-Union-Champaign
Regional Planning Commission
9876 E. Foundry St.
East Liberty, OH 43319
(937) 666-3431
Map Created: July 2004
Map Revised: December 2014



Brad Bodenmiller

From: Jerome Township Zoning Inspector <jeromeinspect@aol.com>
Sent: Monday, March 02, 2015 3:20 PM
To: Brad Bodenmiller
Subject: Re: Dublin Green original zoning

The current land use for the Jerome I Associates larger parcels (80010, 82000) are vacant / Ag while the building for Ohio Premier Soccer still occupies the smaller parcels (70000, 71000, 72000, and 73000).

Kind Regards,

Gary Smith, RLA/CLARB

Planning and Zoning Office
Jerome Township, Ohio
9777 Industrial Parkway
Plain City, Ohio
43064

Ph: 614.873.4480
www.jerome-oh.gov

-----Original Message-----

From: Brad Bodenmiller <bradbodenmiller@lucplanning.com>
To: Jerome Township Zoning Inspector <jeromeinspect@aol.com>
Cc: jerometownship <jerometownship@aol.com>; jeromezclerk <jeromezclerk@aol.com>
Sent: Mon, Mar 2, 2015 3:04 pm
Subject: RE: Dublin Green original zoning

Gary,

Thank you. I will look for Anita's email tomorrow of the existing PUD.

Last question for you:

Can you confirm the current land use for Jerome I Associates (Dublin Green)?

Bradley J. Bodenmiller

Planner II | LUC Regional Planning Commission
P.O. Box 219 | 9676 E. Foundry | East Liberty, Ohio 43319
P: (937) 666-3431 | F: (937) 666-6203
www.lucplanning.com | [Find us on Facebook!](#)

From: Jerome Township Zoning Inspector [<mailto:jeromeinspect@aol.com>]
Sent: Monday, March 02, 2015 2:08 PM
To: Brad Bodenmiller
Cc: jerometownship@aol.com; jeromezclerk@aol.com
Subject: Dublin Green original zoning

Brad,

I was mistaken about having an electronic copy of the existing zoning for Jerome I Associates (also known as Dublin Green). I will have Anita scan our record copy and email it to you when she gets in tomorrow.

The parcels included in that original zoning, and thus a part of this application to amend that original zoning, are as follows:

1500310170000
1500310171000
1500310172000
1500310173000
1500310180010
1500310182000

Kind Regards,

Gary Smith, RLA|CLARB

Planning and Zoning Office
Jerome Township, Ohio
9777 Industrial Parkway
Plain City, Ohio
43064

Ph: 614.873.4480
www.jerome-oh.gov

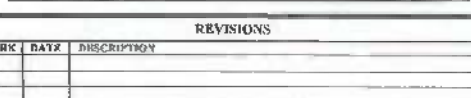
0 50 100
feet

GRAPHIC SCALE

1 inch = 100 feet

2

1 inch = 100 feet



valuation co

REVISION PDF



Jerome Township
Union County, Ohio FEB 24 2015

9777 Industrial Parkway
Plain City, Ohio 43064
Office (614) 873-480
Fax (614) 873-8664

Application Form

PUD Zoning

PUD-06-112 Office Use Only:
Application #: MOD-02 Date: 2-24-15
Fee: \$ 1,245.00 Check #: 4845

Agent / Applicant Information:

Agent / Applicant Name: DEAN RAUMGARTNER (FORD & ASSOC.) Date: 2.23.2015

Mailing Address: 1500 WEST FIRST AVE., COLUMBUS, OHIO 43212

Email Address: draumgartner@fordarchitects.com Phone: (614) 488-6252

Property Information:

Property Address: N.W.C. STATE ROUTE 161 & INDUSTRIAL PARKWAY

Property Owner: JEROME 1 ASSOCIATES

Parcel ID # (s) 15-00310180010

Acreage: 41.00 ± Current Zoning: PUD-06-112 Subdivision Name: DUBLIN GREEN
(7.00 ± OUTPARCELS)

PUD Zoning Information:

PUD Type Requested:

- ☐ Residential
☐ Commercial / Office
☐ Industrial
☐ Mixed-Use
☒ Modification of Existing PUD

Adjacent Land Uses:

North: _____
South: _____
East: _____
West: _____

Proposed Utilities:

- ☒ Public Sewer
☐ On-Site Sewer
☒ Public Water
☐ Private Well

The undersigned certifies that this application and the attachments thereto contain all the information required by the Zoning Resolution and that all information contained within this application is true and accurate to the best of his/her knowledge. Applicant hereby certifies that they have legal ownership or legal control over the property to be rezoned and agrees to be bound by the provisions of the Jerome Township Zoning Resolution.

Agent / Applicant Signature: [Signature] Date: 2.23.2015

Property Owner Signature (if different from the Applicant): [Signature]

FORD & ASSOCIATES

A R C H I T E C T S

February 23, 2015

Mr. Gary Smith, Zoning Inspector
Jerome Township, Ohio
9777 Industrial Parkway
Plain City, Ohio 43064

**Re: PUD-06-112
Dublin Green
N.W.C. State Route 161 & Industrial Parkway**

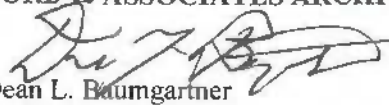
Dear Gary:

Ford & Associates is submitting application on behalf of Joseph Skilken Realty, Inc. for Modification of Existing PUD. We request modification of the PUD Zoning Text with respect to the following:

1. The development site has been modified to provide for seven (7) future outparcels plus one (1) outparcel that is included within the Costco phase of the development. This would require modifying original PUD Zoning Text (**Part One – Development Standards; D – Density, Height, Lot and/or Setback commitments; Item 2. – Outparcels**) that identifies ‘maximum number of outparcels shall be six (6). **Request that PUD Zoning Text be modified to read: ‘maximum number of outparcels shall be eight (8).**
2. The development site has been modified to provide for one of the future outparcels to be located north of the proposed detention pond, adjacent (west side) of Industrial Parkway. Portion of original PUD Zoning Text (**Part One – Development Standards; D – Density, Height, Lot and/or Setback commitments; Item 2. – Outparcels**) indicates ‘No outparcels shall be permitted along Industrial Parkway north of the proposed pond located west of the relocated Industrial Parkway without resubmittal to the Jerome Township Zoning Board. **Request that this portion of the PUD Zoning Text be deleted, as this application request satisfies this portion of the original PUD Zoning Text.**

Please contact me with any questions, or for any additional information required for this review.

Sincerely,
FORD & ASSOCIATES ARCHITECTS, INC.


Dean L. Baumgartner
Architect

z:\steveskilken\dublingreent\zoning\2015-2-23-statement.doc

1500 WEST FIRST AVENUE
COLUMBUS, OHIO 43212

614.488.6252
FAX 614.488.9963

PUD Zoning Text for Jerome I Associates, LTD
PROPOSED DISTRICT: Permitted Uses of B-11, B-12, B-13, and B-14
PROPERTY ADDRESS: State Route 161
OWNER: Jerome I Associates, LTD.
APPLICANT: Jerome I Associates, LTD.
DATE OF TEXT: 2/21/07
AMENDED: 3/15/07; 3/28/07; 4/11/07; 5/7/07
APPLICATION NUMBER: PUD-06-112

INTRODUCTION

The property, as described in the legal description* submitted with the zoning application, is located north of State Route 161, east of Weldon Road, and west of Industrial Parkway (the "Property"). The Property consists of 46.244 +/- acres with 35 +/- acres of the Property currently zoned for general retail uses (33 +/- acres is zoned B-14, 2 +/- acres is zoned B-13). The remaining 11 +/- acres of the Property are zoned for recreational uses with a retail orientation, including uses such as basketball, hockey, and tennis. The property can be developed pursuant to such classifications without the development standards contained in this Text. The purpose of this PUD rezoning application is to bring the Property under the Planned Unit Development (the "PUD") zoning classification, as provided in Article II of the Zoning Resolution of the Township of Jerome, Union County, Ohio (the "Resolution") and to set forth development standards for the Property.

PART ONE – DEVELOPMENT STANDARDS

A. Permitted Uses:

1. All uses contained in Sections B-11, B-12, B-13 and B-14 of the Resolution, except those uses set forth in Part One, Section B.
2. No more than two (2) drive-up, freestanding ATMs shall be permitted.
3. The "Restrictions" set forth in Sections 251, 252, 253 and 254 of the Resolution shall not apply to the uses permitted under this Part One, Section A of the Text.

B. Prohibited Uses:

1. Auto dealer.

*The final legal description is subject to the Ohio Department of Transportation's ("ODOT") determination of the final location of relocated Industrial Parkway (see note below). All land east of the western right-of-way line of relocated Industrial Parkway and south of the proposed State Route 161 will be excepted from this zoning. After ODOT's appropriation of the right-of-way for relocated Industrial Parkway and the widening of State Route 161, Applicant intends to use the 2.1 acre portion of the excepted land (the "Remaining Land") for storm water detention as shown on the Site Plan. When the Remaining Land is improved for storm water detention, Applicant shall further improve the Remaining Land as depicted on the Site Plan. Furthermore, once improved with the detention pond and upon the request of the Township Trustees, Applicant agrees to rezone the Remaining Land PUD in accordance with the Site Plan and Landscape Plan.

(The legal description of the Property consisting of 38.1 +/- acres was presented and accepted by the Township as the property being zoned to the PUD zoning classification for Application Number PUD-06-112.)

2. Hotel/motel.
3. Body Shop.
4. Night club.

C. Development Standards:

1. The development standards shall be those set forth in: The Resolution as amended and supplemented by this Text; the Conceptual Detailed Site Plan dated February 22, 2007 (the "Site Plan") (note that building layout may be adjusted to accommodate user needs as long as all buildings are within the permissible building areas shown on the Site Plan. If building configurations change within the permissible building areas, vehicular and pedestrian access shall be provided in a manner similar to that shown on the Site Plan); the Overall Landscape Plan dated March 9, 2007 (the "Landscape Plan"); the Materials Board dated March 9, 2007 (the "Materials Board"); and the Proposed Building Elevations dated (4 pages) February 22, 2007, which are representative of the type of architecture and materials to be used (the "Elevations"); (the Text, Site Plan, Landscape Plan and Elevations shall hereinafter be referred to collectively as the "PUD Plan"). If any conflict between the Resolution and the PUD Plan, the PUD Plan shall prevail.

D. Density, Height, Lot and/or Setback commitments:

1. Setbacks:
 - (a). The setback from State Route 161 shall be a minimum of fifteen (15) feet for parking, loading and maneuvering and a minimum of twenty-five (25) feet for buildings.
 - (b). The setback from the relocated Industrial Parkway shall be a minimum of fifteen (15) feet for parking, loading and maneuvering and a minimum of seventy five (75) feet for buildings.
2. Outparcels: The side yard setback for outparcels shall be a minimum of five (5) feet for parking, loading and maneuvering and a minimum fifteen (15) feet for buildings. The parking setback areas shall be landscaped in compliance with Part One, Section G. The landscaping for the ten (10) foot minimum landscape islands between outparcel parking areas created by contiguous outparcels (5' parking setbacks on each outparcel) shall be landscaped with a combination of grass, shrubs and/or trees. The setbacks from the internal access drive shall be ten (10) feet for parking, loading and maneuvering and twenty (20) feet for buildings. The size, number and configuration of outparcels will depend on end users. The maximum number of outparcels shall be six (6). ~~No outparcels shall be permitted along Industrial Parkway north of the proposed pond located west of relocated Industrial Parkway without resubmittal to the Jerome Township Zoning Board.~~

eight (8)

3. **Maximum Building Area:** For the entire Property the total building square footage permitted per acre shall not exceed 12,000 square feet for commercial uses and 20,000 square feet for office uses.
4. **Height limitations:** The following building height limitations shall apply to non-outparcel buildings on the Property. The height of a building shall be defined as the vertical distance from grade to the highest point of the parapet of a flat roof or on a sloped roof shall be measured to the mean height of the sloped roof element.
 - a. Any building exceeding 25,000 square feet in size (the "Anchor Store"), shall have a maximum building height of forty-five (45) feet, excluding architectural tower elements.
 - b. Any building greater than 5,000 square feet and less than 25,000 square feet in size (the "Junior Anchor") shall have a maximum building height of thirty-six (36) feet, excluding architectural tower elements.
 - c. Any building less than 5,000 square feet in size (the "In-line Retail") shall have a maximum building height of twenty-eight (28) feet, excluding architectural tower elements.

E. Access, Loading, Parking and/or other Traffic related commitments:

1. Access points shall be permitted as shown on the Site Plan.
2. All uses, shall have a minimum parking ratio of one (1) parking space for every 250 square feet of building floor area except uses providing seating for more than twenty (20) customers consuming food or drink prepared on the premises, shall provide a minimum of one (1) parking space for every 100 square feet of building floor area. Parking ratios shall not be required for garden centers, outdoor sale areas and outdoor patios.
3. Standard parking spaces shall be a minimum of 9' x 19'. Parking area tree diamonds located within a parking field may encroach into a portion of the adjacent parking spaces and such spaces shall be deemed standard parking spaces for purposes of satisfying the parking requirements of Section 2 of this Part One (E). Handicapped parking spaces shall be in compliance with applicable standards.
4. **Off-street Loading Requirements**
 Each commercial use shall provide loading spaces based on gross floor area as follows:
 - (i) Under 5,000 square feet – No loading spaces required
 - (ii) 5,000 square feet or more but less than 10,000 square feet – One (1) loading space required.
 - (iii) 10,000 square feet or more but less than 30,000 square feet – Two (2) loading spaces required.
 - (iv) 30,000 square feet or more but less than 90,000 square feet – Three (3) loading spaces required.
 - (v) 90,000 square feet or more but less than 150,000 square feet – Four (4) loading spaces required.
 - (vi) 150,000 square feet or more but less than 250,000 square feet – Five (5) loading spaces required.

- (vii) 250,000 square feet or more – Five (5) loading spaces plus one (1) for each 80,000 square feet or fraction thereof in excess of 250,000 square feet.

5. No overnight parking of recreational vehicles shall be permitted in the parking lots. No overnight parking of semi-trucks shall be permitted on the site except in the designated loading areas by trucks making deliveries to the Property.
6. Traffic will be internally directed to circulation lanes within the center. No outparcels will have direct access to public right-of-ways other than right-in, right-out limited movements with the reasonable consent of the Township.
7. Drive-through windows/drives shall be permitted on the Property.
8. Curb cuts shall be permitted as shown on the Site Plan. The easternmost curb cut on State Route 161, currently shown as right-in/right-out on the Site Plan, may be moved eastward, if necessary, based on approvals from the appropriate jurisdictional body. No outparcel uses shall have full curb cuts on State Route 161 or Industrial Parkway. Each outparcel shall have no more than two (2) curb cuts onto the internal access drive.

F. Site Lighting:

1. All outdoor lighting shall be cut-off fixtures (down lighting), except there may be accent lighting (up lighting) on landscaping and buildings.
2. All outdoor lighting fixtures to be used shall be similar in design to ensure aesthetic compatibility.
3. The maximum height of a pole mounted light fixture shall not exceed thirty-seven (37) feet above grade (measured at the fixture).
4. Building mounted lighting within service areas shall be designed to avoid offsite light spillage.
5. Any landscape lighting may be provided by up-lighted ground-mounted concealed fixtures.

G. Landscaping, Buffering, Open space and/or Screening:

Landscaping shall be installed and maintained in substantial compliance with the Landscape Plan and the following:

1. Parking areas adjacent to State Route 161 and relocated Industrial Parkway shall be screened by a hedge, mound, shrubs or a combination thereof that are 4' in height as measured from the grade of the parking lot. If a hedge is used, it shall be installed at a height of no less than 2', and achieve 80% opacity in 4 years.
2. Interior green space shall be provided in parking areas at a minimum rate of ten (10) square feet of landscape area per 1,000 square feet of vehicular pavement

area with a combination of landscaped areas, tree diamonds or perimeter landscaped area.

3. A tree row shall be installed within the setback areas along State Route 161 and relocated Industrial Parkway containing one tree for every 40 feet of roadway frontage. Trees may be grouped or evenly spaced. Street trees shall not be located within any established sight triangle. Street trees for each street shall be a consistent species.
4. Any portion of the Property not covered by buildings or pavement shall be landscaped and/or seeded.
5. No chain link or wire fencing shall be permitted on the Property; however, board on board wood or vinyl fences or masonry walls shall be permitted.
6. Unless otherwise specified minimum size of trees at installation shall be 2 1/2" caliper.
7. All trees shall be well maintained. Weather permitting, dead plantings shall be replaced within six months or the next available planting season whichever occurs first.
8. On all outparcels, a minimum of one (1) tree per every ten (10) parking spaces shall be provided within the parking islands.
9. Service and delivery areas for any outparcel building will be screened from view from State Route 161 and Industrial Parkway with landscaping, masonry walls, fencing or a combination thereof.
10. The Landscape Plan will be subject to final engineering, allowing for minor adjustments where needed to allow for utility crossings, setbacks, etc. and other requirements of the PUD Plan.

H. Dumpsters and/or other environmental commitments:

1. All utility connections shall be kept to the rear or the side of the buildings.
2. Except as otherwise required by the respective utility company, all utility lines including water supply, sanitary sewer service, and gas, and their connections or feeder lines shall be placed underground. Any above ground utility facilities shall be screened not less than one (1) foot above the height of the facility.
3. No beverage/vending machines shall be permitted outside of the building(s).
4. Dumpsters and compactors for the In-line Retail shops will be located in the service and delivery areas.
5. Dumpsters shall be screened on all four sides by a solid wall or fence with a gate on one side to the height of six (6) feet or to a height of one (1) foot above the dumpster/waste container, whichever is higher.

6. Screening for outparcel dumpsters shall use the same exterior material(s) as the primary building on the outparcel.

I. Exterior Uses:

1. Outdoor storage and display of merchandise associated with a retail use within the shopping center shall be permitted in fenced and/or screened areas.
2. Seasonal sales items, such as pumpkins, flowers, and salt, may be offered for sale in the sidewalk areas along the front façade of the Anchor Stores. Passage along the sidewalk shall not be blocked for pedestrian travel.
3. Sidewalk areas may be used for exterior seating and dining. Seating and table plans shall be submitted to the Township Zoning Inspector for approval relative to sidewalk clearance and pedestrian safety.

PART TWO – ARCHITECTURAL STANDARDS

A. Architectural Requirements

Structures, including the Shopping Center Identification Signs set forth in Part Three, Section B of this Text, shall be designed and constructed in substantial compliance with Elevations and the following:

1. All structures shall be designed to be architecturally compatible with each other by employing similar roof pitches, architectural details and be constructed of compatible exterior building materials. Exterior materials on the front elevations of the buildings shall incorporate brick, brick veneer, stone, stone veneer, stucco or EIFS as listed on the Materials Board. In the event any of the listed exterior materials are not available, materials of comparable quality and appearance may be substituted. The use of CMU shall be permitted on rear building elevations. All buildings and portions thereof shall retain traditional building massing. Large commercial and retail buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts. The scale of the building(s) shall be aided through the use of different materials and architectural elements to help reduce the perception of the building mass.
2. Rooftop equipment, antennas, and similar protrusions shall be screened from view from State Route 161 and Industrial Parkway along the frontage of the Property. The buildings shall include parapet walls, individual screens or other architectural building elements to screen equipment from view from the pedestrian walking in front of such buildings. All screening elements shall be consistent with the style of architecture of the center. Satellite dishes shall be consistent with applicable federal law and all applicable provisions of the Resolution.
3. Permitted roof style:

- a. Pitched roofs with gabled or hipped ends.
 - b. Glass roofs are acceptable in portions of a structure.
 - c. Mansard roofs
 - d. Flat roofs are permitted but must utilize parapets or cornices.
4. Use of roof pitches on outparcel buildings shall be encouraged.
5. Prefabricated metal buildings and untreated masonry block structures are prohibited.
6. In the event no retail shops are constructed to veneer the anchor user on the northeast corner of the Property, the east (side) elevation of the anchor building shall incorporate the same materials used on the south (front) elevation of the anchor store. Additionally, the east elevation of this building shall incorporate architectural features such as belts, soldier courses, articulation, etc. to reduce the mass of the building.

B. Architectural Requirements - Outparcel Buildings

1. Each outparcel building shall be designed to be compatible with the retail center. Each outparcel building shall employ the same exterior building materials as the retail center (or similar materials if such materials are not available). The maximum height of any outparcel building shall be twenty eight (28) feet except for architectural features such as parapets, cupolas, etc.
2. In the event pitched roofs are used on an outparcel building, such pitched roofs shall have a minimum of an 8/12 pitch. Smaller outparcel buildings are encouraged to use pitched roofs.

PART THREE – SIGNAGE

A. Signage - General Requirements:

1. These standards shall apply to the following permitted sign types:
- a. Freestanding Signs
 - b. Wall Signs
 - c. Directional/informational signs
 - d. Canopy signs
 - e. Under-canopy signs
 - f. Nameplate signs
 - g. Window signs.
2. The graphic area of a sign shall be defined as the entire area enclosing the limits of wording, representation, emblem, or any figure of similar character, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed. Any background materials, color or area defined by a border or a frame shall be included as part of the graphic area.
3. The sign area shall be defined as the area enclosed by the perimeter of the aggregate sign face. For a sign, composed of letters only, the sign area is the sum

of the area of the smallest contiguous rectangle capable of containing all adjoining letters.

4. Permanent sign type illumination shall be provided by one of the following manners:
 - a. Individually mounted, internally illuminated, face lit, channel letter.
 - b. Individually mounted, internally illuminated reverse channel letter ("halo" illuminated letter).
5. Prohibited graphic types shall include but are not limited to the following:
 - a. Wall mounted enclosed cabinet signs.
 - b. Roof top signs.
 - c. Flashing, traveling, animated, rotating, audible or intermittently illuminated signs.
 - d. Permanent or temporary banners, other than the center's banners and pennants that are described herein.
 - e. The use of building walls for display of advertising.
 - f. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
 - g. No sign shall be attached to any fence within the right-of way of any road.
 - h. Advertising devices that attempt, or appear to attempt, to direct movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
 - i. No vehicle, trailer or equipment of any type may be parked on a building premise or lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.
 - j. Exposed neon graphics or text that is mounted to either the exterior face of the building or that is mounted within the building that is visible from the exterior of the building.
 - k. Pole signs.
6. Window Signs shall not exceed 15 square feet per store.
7. Service and Address Signage: Each service/loading dock area is permitted to have the following message area on building elevation centered directly above door access: "Service Entrance", "Exit", etc. maximum letter height to be 6 inches.
8. Building address signage shall be indicated on front storefront glass doors and rear service doors to each individual tenant address by installing 6 inch high, white vinyl letters in Helvetica lettering style.

B. Shopping Center Identification Signs:

1. Developer shall be permitted to have three (3) Shopping Center Identification Signs listing the name of the shopping center and names of selected tenants. The Primary Shopping Center Identification Sign, shown on Sheet A-2.4 of the Elevations, will have a maximum of eight (8) tenants listed on the sign. The two Secondary Shopping Center Identification Signs, shown on Sheet A-2.4 of the Elevations, will have a maximum of fourteen (14) tenants listed on each sign.

2. The Primary Shopping Center Identification sign shall not exceed sixty (60) feet in height. The Secondary Shopping Center Identification Signs shall not exceed fifty (50) feet in height.
3. Tenant panels on the Shopping Center Identification signs shall be internally illuminated.

C. Ground signs:

1. Each outparcel shall be allowed one (1) monument sign per right-of-way frontage. The distance between outparcel monument signs shall not be less than 150 feet.
2. Monument signs shall have a maximum height of six (6) feet and a maximum width of ten (10) feet. The graphic area shall not exceed sixty (60) square feet per sign face.
3. All monument signs are to be constructed with a masonry base that is consistent with the materials used in the main retail center as shown on the exhibits marked Sheet SDA-4 and SDA-5 attached.
4. All monument signs shall be placed in a landscaped area.
5. Each outparcel may provide appropriate directional signage at ingress/egress access points. On site permanent directional signs, e.g. employee and visitor parking, deliveries, etc. will be of a common design, material and size. Maximum height of directional signage shall be four (4) feet and the maximum copy area type face shall be four (4) square feet.
6. Monument signs may be internally or externally illuminated. Light sources to externally illuminate signs shall be shielded from view.
7. The background color of the graphic area for each monument sign shall be a buff color and shall match the background color of the tenant panels of the Shopping Center Identification Signs.

D. Retail Center Tenant Signage – In-line Retail:

1. Use of individually mounted letters shall be limited to the fronts, or with endcap tenants, front and sides of stores relative to each tenant space. In all instances the message area letters and/or its sign panel shall be mounted directly to the building face.
2. All tenant signage shall be internally illuminated. Letter returns shall be dark gray.
3. Graphic area: The maximum graphic area for an in-line tenant shall be two (2) square feet of graphic area for each one (1) linear foot of wall to which the signage is to be mounted.

4. The horizontal width of each tenant's sign shall be a maximum of 80% of the width of such tenant's storefront width. Each tenant sign shall be centered on that tenant's storefront except in the event physical features of the building prevent centering, in which case tenant's sign may be offset to permit the placement of the sign.
5. Sign height: The maximum mounting height of any sign shall not exceed twenty (20) feet above grade and shall not extend above the roof or line of the parapet construction.
6. Maximum letter height shall be 30", except that maximum height of the upper case letters may be 36". Special attention to descent letters will be considered.
7. The sign area must terminate twenty-four inches (24") inside the tenant space side limits or corner of a building.

E. Retail Center Tenant Signage -- Anchor Store:

1. Use of individually mounted letters shall be limited to the fronts of stores relative to each tenant space. In all instances the message area letters and/or its sign panel shall be mounted directly to the building.
2. All tenant signage shall be internally illuminated. Letter returns shall be dark gray.
3. Graphic area: The maximum sign area of an anchor store tenant shall be two (2) square feet of wall sign for each one (1) linear foot of wall to which the signage is to be mounted. Total graphic area shall not exceed four hundred (400) square feet per facade.
4. Sign height: The maximum mounting height of any sign shall not exceed twenty-eight (28) feet above grade and shall not extend above the roof or line of the parapet construction.
5. Maximum letter height shall be 72".
6. The sign area must terminate twenty-four inches (24") inside the tenant space side limits or corner of a building.

F. Tenant Blade Signs:

1. Each tenant may be permitted to select one of the (2) projecting blade sign options indicated at a maximum of (3) square feet of graphic area. See attached exhibits marked Sheet SDA-1 and SDA-2 attached.
 - a. Each blade sign shall be of the same color as the tenant's canopy sign letters
 - b. The tenant's name to be no greater than 3 inches in height and to have a $\frac{1}{4}$ " wide decorative border on the blade sign painted gold.
2. No part of any blade sign shall be less than eight (8) feet above the sidewalk or ground level.

G. Outparcel Building Signs:

1. All wall mounted signage may be internally or externally illuminated. Letter returns shall be dark gray.
2. The horizontal width of each tenant's copy shall be a maximum of 80% of the width of the wall on which is located.
3. Outparcel buildings shall be permitted three (3) on-premise wall signs. No graphic area shall be larger than 100 square feet per sign. The total aggregate graphic area for all such wall signs shall not exceed two hundred (200) square feet per building.
4. Outparcel building wall signs shall not be mounted higher than twenty-four (24) feet above grade and no less than ten (10) feet above grade and shall not extend above the roof or line of the parapet construction.

H. Service/Fuel Station Signage:

1. Signage which displays the purchase price of fuels shall be comprehensively and permanently incorporated into the ground signage of any retail service station.
2. In addition to wall mounted signage as provided above, such retail service station may have two signs mounted to the soffit of any canopy placed over the fuel dispensing area. The maximum graphic area of any canopy signage shall be fifty (50) square feet. No canopy signage shall extend above the roofline or below the bottom of the canopy soffit on which it is mounted.
3. If the retail service station facility also has a car wash, not more than two wall mounted illuminated name signs not exceeding fifty (50) square feet of graphic area in the aggregate may be mounted on the car wash facility (in addition to all other signs allowed in Part Three (H)(1) and (2) above.)

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PUD Zoning Text for Jerome I Associates, LTD
PROPOSED DISTRICT: Permitted Uses of B-11, B-12, B-13, and B-14
PROPERTY ADDRESS: State Route 161
OWNER: Jerome I Associates, LTD.
APPLICANT: Jerome I Associates, LTD.
DATE OF TEXT: 2/21/07
AMENDED: 3/15/07; 3/28/07; 4/11/07; 5/7/07
APPLICATION NUMBER: PUD-06-112

INTRODUCTION

The property, as described in the legal description* submitted with the zoning application, is located north of State Route 161, east of Weldon Road, and west of Industrial Parkway (the "Property"). The Property consists of 46.244 +/- acres with 35 +/- acres of the Property currently zoned for general retail uses (33 +/- acres is zoned B-14, 2 +/- acres is zoned B-13). The remaining 11 +/- acres of the Property are zoned for recreational uses with a retail orientation, including uses such as basketball, hockey, and tennis. The property can be developed pursuant to such classifications without the development standards contained in this Text. The purpose of this PUD rezoning application is to bring the Property under the Planned Unit Development (the "PUD") zoning classification, as provided in Article II of the Zoning Resolution of the Township of Jerome, Union County, Ohio (the "Resolution") and to set forth development standards for the Property.

PART ONE – DEVELOPMENT STANDARDS

A. Permitted Uses:

1. All uses contained in Sections B-11, B-12, B-13 and B-14 of the Resolution, except those uses set forth in Part One, Section B.
2. No more than two (2) drive-up, freestanding ATMs shall be permitted.
3. The "Restrictions" set forth in Sections 251, 252, 253 and 254 of the Resolution shall not apply to the uses permitted under this Part One, Section A of the Text.

B. Prohibited Uses:

1. Auto dealer.

*The final legal description is subject to the Ohio Department of Transportation's ("ODOT") determination of the final location of relocated Industrial Parkway (see note below). All land east of the western right-of-way line of relocated Industrial Parkway and south of the proposed State Route 161 will be excepted from this zoning. After ODOT's appropriation of the right-of-way for relocated Industrial Parkway and the widening of State Route 161, Applicant intends to use the 2.1 acre portion of the excepted land (the "Remaining Land") for storm water detention as shown on the Site Plan. When the Remaining Land is improved for storm water detention, Applicant shall further improve the Remaining Land as depicted on the Site Plan. Furthermore, once improved with the detention pond and upon the request of the Township Trustees, Applicant agrees to rezone the Remaining Land PUD in accordance with the Site Plan and Landscape Plan.

(The legal description of the Property consisting of 38.1 +/- acres was presented and accepted by the Township as the property being zoned to the PUD zoning classification for Application Number PUD-06-112.)

2. Hotel/motel.
3. Body Shop.
4. Night club.

C. Development Standards:

1. The development standards shall be those set forth in: The Resolution as amended and supplemented by this Text; the Conceptual Detailed Site Plan dated February 22, 2007 (the "Site Plan") (note that building layout may be adjusted to accommodate user needs as long as all buildings are within the permissible building areas shown on the Site Plan. If building configurations change within the permissible building areas, vehicular and pedestrian access shall be provided in a manner similar to that shown on the Site Plan); the Overall Landscape Plan dated March 9, 2007 (the "Landscape Plan"); the Materials Board dated March 9, 2007 (the "Materials Board"); and the Proposed Building Elevations dated (4 pages) February 22, 2007, which are representative of the type of architecture and materials to be used (the "Elevations"); (the Text, Site Plan, Landscape Plan and Elevations shall hereinafter be referred to collectively as the "PUD Plan"). If any conflict between the Resolution and the PUD Plan, the PUD Plan shall prevail.

D. Density, Height, Lot and/or Setback commitments:

1. Setbacks:
 - (a). The setback from State Route 161 shall be a minimum of fifteen (15) feet for parking, loading and maneuvering and a minimum of twenty-five (25) feet for buildings.
 - (b). The setback from the relocated Industrial Parkway shall be a minimum of fifteen (15) feet for parking, loading and maneuvering and a minimum of seventy five (75) feet for buildings.
2. Outparcels: The side yard setback for outparcels shall be a minimum of five (5) feet for parking, loading and maneuvering and a minimum fifteen (15) feet for buildings. The parking setback areas shall be landscaped in compliance with Part One, Section G. The landscaping for the ten (10) foot minimum landscape islands between outparcel parking areas created by contiguous outparcels (5' parking setbacks on each outparcel) shall be landscaped with a combination of grass, shrubs and/or trees. The setbacks from the internal access drive shall be ten (10) feet for parking, loading and maneuvering and twenty (20) feet for buildings. The size, number and configuration of outparcels will depend on end users. The maximum number of outparcels shall be six (6). No outparcels shall be permitted along Industrial Parkway north of the proposed pond located west of relocated Industrial Parkway without resubmittal to the Jerome Township Zoning Board.

3. **Maximum Building Area:** For the entire Property the total building square footage permitted per acre shall not exceed 12,000 square feet for commercial uses and 20,000 square feet for office uses.
4. **Height limitations:** The following building height limitations shall apply to non-outparcel buildings on the Property. The height of a building shall be defined as the vertical distance from grade to the highest point of the parapet of a flat roof or on a sloped roof shall be measured to the mean height of the sloped roof element.
 - a. Any building exceeding 25,000 square feet in size (the "Anchor Store"), shall have a maximum building height of forty-five (45) feet, excluding architectural tower elements.
 - b. Any building greater than 5,000 square feet and less than 25,000 square feet in size (the "Junior Anchor") shall have a maximum building height of thirty-six (36) feet, excluding architectural tower elements.
 - c. Any building less than 5,000 square feet in size (the "In-line Retail") shall have a maximum building height of twenty-eight (28) feet, excluding architectural tower elements.

E. Access, Loading, Parking and/or other Traffic related commitments:

1. Access points shall be permitted as shown on the Site Plan.
2. All uses, shall have a minimum parking ratio of one (1) parking space for every 250 square feet of building floor area except uses providing seating for more than twenty (20) customers consuming food or drink prepared on the premises, shall provide a minimum of one (1) parking space for every 100 square feet of building floor area. Parking ratios shall not be required for garden centers, outdoor sale areas and outdoor patios.
3. Standard parking spaces shall be a minimum of 9' x 19'. Parking area tree diamonds located within a parking field may encroach into a portion of the adjacent parking spaces and such spaces shall be deemed standard parking spaces for purposes of satisfying the parking requirements of Section 2 of this Part One (E). Handicapped parking spaces shall be in compliance with applicable standards.
4. **Off-street Loading Requirements**
Each commercial use shall provide loading spaces based on gross floor area as follows:
 - (i) Under 5,000 square feet – No loading spaces required
 - (ii) 5,000 square feet or more but less than 10,000 square feet
– One (1) loading space required.
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 - (iv) 30,000 square feet or more but less than 90,000 square feet – Three (3) loading spaces required.
 - (v) 90,000 square feet or more but less than 150,000 square feet – Four (4) loading spaces required.
 - (vi) 150,000 square feet or more but less than 250,000 square feet – Five (5) loading spaces required.

(vii) 250,000 square feet or more – Five (5) loading spaces plus one (1) for each 80,000 square feet or fraction thereof in excess of 250,000 square feet.

5. No overnight parking of recreational vehicles shall be permitted in the parking lots. No overnight parking of semi-trucks shall be permitted on the site except in the designated loading areas by trucks making deliveries to the Property.
6. Traffic will be internally directed to circulation lanes within the center. No outparcels will have direct access to public right-of-ways other than right-in, right-out limited movements with the reasonable consent of the Township.
7. Drive-through windows/drives shall be permitted on the Property.
8. Curb cuts shall be permitted as shown on the Site Plan. The easternmost curb cut on State Route 161, currently shown as right-in/right-out on the Site Plan, may be moved eastward, if necessary, based on approvals from the appropriate jurisdictional body. No outparcel uses shall have full curb cuts on State Route 161 or Industrial Parkway. Each outparcel shall have no more than two (2) curb cuts onto the internal access drive.

F. Site Lighting:

1. All outdoor lighting shall be cut-off fixtures (down lighting), except there may be accent lighting (up lighting) on landscaping and buildings.
2. All outdoor lighting fixtures to be used shall be similar in design to ensure aesthetic compatibility.
3. The maximum height of a pole mounted light fixture shall not exceed thirty-seven (37) feet above grade (measured at the fixture).
4. Building mounted lighting within service areas shall be designed to avoid offsite light spillage.
5. Any landscape lighting may be provided by up-lighted ground-mounted concealed fixtures.

G. Landscaping, Buffering, Open space and/or Screening:

Landscaping shall be installed and maintained in substantial compliance with the Landscape Plan and the following:

1. Parking areas adjacent to State Route 161 and relocated Industrial Parkway shall be screened by a hedge, mound, shrubs or a combination thereof that are 4' in height as measured from the grade of the parking lot. If a hedge is used, it shall be installed at a height of no less than 2', and achieve 80% opacity in 4 years.
2. Interior green space shall be provided in parking areas at a minimum rate of ten (10) square feet of landscape area per 1,000 square feet of vehicular pavement

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4. Any portion of the Property not covered by buildings or pavement shall be landscaped and/or seeded.
5. No chain link or wire fencing shall be permitted on the Property; however, board on board wood or vinyl fences or masonry walls shall be permitted.
6. Unless otherwise specified minimum size of trees at installation shall be 2 ½" caliper.
7. All trees shall be well maintained. Weather permitting, dead plantings shall be replaced within six months or the next available planting season whichever occurs first.
8. On all outparcels, a minimum of one (1) tree per every ten (10) parking spaces shall be provided within the parking islands.
9. Service and delivery areas for any outparcel building will be screened from view from State Route 161 and Industrial Parkway with landscaping, masonry walls, fencing or a combination thereof.
10. The Landscape Plan will be subject to final engineering, allowing for minor adjustments where needed to allow for utility crossings, setbacks, etc. and other requirements of the PUD Plan.

H. Dumpsters and/or other environmental commitments:

1. All utility connections shall be kept to the rear or the side of the buildings.
2. Except as otherwise required by the respective utility company, all utility lines including water supply, sanitary sewer service, and gas, and their connections or feeder lines shall be placed underground. Any above ground utility facilities shall be screened not less than one (1) foot above the height of the facility.
3. No beverage/vending machines shall be permitted outside of the building(s).
4. Dumpsters and compactors for the In-line Retail shops will be located in the service and delivery areas.
5. Dumpsters shall be screened on all four sides by a solid wall or fence with a gate on one side to the height of six (6) feet or to a height of one (1) foot above the dumpster/waste container, whichever is higher.

6. Screening for outparcel dumpsters shall use the same exterior material(s) as the primary building on the outparcel.

I. Exterior Uses:

1. Outdoor storage and display of merchandise associated with a retail use within the shopping center shall be permitted in fenced and/or screened areas.
2. Seasonal sales items, such as pumpkins, flowers, and salt, may be offered for sale in the sidewalk areas along the front façade of the Anchor Stores. Passage along the sidewalk shall not be blocked for pedestrian travel.
3. Sidewalk areas may be used for exterior seating and dining. Seating and table plans shall be submitted to the Township Zoning Inspector for approval relative to sidewalk clearance and pedestrian safety.

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A. Architectural Requirements

Structures, including the Shopping Center Identification Signs set forth in Part Three, Section B of this Text, shall be designed and constructed in substantial compliance with Elevations and the following:

1. All structures shall be designed to be architecturally compatible with each other by employing similar roof pitches, architectural details and be constructed of compatible exterior building materials. Exterior materials on the front elevations of the buildings shall incorporate brick, brick veneer, stone, stone veneer, stucco or EIFS as listed on the Materials Board. In the event any of the listed exterior materials are not available, materials of comparable quality and appearance may be substituted. The use of CMU shall be permitted on rear building elevations. All buildings and portions thereof shall retain traditional building massing. Large commercial and retail buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts. The scale of the building(s) shall be aided through the use of different materials and architectural elements to help reduce the perception of the building mass.
2. Rooftop equipment, antennas, and similar protrusions shall be screened from view from State Route 161 and Industrial Parkway along the frontage of the Property. The buildings shall include parapet walls, individual screens or other architectural building elements to screen equipment from view from the pedestrian walking in front of such buildings. All screening elements shall be consistent with the style of architecture of the center. Satellite dishes shall be consistent with applicable federal law and all applicable provisions of the Resolution.
3. Permitted roof style:

- a. Pitched roofs with gabled or hipped ends.
 - b. Glass roofs are acceptable in portions of a structure
 - c. Mansard roofs
 - d. Flat roofs are permitted but must utilize parapets or cornices.
- 4. Use of roof pitches on outparcel buildings shall be encouraged.
 - 5. Prefabricated metal buildings and untreated masonry block structures are prohibited.
 - 6. In the event no retail shops are constructed to veneer the anchor user on the northeast corner of the Property, the east (side) elevation of the anchor building shall incorporate the same materials used on the south (front) elevation of the anchor store. Additionally, the east elevation of this building shall incorporate architectural features such as belts, soldier courses, articulation, etc. to reduce the mass of the building.

B. Architectural Requirements - Outparcel Buildings

- 1. Each outparcel building shall be designed to be compatible with the retail center. Each outparcel building shall employ the same exterior building materials as the retail center (or similar materials if such materials are not available). The maximum height of any outparcel building shall be twenty eight (28) feet except for architectural features such as parapets, cupolas, etc.
- 2. In the event pitched roofs are used on an outparcel building, such pitched roofs shall have a minimum of an 8/12 pitch. Smaller outparcel buildings are encouraged to use pitched roofs.

PART THREE – SIGNAGE

A. Signage - General Requirements:

- 1. These standards shall apply to the following permitted sign types:
 - a. Freestanding Signs
 - b. Wall Signs
 - c. Directional/informational signs
 - d. Canopy signs
 - e. Under-canopy signs
 - f. Nameplate signs
 - g. Window signs.
- 2. The graphic area of a sign shall be defined as the entire area enclosing the limits of wording, representation, emblem, or any figure of similar character, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed. Any background materials, color or area defined by a border or a frame shall be included as part of the graphic area.
- 3. The sign area shall be defined as the area enclosed by the perimeter of the aggregate sign face. For a sign, composed of letters only, the sign area is the sum

of the area of the smallest contiguous rectangle capable of containing all adjoining letters.

4. Permanent sign type illumination shall be provided by one of the following manners:
 - a. Individually mounted, internally illuminated, face lit, channel letter.
 - b. Individually mounted, internally illuminated reverse channel letter ("halo" illuminated letter).
5. Prohibited graphic types shall include but are not limited to the following:
 - a. Wall mounted enclosed cabinet signs.
 - b. Roof top signs.
 - c. Flashing, traveling, animated, rotating, audible or intermittently illuminated signs.
 - d. Permanent or temporary banners, other than the center's banners and pennants that are described herein.
 - e. The use of building walls for display of advertising.
 - f. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
 - g. No sign shall be attached to any fence within the right-of way of any road.
 - h. Advertising devices that attempt, or appear to attempt, to direct movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
 - i. No vehicle, trailer or equipment of any type may be parked on a building premise or lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.
 - j. Exposed neon graphics or text that is mounted to either the exterior face of the building or that is mounted within the building that is visible from the exterior of the building.
 - k. Pole signs.
6. Window Signs shall not exceed 15 square feet per store.
7. Service and Address Signage: Each service/loading dock area is permitted to have the following message area on building elevation centered directly above door access: "Service Entrance", "Exit", etc. maximum letter height to be 6 inches.
8. Building address signage shall be indicated on front storefront glass doors and rear service doors to each individual tenant address by installing 6 inch high, white vinyl letters in Helvetica lettering style.

B. Shopping Center Identification Signs:

1. Developer shall be permitted to have three (3) Shopping Center Identification Signs listing the name of the shopping center and names of selected tenants. The Primary Shopping Center Identification Sign, shown on Sheet A-2.4 of the Elevations, will have a maximum of eight (8) tenants listed on the sign. The two Secondary Shopping Center Identification Signs, shown on Sheet A-2.4 of the Elevations, will have a maximum of fourteen (14) tenants listed on each sign.

2. The Primary Shopping Center Identification sign shall not exceed sixty (60) feet in height. The Secondary Shopping Center Identification Signs shall not exceed fifty (50) feet in height.
3. Tenant panels on the Shopping Center Identification signs shall be internally illuminated.

C. Ground signs:

1. Each outparcel shall be allowed one (1) monument sign per right-of-way frontage. The distance between outparcel monument signs shall not be less than 150 feet.
2. Monument signs shall have a maximum height of six (6) feet and a maximum width of ten (10) feet. The graphic area shall not exceed sixty (60) square feet per sign face.
3. All monument signs are to be constructed with a masonry base that is consistent with the materials used in the main retail center as shown on the exhibits marked Sheet SDA-4 and SDA-5 attached.
4. All monument signs shall be placed in a landscaped area.
5. Each outparcel may provide appropriate directional signage at ingress/egress access points. On site permanent directional signs, e.g. employee and visitor parking, deliveries, etc. will be of a common design, material and size. Maximum height of directional signage shall be four (4) feet and the maximum copy area type face shall be four (4) square feet.
6. Monument signs may be internally or externally illuminated. Light sources to externally illuminate signs shall be shielded from view.
7. The background color of the graphic area for each monument sign shall be a buff color and shall match the background color of the tenant panels of the Shopping Center Identification Signs.

D. Retail Center Tenant Signage – In-line Retail:

1. Use of individually mounted letters shall be limited to the fronts, or with endcap tenants, front and sides of stores relative to each tenant space. In all instances the message area letters and/or its sign panel shall be mounted directly to the building face.
2. All tenant signage shall be internally illuminated. Letter returns shall be dark gray.
3. Graphic area: The maximum graphic area for an in-line tenant shall be two (2) square feet of graphic area for each one (1) linear foot of wall to which the signage is to be mounted.

4. The horizontal width of each tenant's sign shall be a maximum of 80% of the width of such tenant's storefront width. Each tenant sign shall be centered on that tenant's storefront except in the event physical features of the building prevent centering, in which case tenant's sign may be offset to permit the placement of the sign.
5. Sign height: The maximum mounting height of any sign shall not exceed twenty (20) feet above grade and shall not extend above the roof or line of the parapet construction.
6. Maximum letter height shall be 30", except that maximum height of the upper case letters may be 36". Special attention to descent letters will be considered.
7. The sign area must terminate twenty-four inches (24") inside the tenant space side limits or corner of a building.

E. Retail Center Tenant Signage – Anchor Store:

1. Use of individually mounted letters shall be limited to the fronts of stores relative to each tenant space. In all instances the message area letters and/or its sign panel shall be mounted directly to the building.
2. All tenant signage shall be internally illuminated. Letter returns shall be dark gray.
3. Graphic area: The maximum sign area of an anchor store tenant shall be two (2) square feet of wall sign for each one (1) linear foot of wall to which the signage is to be mounted. Total graphic area shall not exceed four hundred (400) square feet per facade.
4. Sign height: The maximum mounting height of any sign shall not exceed twenty-eight (28) feet above grade and shall not extend above the roof or line of the parapet construction.
5. Maximum letter height shall be 72".
6. The sign area must terminate twenty-four inches (24") inside the tenant space side limits or corner of a building.

F. Tenant Blade Signs:

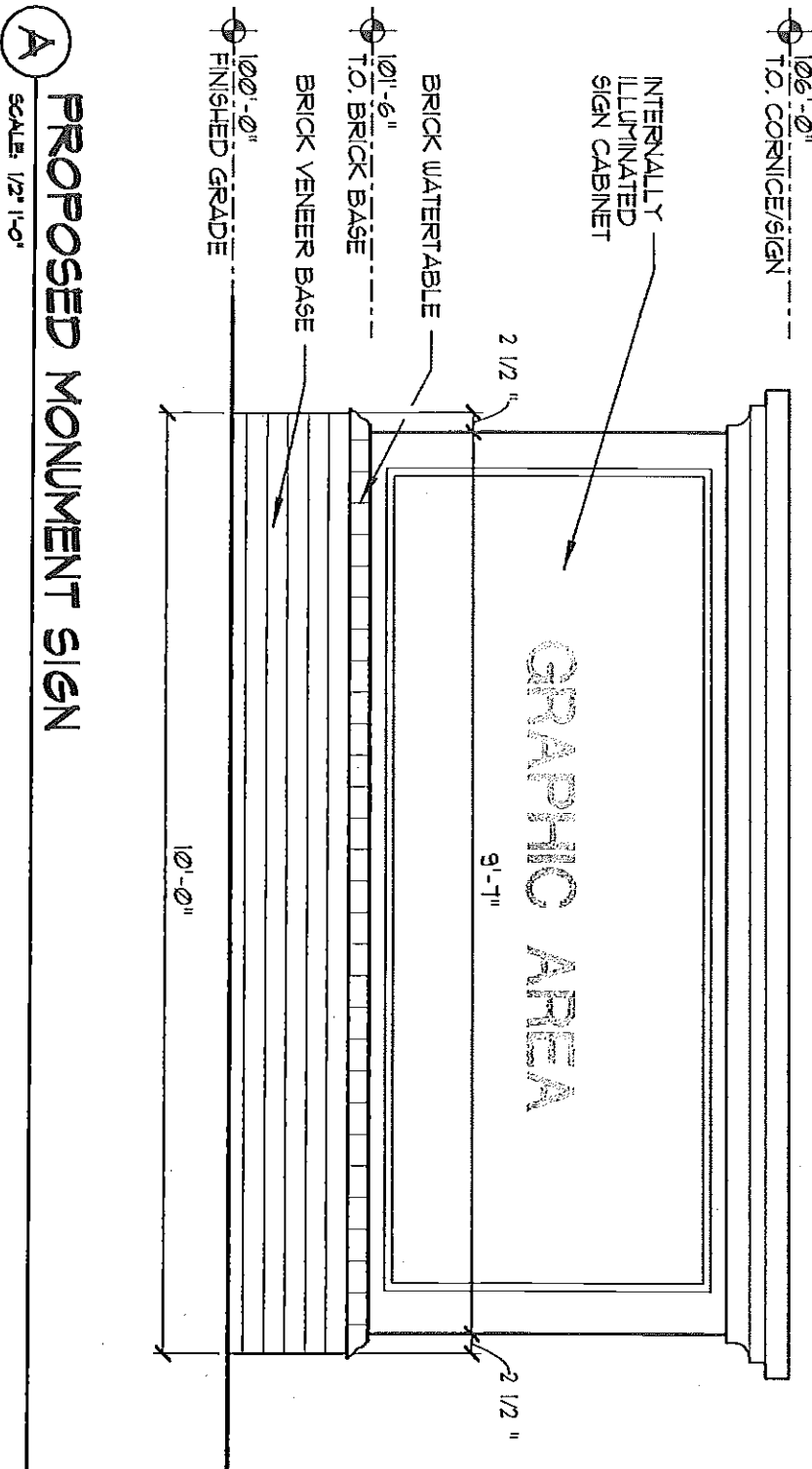
1. Each tenant may be permitted to select one of the (2) projecting blade sign options indicated at a maximum of (3) square feet of graphic area. See attached exhibits marked Sheet SDA-1 and SDA-2 attached.
 - a. Each blade sign shall be of the same color as the tenant's canopy sign letters
 - b. The tenant's name to be no greater than 3 inches in height and to have a ¼" wide decorative border on the blade sign painted gold.
2. No part of any blade sign shall be less than eight (8) feet above the sidewalk or ground level.

G. Outparcel Building Signs:

1. All wall mounted signage may be internally or externally illuminated. Letter returns shall be dark gray.
2. The horizontal width of each tenant's copy shall be a maximum of 80% of the width of the wall on which is located.
3. Outparcel buildings shall be permitted three (3) on-premise wall signs. No graphic area shall be larger than 100 square feet per sign. The total aggregate graphic area for all such wall signs shall not exceed two hundred (200) square feet per building.
4. Outparcel building wall signs shall not be mounted higher than twenty-four (24) feet above grade and no less than ten (10) feet above grade and shall not extend above the roof or line of the parapet construction.

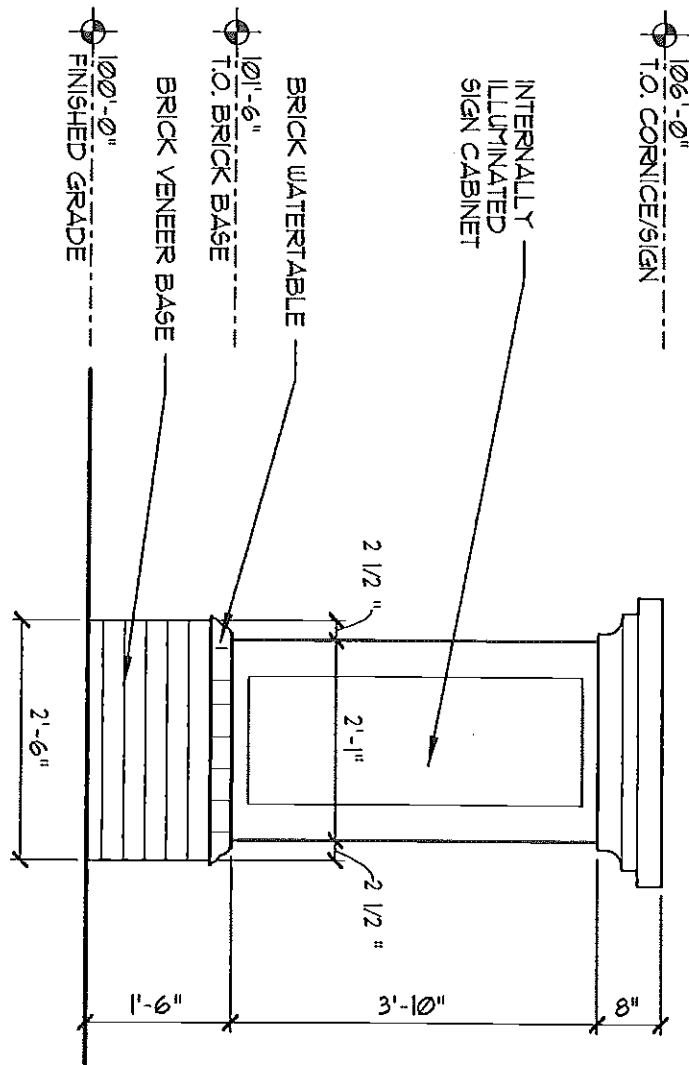
H. Service/Fuel Station Signage:

1. Signage which displays the purchase price of fuels shall be comprehensively and permanently incorporated into the ground signage of any retail service station.
2. In addition to wall mounted signage as provided above, such retail service station may have two signs mounted to the soffit of any canopy placed over the fuel dispensing area. The maximum graphic area of any canopy signage shall be fifty (50) square feet. No canopy signage shall extend above the roofline or below the bottom of the canopy soffit on which it is mounted.
3. If the retail service station facility also has a car wash, not more than two wall mounted illuminated name signs not exceeding fifty (50) square feet of graphic area in the aggregate may be mounted on the car wash facility (in addition to all other signs allowed in Part Three (H)(1) and (2) above.)



<div>FORD & ASSOCIATES</div> <div>ARCHITECTS</div> <div>1500 WEST FIRST AVENUE COLUMBUS, OHIO 43212 614.488.6252 614.488.9963 (Fax)</div>	<div>UNION CROSSING</div> <div>POST ROAD AND INDUSTRIAL PARKWAY JEROME TOWNSHIP, OHIO</div> <div>For</div> <div>CASTO</div> <div>191 W. Nationwide Boulevard, Suite 200, Columbus, Ohio 43215</div>	<div>MODIFIES SHEET:</div> <div>PROJECT NUMBER: 07029.00</div> <div>DATE: 07 MAY 2007</div> <div>SHEET NO: <div>SDA-4</div></div>
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A
PROPOSED MONUMENT SIGN
 SCALE: 1/2"=1'-0"



FORD & ASSOCIATES

ARCHITECTS

1600 WEST FIRST AVENUE
 COLUMBUS, OHIO 43212
 614.488.6252
 614.488.9963 (Fax)

UNION CROSSING

POST ROAD AND INDUSTRIAL PARKWAY
 JEROME TOWNSHIP, OHIO

For

CASTO

191 W. Nationwide Boulevard, Suite 200, Columbus, Ohio 43215

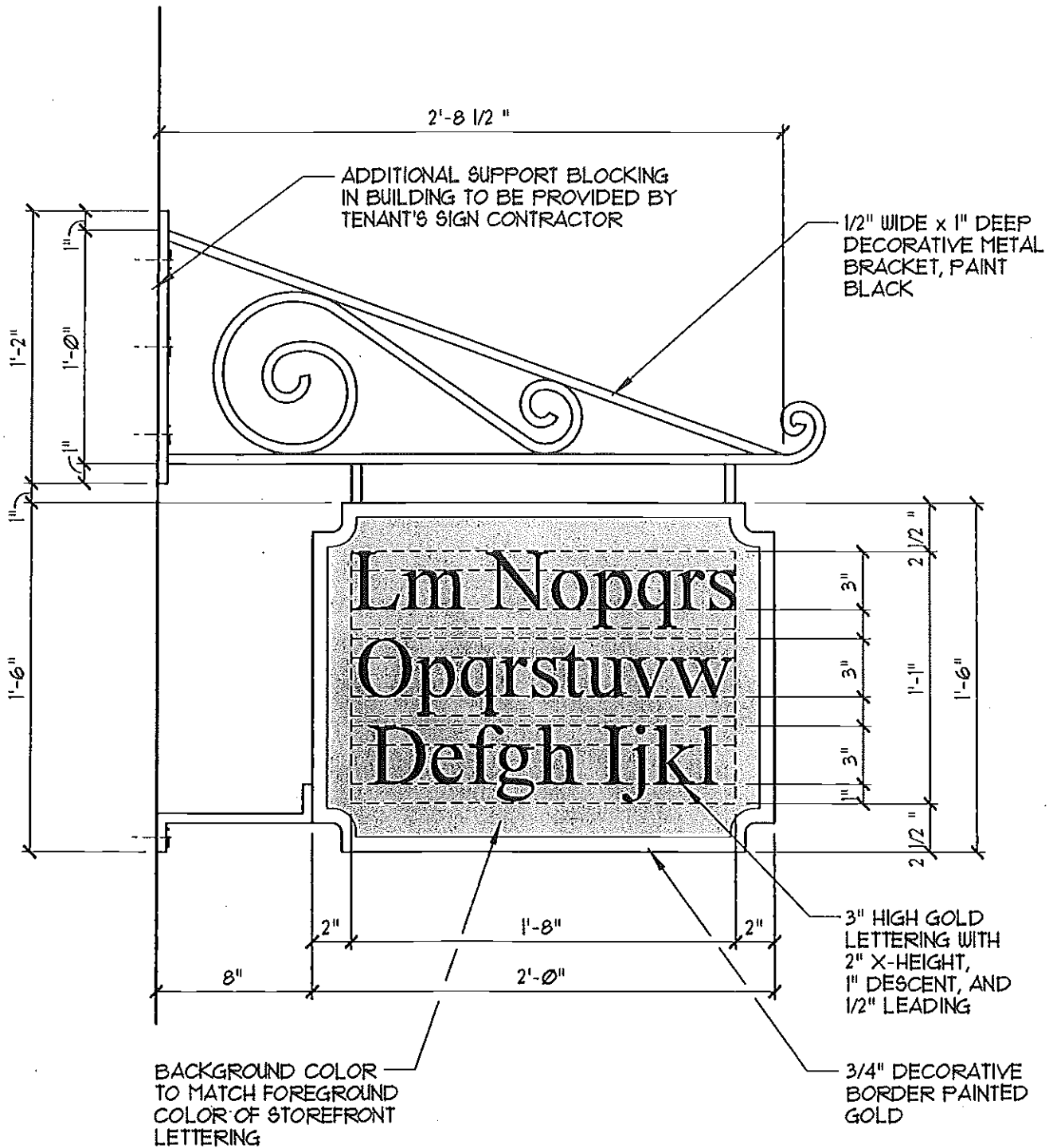
MODIFIED
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PROJECT
 NUMBER: 07029.00

DATE: 07 MAY 2007

SHEET NO:

SDA-5



PROPOSED TENANT BLADE SIGN

SCALE: 1 1/2" = 1'-0"

FORD & ASSOCIATES

ARCHITECTS

1500 WEST FIRST AVENUE
COLUMBUS, OHIO 43212
614.488.6252
614.488.9963 (Fax)

POST ROAD RETAIL

POST ROAD AND INDUSTRIAL PARKWAY
JEROME TOWNSHIP, OHIO

For

CASTO

191 W. Nationwide Boulevard, Suite 200, Columbus, Ohio 43215

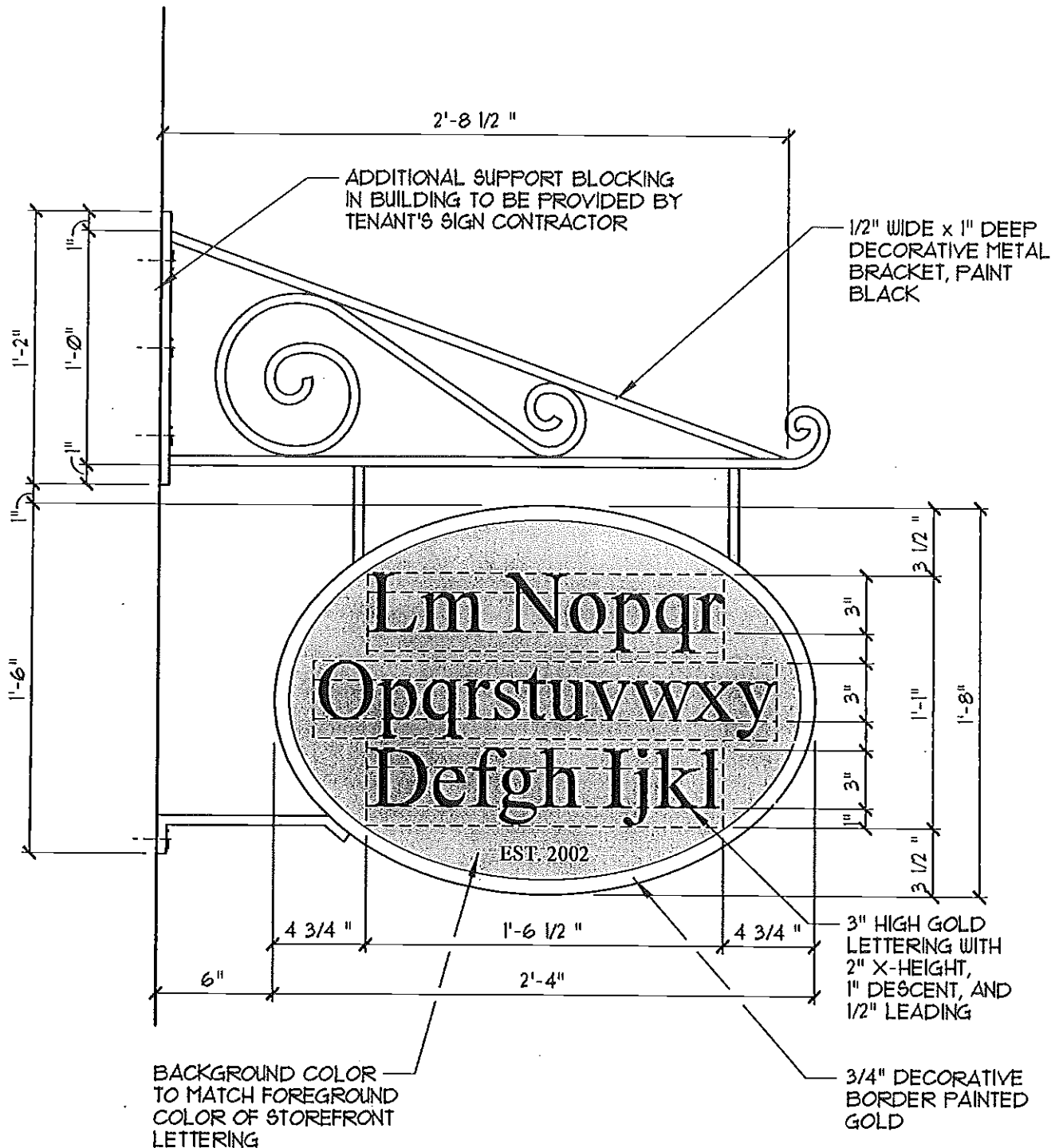
MODIFIED
SHEET:

PROJECT
NUMBER: 07029.00

DATE: 18 MAR. 2007

SHEET NO:

SDA-1



2 PROPOSED TENANT BLADE SIGN

SCALE: 1 1/2" = 1'-0"

FORD & ASSOCIATES

ARCHITECTS

1500 WEST FIRST AVENUE
COLUMBUS, OHIO 43212
614.488.8252
614.488.9963 (Fax)

POST ROAD RETAIL

POST ROAD AND INDUSTRIAL PARKWAY
JEROME TOWNSHIP, OHIO

For

CASTO

191 W. Nationwide Boulevard, Suite 200, Columbus, Ohio 43215

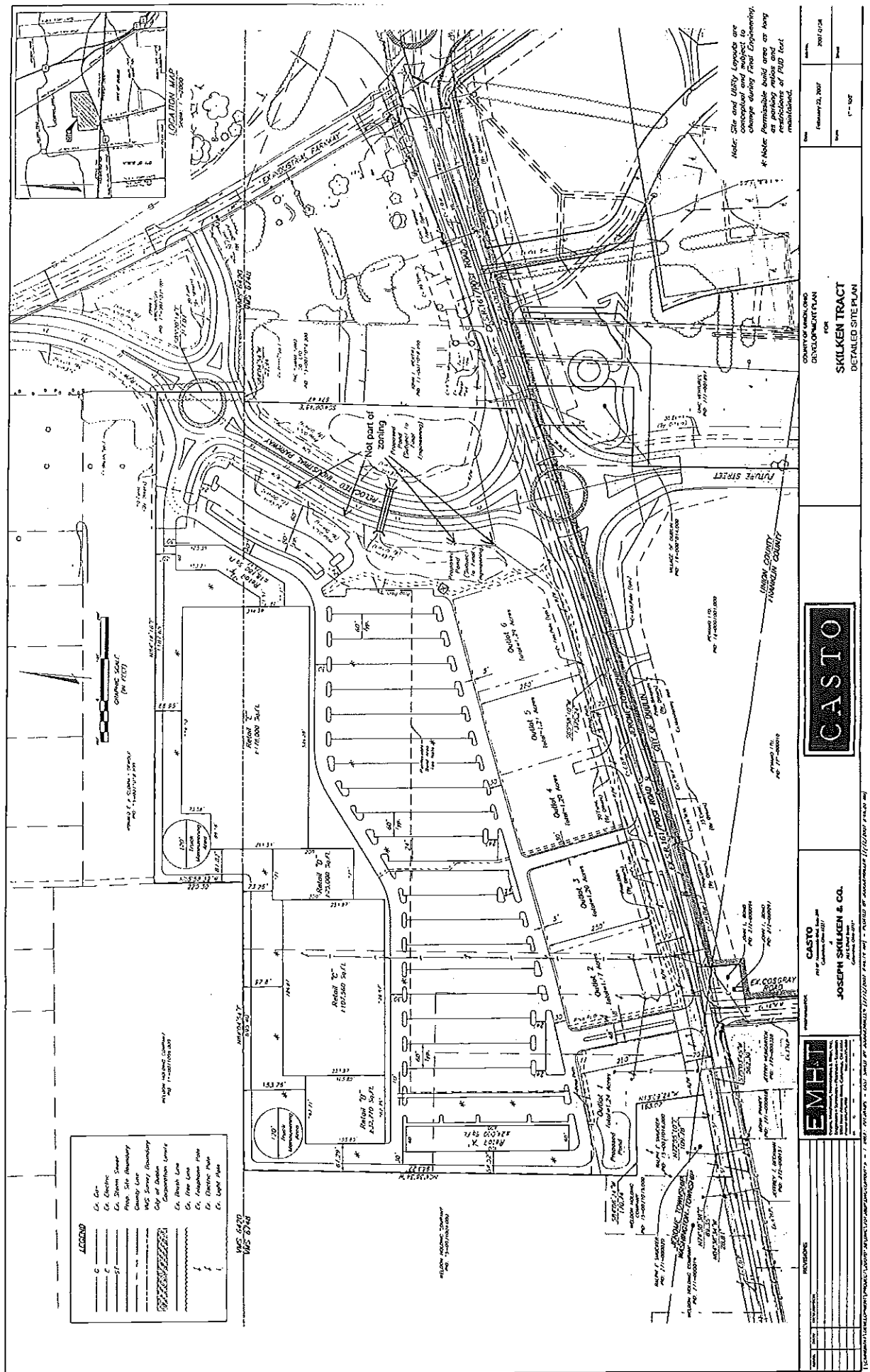
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NUMBER: 07029.00

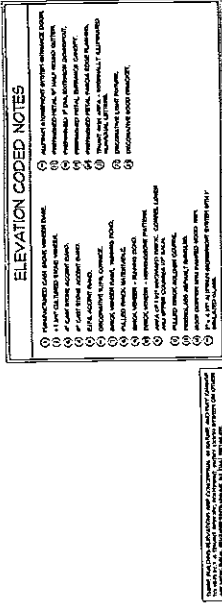
DATE: 18 MAR. 2007

SHEET NO:

SDA-2



[illegible]



POST ROAD RETAIL
POST ROAD AND INDUSTRIAL PARKWAY
JEROME TOWNSHIP, OHIO
CASTO
191 W. Madison Boulevard, Suite 200, Casto, Ohio 43115
Joseph Skillen & Co.
333 South Third Street, Columbus, Ohio 43215

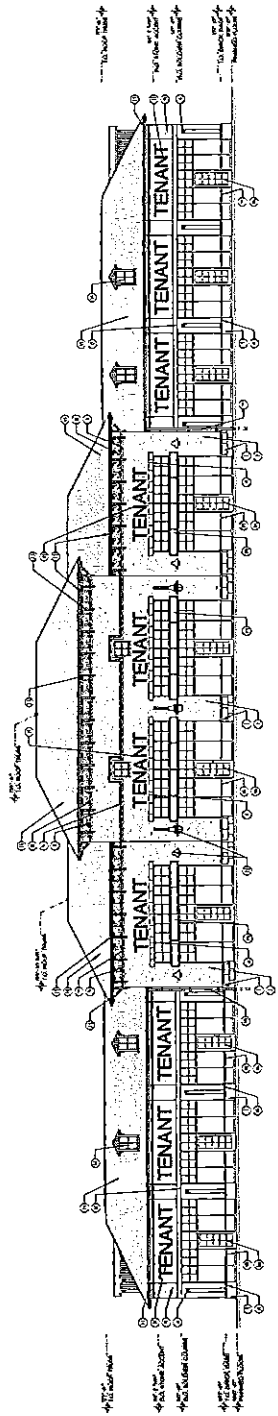
ARCHITECT
LAWRENCE H. HARRIS
10000 W. 10th Avenue
Suite 100
Broomfield, CO 80020

POST & ASSOCIATES

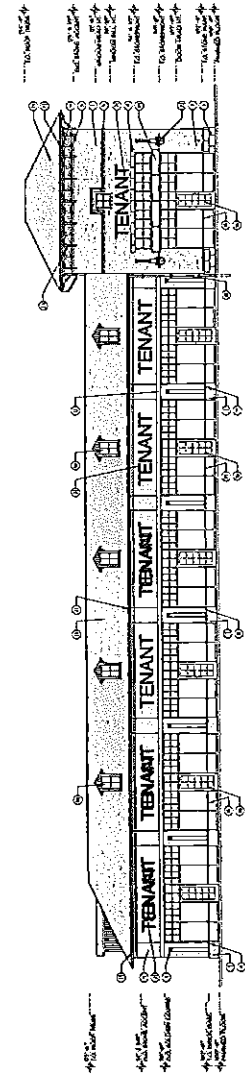
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PROPOSED
BUILDING
ELEVATIONS

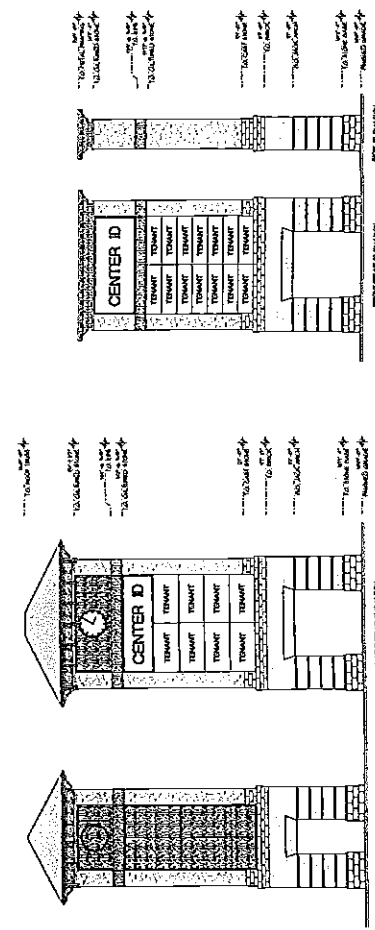
A-2.4
POST ROAD
RETAIL



A PARTIAL SOUTH BUILDING ELEVATION
SCALE: 1/8" = 1'-0"



B PARTIAL SOUTH BUILDING ELEVATION
SCALE: 1/8" = 1'-0"



C PRIMARY SHOPPING CENTER IDENTIFICATION SIGN
SCALE: 1/8" = 1'-0"

D SECONDARY SHOPPING CENTER IDENTIFICATION SIGN
SCALE: 1/8" = 1'-0"

- ELEVATION CODED NOTES
- 1. MATERIALS: SEE SPECIFICATIONS
 - 2. 1/2" CLASSED GLASS CURTAIN WALL
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 - 100. 1/2" CLASSED GLASS CURTAIN WALL

Date: March 29, 2007

Scale: 1" = 200'

Job No: 2007-0138

ZONING EXHIBIT

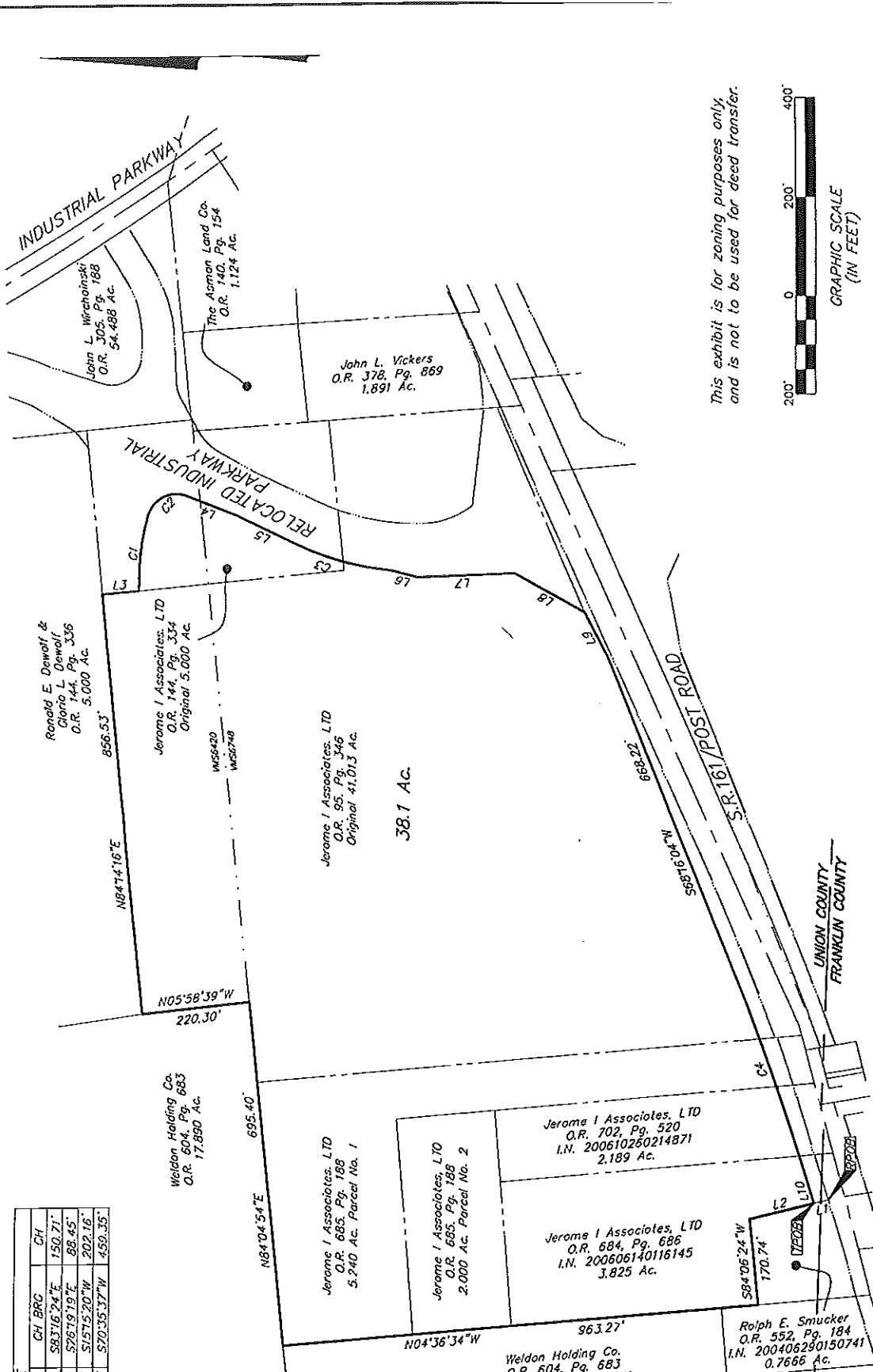
VIRGINIA MILITARY SURVEYS 6420 AND 6748

JEROME TOWNSHIP, UNION COUNTY, OHIO

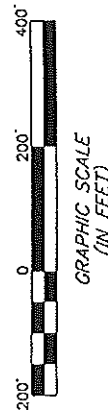
EMH&T
Engineering, Mapping & Surveying, Inc.
10000 W. 12th St., Suite 100
Overland Park, KS 66111
Tel: 913.775.4800
Fax: 913.775.4800

CURVE TABLE				
CURVE	DELTA	RADIUS	ARC	CH BRG
C1	18°56'29"	458.00'	151.40'	S83°16'24"E
C2	94°57'44"	60.00'	99.44'	S75°19'19"E
C3	20°04'24"	529.98'	203.20'	S15°15'20"W
C4	04°39'06"	5659.58'	459.43'	S70°35'37"W

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N13°00'24"W	30.04'
L2	N13°00'24"W	133.03'
L3	S03°21'37"E	75.52'
L4	S21°09'33"W	107.39'
L5	S25°17'32"W	137.02'
L6	S15°01'35"W	55.56'
L7	S02°01'00"E	198.42'
L8	S29°23'19"W	162.33'
L9	S62°33'26"W	100.50'
L10	S72°55'10"W	61.34'



This exhibit is for zoning purposes only,
and is not to be used for deed transfer.



Castro / Skiken Tract (Post Road) / 2007-0138 / 701382

ZONING DESCRIPTION
38.1 ACRES

Situated in the State of Ohio, County of Union, Township of Jerome, lying in Virginia Military Surveys 6420 and 6748, being part of the original 41.013 acre tract conveyed to Jerome I Associates, LTD by deed of record in Official Record 95, Page 346, the 5.240 acre tract conveyed to Jerome I Associates, LTD by deed of record in Official Record 685, Page 188, the 2.189 acre tract conveyed to Jerome I Associates, LTD by deed of record in Official Record 702, Page 520, the 3.825 acre tract conveyed to Jerome I Associates, LTD by deed of record in Official Record 684, Page 686, the 2.000 acre tract conveyed to Jerome I Associates, LTD by deed of record in Official Record 685, Page 188 and the original 5.000 acre tract conveyed to Jerome I Associates, LTD by deed of record in Official Record 144, Page 334 (all references are to the records of the Recorder's Office, Union County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the northerly right-of-way line of Post Road (State Route 161), at a common corner of said 3.825 acre tract and the 0.7666 acre tract conveyed to Ralph E. Smucker by deed of record in Official Record 552, Page 184;

Thence with the southwesterly lines of said 3.825 acre tract, the following courses and distances:

North 13° 09' 24" West, a distance of 30.04 feet, to the TRUE POINT OF BEGINNING;

North 13° 09' 24" West, a distance of 133.03 feet, to a point;

South 84° 06' 24" West, a distance of 170.74 feet, to a point;

Thence North 04° 36' 34" West, a distance of 963.27 feet, with the westerly lines of said 3.825 acre tract, said 2.000 acre tract and said 5.240 acre tract, to a point;

Thence North 84° 04' 54" East, a distance of 695.40 feet, with the northerly line of said 5.240 acre tract and a northerly line of said original 41.013 acre tract, to a point;

Thence North 05° 58' 39" West, a distance of 220.30 feet, with a westerly line of said original 41.013 acre tract, to a point;

Thence North 84° 14' 16" East, a distance of 856.53 feet, with the northerly line of said original 41.013 acre tract, to a point;

Thence across said original 41.013 acre tract and said 5.000 acre tract, the following courses and distances:

South 05° 21' 37" East, a distance of 75.52 feet, to a point;

ZONING DESCRIPTION

38.1 ACRES

-2-

With a curve to the right, having a central angle of $18^{\circ} 56' 25''$, a radius of 458.00 feet, an arc length of 151.40 feet, and a chord bearing South $83^{\circ} 16' 24''$ East, a chord distance of 150.71 feet, to a point;

With a curve to the right, having a central angle of $94^{\circ} 57' 44''$, a radius of 60.00 feet, an arc length of 99.44 feet, and a chord bearing South $26^{\circ} 19' 19''$ East, a chord distance of 88.45 feet, to a point;

South $21^{\circ} 09' 33''$ West, a distance of 107.39 feet, to a point;

South $25^{\circ} 17' 32''$ West, a distance of 137.02 feet, to a point;

With a curve to the left, having a central angle of $20^{\circ} 04' 24''$, a radius of 579.98 feet, an arc length of 203.20 feet, and a chord bearing South $15^{\circ} 15' 20''$ West, a chord distance of 202.16 feet, to a point;

South $15^{\circ} 01' 35''$ West, a distance of 55.56 feet, to a point;

South $02^{\circ} 01' 00''$ East, a distance of 198.42 feet, to a point;

South $29^{\circ} 23' 19''$ West, a distance of 162.33 feet, to a point;

South $62^{\circ} 33' 26''$ West, a distance of 100.50 feet, to a point;

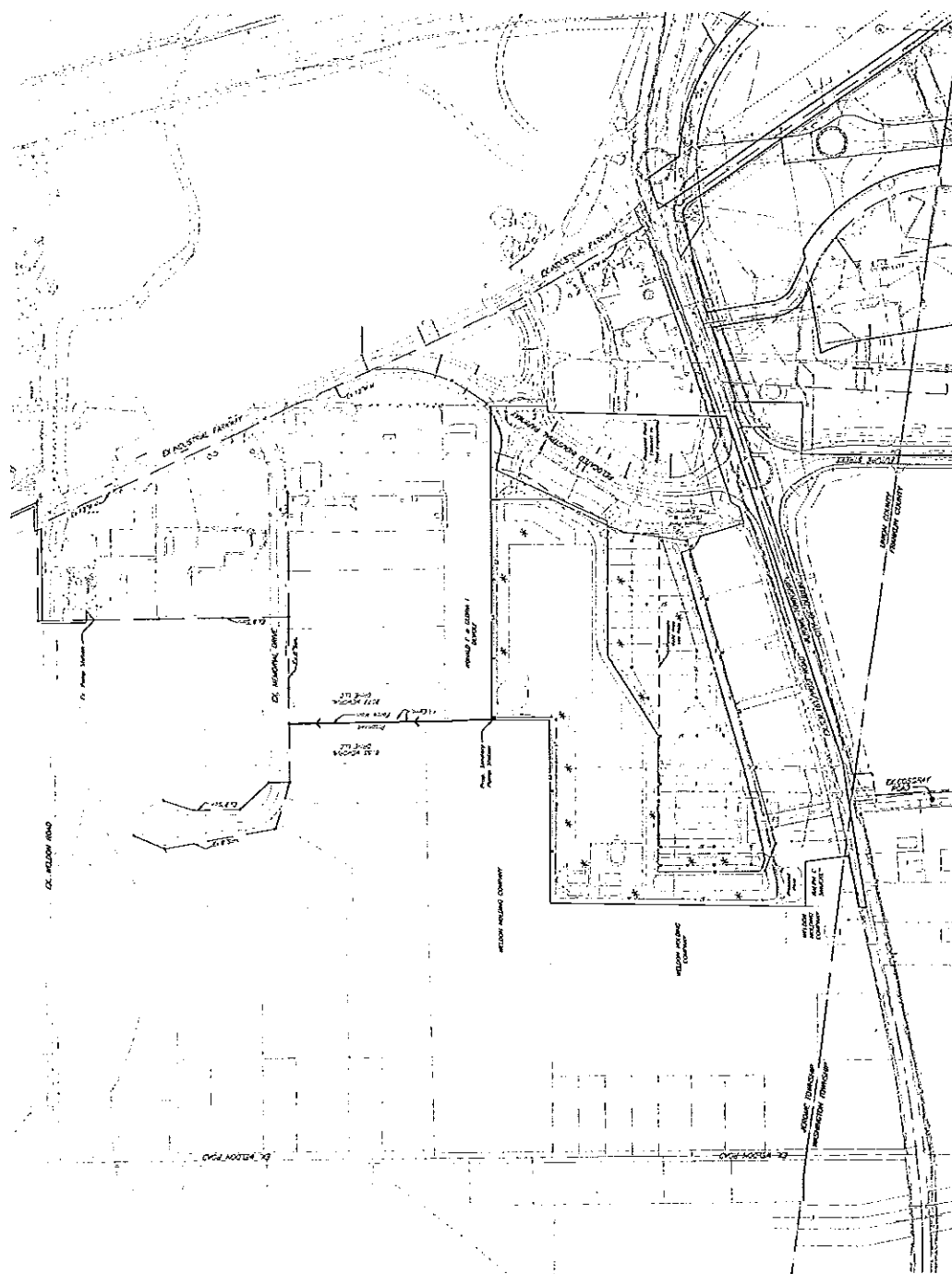
South $68^{\circ} 16' 04''$ West, a distance of 668.22 feet, to a point;

With a curve to the right having a central angle of $04^{\circ} 39' 06''$, a radius of 5659.58 feet, an arc length of 459.47 feet, and a chord bearing South $70^{\circ} 35' 37''$ West, a chord distance of 459.35 feet, to a point;

South $72^{\circ} 55' 10''$ West, a distance of 61.34 feet, to the TRUE POINT OF BEGINNING, containing 38.1 acres of land, more or less.

This description is for zoning purposes only, and not to be used for deed transfer.

EVANS, MECHWART, HAMBLETON, & TILTON, INC

[illegible]



Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers, Surveyors, Planners, Scientists

**Utility Feasibility Discussion
for
Jerome I Associates, LTD. Property
February 22, 2007**

This property is located in Jerome Township north of State Route 161 (Post Road), east of Weldon Road, and west of Industrial Parkway. The property consists of approximately 46.2 acres and is applying for rezoning to a PUD zoning use. The following is a summary of the improvements needed to provide service to this property.

Site Access

Full access will be provided along Relocated Industrial Parkway via the roundabout at the northeast corner of the property, and also along Post Road at a new drive at the southwest corner of the property opposite existing Cosgray Road. Also, a right-in/right-out access is proposed on Post Road between the new site drive and the Post Road/relocated Industrial Parkway roundabout. Onsite parking will be provided per the densities listed in the Development Text.

Storm Water Management

The site is located within the South Fork Indian Run tributary and naturally drains from west to east. The storm water management and quality requirements of the Union County Engineer and OhioEPA will be met by utilizing retention basins onsite and on the east side of relocated Industrial Parkway. These basins will provide a minimum of 10.18 acre-feet of storage in order to meet the storm water requirements.

Sanitary Sewer

Sanitary sewer service will be provided by the City of Marysville. An onsite pump station will pump sanitary flows north to the existing 8-inch sewer located along Memorial Drive. Malcom Pirnie is currently studying the existing system for capacity availability.

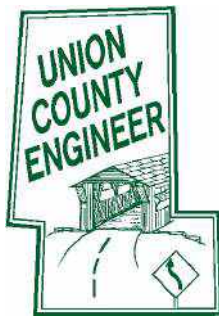
Water

Water service will be provided by the City of Marysville. The existing 12-inch water main located along existing Industrial Parkway will be extended to the property along the north side of Post Road. Water pressures are relatively low in this area, and individual booster pumps may be required for adequate fire protection.

Q:\Project\20070138\Correspondence\SkilledTract Prelim Eng. Discussion, 02.22.07.doc

M C M X X V I

5500 New Albany Road, Columbus, OH 43054 • Phone 614.775.4500 • Fax 614.775.4800
Columbus • Cincinnati • Indianapolis • Charlotte
emht.com



**County Engineer
Environmental Engineer
Building Department**
233 W. Sixth Street
Marysville, Ohio 43040
P 937. 645. 3018
F 937. 645. 3161
www.co.union.oh.us/engineer

Marysville Operations Facility
16400 County Home Road
Marysville, Ohio 43040
P 937. 645. 3017
F 937. 645. 3111

Richwood Outpost
190 Beatty Avenue
Richwood, Ohio 43344

Public Service with integrity

March 5, 2015

Bradley Bodenmiller
LUC Regional Planning Commission
Box 219
East Liberty, Ohio 43319

Re: Preliminary Plat Review
Britonwood Subdivision

Brad,

We have completed our review for the above preliminary plat, received by our office on February 23, 2015. We recommend it be approved with modifications. Items listed below should be addressed in the final construction drawings.

1. Any permits from the OEPA/Army Corps of Engineers will be required prior to approval of the final construction plan.
2. The stormwater management will be reviewed in more detail during the final design process.
3. Indicate design and proposed posted speeds.
4. Include signage plan for roadway network, including warning signage on Jerome Road for Craigens Court. This will require replacement of existing signage on Jerome Road.
5. Consider adding sidewalk for internal walkability throughout the subdivision.
6. Detail all flood routing swales, including 100 year water surface elevation, ensuring at least 1' of freeboard between the 100 year water surface and the limits of the drainage easement.
7. Confirm sight distance on Jerome Road with Craigens Court.
8. A Ditch Petition will need to be prepared and executed between the developer and Union County prior to approval of Final Plat.
9. It is recommended prior to construction that existing tiles entering the development property are investigated by means of perimeter trench excavation. Existing tiles encountered will be required to be repaired and rerouted to the nearest storm sewer infrastructure or detention basin, after consultation with the Union County Engineer's Office and/or Union Soil and Water Conservation District.
10. Provide detailed construction drawings to private utility providers.
11. A variance has been requested and approved by the Union County Commissioners to reduce the right of way along Craigens Court from 60' to 50', identical to the variance approved for the Jerome Village Development.
12. Developer to dedicate an additional 10' of right of way on Jerome Road, along the frontage of the development.
13. All fences, trees and proposed utilities are to be located outside of the Jerome Road right of way.

Jeff Stauch, PE/PS
County Engineer | Environmental Engineer

Mary A. Sampsel, PE
Assistant County Engineer | Chief Building Official

14. The scale shown on all plan sheets is incorrect.
15. Due to geometrical concerns with the original roadway design, the centerline radius of Craigens Court has been increased to the minimum requirement of 150', per Union County Technical Design Standards. This has created an abnormal lot layout/configuration that may result in the driveways for lots 2-4 to be closer than a typical subdivision. Driveway spacing within subdivisions is required to be a minimum of 25' from center to center. Based on the available frontage for these lots, this spacing can be achieved quite easily.
16. The typical section shown on sheet #4 shows two separate pavement sections. Please clarify. Reference to an island is also shown in the typical sections and is not applicable.
17. Dimension the radius returns for Craigens Court at Jerome Road. Per Union County Standard, they are to be a minimum of 35'.
18. During final construction design plan review, we will require separate profiles for the storm sewer, sanitary sewer and waterline.
19. Provide information regarding the setback of the ditch along Jerome Road over the frontage of the property. A culvert under Craigens Court may be required.

In accordance with Subdivision Regulations of Union County, additional information is required from the developer prior to final plat approvals. It is the responsibility of the developer to become familiar with the regulations and file requisite information within the time frames outlined in the regulations. Should you have any questions, feel free to contact me at (937) 645-3165.

Sincerely,



Bill Narducci, P.E.
Engineering Manager
Union County Engineer

Cc: Luke Sutton, UCE (via email)
Bob Scheiderer, USWCD (via email)



Staff Report – Jerome Township Rezoning Application

Applicant:	Metro Development c/o Joe Thomas, Jr. 470 Olde Worthington Road, Suite 100 Westerville, OH 43082 (614) 487-1964 jthomasjr@villagecommunities.com
Request:	Request is to rezone 1 parcel—1500280070010—to PUD. The parcel is currently zoned M-1 Light Manufacturing District. Total acreage noted in application <ul style="list-style-type: none">• 22.915 acres Acreage to be rezoned <ul style="list-style-type: none">• 22.915 acres Current use <ul style="list-style-type: none">• “Agricultural vacant land” Proposed use <ul style="list-style-type: none">• 136 multi family dwellings, detached garages, a clubhouse, and open space
Location:	The site is on the west side of Industrial Parkway: <ul style="list-style-type: none">• South of Frazier Drive (Frazier Estates)• North of Warner Road

Staff Analysis:	Adjacent Zoning Districts The adjacent properties to the east (across Industrial Parkway), west, and south are zoned M-1 Light Manufacturing District. The area to the west and south appears to be agricultural vacant land. The adjacent properties to the north are zoned R-1 Low Density Residential District. There are approximately two dozen houses in that area. Use & Density The Jerome Township Comprehensive Plan identifies this property as Higher Density Residential (Comprehensive Plan, Land Use Plan, 6-7). In fact, the adjacent properties west and south to Warner Road are identified as Higher
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Staff Report – Jerome Township Rezoning Application

	<p>Density Residential; however, the properties are currently zoned M-1 Light Manufacturing District.</p> <p>The Comprehensive Plan recommends between 3 and 6 dwelling units per acre in the Higher Density Residential area. This application proposes +/- 5.93 dwelling units per acre. Staff believes the use and density are appropriate.</p> <p>Landscaping Staff recommends the Township require additional information regarding proposed topography/grading and mounding, a list of proposed plants and their locations, and information regarding any rooftop mechanical units.</p> <p>Staff recommends the Township require additional mounding and plantings along the south and west property lines. Screening is important because the zoning for those adjacent properties to the west and south is still M-1 Light Manufacturing District.</p> <p>Other Reviewing Agencies Per the PUD Regulations, staff recommends close cooperation with the Union County Engineer's Office to determine if a Traffic Impact Study will be required (Zoning Resolution, 604, 4.).</p> <p>Both the retention ponds and swimming pool are exciting features. However, staff recommends that any setbacks comply with standards established by the Union County Engineer's Office, Ohio Basic Building Code, and existing Township regulations.</p> <p>Per the PUD Regulations, staff recommends close cooperation with the Fire Department to be sure that accommodations and access for emergency and fire-fighting apparatus are made (Zoning Resolution, 617, 2., u.).</p>
Staff Recommendations:	Staff recommends APPROVAL of the application to rezone 1500280070010 from M-1 Light Manufacturing District to PUD with the condition that all staff comments be incorporated.
Z&S Committee Recommendations:	



Received by LUC
02/25/15
Complete on 03/02/15

Logan-Union-Champaign
regional planning commission
Dore Gulden
Director: Jonny R. Snapp

Zoning Parcel Amendment Checklist

Date: February 24, 2015 Township: Jerome
Amendment Title: Northern Lakes PUD

Notice: Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Parcel Amendment change must be received in our office along with a cover letter, explaining the proposed zone change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (which is the second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of Zoning Parcel Amendment Change(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Township point of contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parcel Number(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Completed Zoning Amendment Application	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Applicant's Name and contact information	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Current Zoning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Zoning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Current Land Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Land Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Acreage	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Zoning Text associated with proposed district(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Contiguous and adjoining Parcel Information, including Zoning District(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Any other supporting documentation submitted by applicant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-LUC Member Fee, If applicable	<input checked="" type="checkbox"/>	N/A

Additionally, after final adoption regarding this zoning parcel amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted parcel change (s).

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

Revision: Initial, 8/2009

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com

Jerome Township Zoning Commission

Anita Nicol
Clerk

9777 Industrial Parkway
Plain City, Ohio 43064

February 25, 2014

Office: (614) 873-4480 x102
Fax: (614) 873-8664

Brad Bodenmiller
L.U.C. Regional Planning Commission
Box 219
East Liberty, Ohio 43319

Dear Brad:

This letter is to inform you of a Jerome Township Rezoning Amendment:

Application: PUD-15-119

Name of Applicant: Metro Development – Joe Thomas Jr.

Rezoning: Approximately 22.9156 acres located at 7837 Industrial Parkway, Plain City, Ohio, Parcel Number #1500280070010.

Present Zoning: M-1 (Light Manufacturing)

Proposed Zoning: PUD (Planned Unit Development)

Public Hearing Date has been set for: March 23, 2015 at 7:00 p.m.

The Zoning Commission would like your comments regarding this rezoning before the public hearing date.

If you need further information, please feel free to contact me.

Sincerely yours,



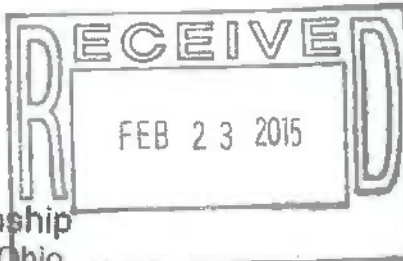
Anita Nicol
Zoning Clerk

Attachment



Jerome Township
Union County, Ohio

9777 Industrial Parkway
Plain City, Ohio 43064
Office (614) 873-4480
Fax (614) 873-8664



Application Form

PUD Zoning

Office Use Only:
Application # PUD 15-119 Date: 2-23-15
Fee: \$ 1802.00 Check # 00000519

Agent / Applicant Information:

Agent / Applicant Name: Metro Development - Joe Thomas Jr Date: 2.20.15

Mailing Address: 470 Old Worthington Road, Suite 100, Westerville, Ohio 43082

Email Address: jthomasjr@villagecommunities.com Phone: 614-487-1964

Property Information:

Property Address: 7837 Industrial Parkway, Plain City, Ohio 43064

Property Owner: Susan Johnson

Parcel ID # (s) 1500280070010

Acreage: 22.9156 Current Zoning: M-2 M-1 Subdivision Name: NA

PUD Zoning Information:

PUD Type Requested:

- ☒ Residential
☐ Commercial / Office
☐ Industrial
☐ Mixed-Use

Adjacent Land Uses:

North: Single Family
South: Vacant/agricultural
East: Commercial Garages/Farm
West: Agricultural/Vacant

Proposed Utilities:

- ☒ Public Sewer
☐ On-Site Sewer
☒ Public Water
☐ Private Well

The undersigned certifies that this application and the attachments thereto contain all the information required by the Zoning Resolution and that all information contained within this application is true and accurate to the best of his/her knowledge. Applicant hereby certifies that they have legal ownership or legal control over the property to be re-zoned and agrees to be bound by the provisions of the Jerome Township Zoning Resolution.

Agent / Applicant Signature: [Signature] Date: 2/23/15

Property Owner Signature (if different from the Applicant): [Signature]

PUD Zoning – Application Checklist

The owner(s) of land, in requesting that the Zoning Resolution be amended to include such land in the PUD, shall file fifteen (15) paper copies, and one electronic copy, of the application, Zoning Plan, and Zoning Text for such amendment with the Jerome Township Zoning Commission which shall contain:

1. Application form and supplementary information:

- ☐ name, address and telephone number of the owner and applicant;
- ☐ name, address and telephone number of the urban planner, architect, landscape architect, surveyor and/or engineer assisting in the preparation of the Zoning Plan;
- ☐ legal description of the property and the address of the property;
- ☐ description of existing uses;
- ☐ present zoning district;
- ☐ a vicinity map at a scale approved by the Zoning Commission showing the relationship of the PUD to the adjacent properties, existing streets and public service facilities in the area;
- ☐ a list of the names and addresses of all owners of property which are within, contiguous to and directly across the street from the subject property as such addresses appear on the County Auditor's current tax list; and
- ☐ any other matter or information deemed necessary or relevant by the Zoning Commission for the proposed amendment.

2. Zoning Plan

In addition to the application required herein, fifteen (15) copies of the proposed Zoning Plan shall be submitted with the application. The proposed Zoning Plan shall be prepared and endorsed by a qualified urban planner, architect, landscape architect, engineer and/or surveyor, with all mapping to be at a scale of at least 1" = 100', and shall include, in text and map form, the following:

- ☐ Proposed location and size of the proposed planned district. This includes a survey map of the boundaries of the site and a legal description.
- ☐ A list and description of the precise uses proposed for the development. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in the Zoning Plan or this Zoning Resolution. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan.
- ☐ Concept site plan of the proposed planned district, and proposed layout of all subareas.
- ☐ Proposed densities, number of lots and dimension parameters, and building intensities.
- ☐ Proposed parks, playgrounds, schools and other public facilities or open spaces including woodland preservation and natural topography preservation areas with their suggested ownership.
- ☐ Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown.
- ☐ Relation to existing and future land use in surrounding area.
- ☐ Proposed provision of water, sanitary sewers, surface drainage, and street lighting.
- ☐ Proposed traffic and pedestrian circulation pattern, indicating both public and private streets or highways, access points to public rights-of-ways, bike paths and trails, sidewalks and any off-site street improvements.
- ☐ An anticipated schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed phase for various uses, the number of housing units proposed by type; building heights; open space; building intensity; parking areas; density and public improvements proposed.
- ☐ Engineering feasibility studies and schematic plans showing, as necessary, water, sewer and other utility installations, waste disposal facilities, surface drainage, and street improvements.

PUD Zoning – Application Checklist

- ☐ Site plan, showing approximate nonresidential building locations(s), various functional use areas, circulation, and their relationship.
- ☐ General architectural design criteria for proposed buildings, structures, signs and exterior lighting with proposed control features.
- ☐ Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.
- ☐ Projected schedule of site development.
- ☐ Evidence that the applicant has sufficient control over the land to carry out the proposed development.
- ☐ Regulation Text for development in the proposed Planned Unit Development District. That text must set forth and define the uses to be permitted in the proposed Planned Unit Development District and the development standards applicable to the proposed District. The Regulation Text is intended to guide all development of the property proposed to be designated as a PUD.

3. Zoning Text

This Regulation Text shall only apply to the PUD in question and all development within that PUD. All appropriate regulatory areas should be addressed by the applicant in the Regulation Text including, without limitation, the following:

- ☐ All required setbacks including, but not limited to, buildings, service areas, off-street parking lots and signage, including rear, front and side yard areas.
- ☐ All maximum height and size requirements of buildings, mechanical areas and other structures.
- ☐ All parking and loading space standards per building square footage or dwelling unit type, including dimensions of all parking stalls, aisles and loading spaces.
- ☐ All street and road right-of-way and pavement width dimensions, curb cut spacing and other related circulation standards.
- ☐ All pedestrian and bicycle walkway, trail and sidewalk dimensional standards, including rights-of-way and pavement width, and pavement standards.
- ☐ All screening and landscaping standards, including buffer dimensions, height, landscape material, maintenance standards, and screening standards for off-street parking areas, loading docks, trash receptacles and dumpsters, ground- and roof-mounted mechanical units and adjoining areas.
- ☐ All proposed signage and graphic standards, including height, setback, square footage, colors, corporate logos and type.
- ☐ All exterior lighting standards, including light intensity, placement, height and materials for parking lots, walkways, sidewalks and accent lighting.
- ☐ All exterior architectural design standards, including material, color and styles.
- ☐ A list and description of the precise uses proposed for the development. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited elsewhere in the Zoning Plan or this Zoning Resolution. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan;
- ☐ Frontage requirements, minimum lot area requirements, yard areas, lot coverage restrictions and perimeter setback requirements.
- ☐ Accessory structure standards and limitations.
- ☐ Open space area, uses and structures, including proposed ownership and sample controlling instruments.
- ☐ Any other regulatory area or matter deemed necessary or relevant by the Zoning Commission.
- ☐ The Regulation Text should contain the following provision: All development standards not specifically addressed by the Regulation Text shall be regulated by those general development standards set forth in the Zoning Resolution.

Brad Bodenmiller

From: Jerome Township Zoning Inspector <jeromeinspect@aol.com>
Sent: Monday, March 02, 2015 1:55 PM
To: Brad Bodenmiller
Subject: Northern Lakes PUD submittal
Attachments: JeromeTwpMap_(Current).pdf

Brad,

As requested please find attached the existing zoning map. You will note that the site is currently zoned M-1 while the comprehensive plan suggests that the site is suitable for multi-family residential use as a buffer between the existing Frasier Estates single-family and any new Industrial that would be developed to the south.

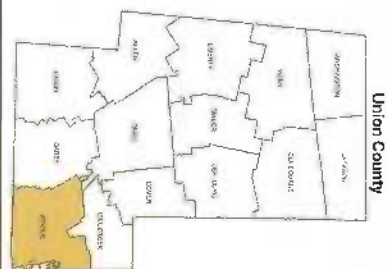
The site is currently vacant farmland.

Kind Regards,

Gary Smith, RLA/CLARB

Planning and Zoning Office
Jerome Township, Ohio
9777 Industrial Parkway
Plain City, Ohio
43064

Ph: 614.873.4480
www.jerome-oh.gov



NORTHERN LAKES

Planned Residential District
Industrial Parkway
Jerome Township, Ohio
February 23, 2015



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- Application
- Development Text

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- Exhibit C-1 : Preliminary Development Plan
- Illustrative Plan

Tab 4:

- Exhibit D-1 : Site Landscape Concept Plan
- Exhibit D-2 : Concept Landscape Details
- Exhibit D-3 : Site Sections

Tab 5:

- Exhibit E-1 : Engineering
- Exhibit E-2 : Fire and Utility Letters

Tab 6:

- Exhibit F-1 : Architectural Character Elevations
- Exhibit F-2 : Lighting Fixture Cuts

NORTHERN LAKES MASTER DEVELOPMENT SUMMARY

ZONING CLASSIFICATION	Proposed Acreage for Development	Additional Comments
Planned Unit Development (PUD)	±22.915 Acres	Includes multi family, and open space
Total Acres	±22.915 Acres	

PLANNED RESIDENTIAL DEVELOPMENT SUMMARY

PUD Development Data	Proposed for Development	Required by Zoning Code
Development Summary		
Multi Family	±8.212 Acres	
Industrial Parkway R.O.W.	+/- .383 acres	
Open Space	±14.32 Acres (62.5%)	20%
Total Acres	±22.915 Acres	
Number of Units	136	
Density	±5.93 du/ac	1.75 du/ac plus incentive units up to 1 du/ac
Max. Building Height-All PUD Areas	35'	None stated-As approved by development plan
Min. Front Yard Setback from Industrial Parkway	165' from R.O.W.	None stated-As approved in development plan
Min. Setback to North	55'	None stated-As approved in development plan
Min. Setback to West	150'	None stated-As approved in development plan
Min. Setback to South	50'	None stated-As approved in development plan
Min. Parking-MF	2 per dwelling unit	None stated-As approved in development plan



**Jerome Township
Union County, Ohio**

9777 Industrial Parkway
Plain City, Ohio 43064
Office (614) 873-4480
Fax (614) 873-8664

Application Form

PUD Zoning

Office Use Only:	
Application #: _____	Date: _____
Fee: \$ _____	Check #: _____

Agent / Applicant Information:

Agent / Applicant Name: Metro Development - Joe Thomas Jr Date: 2.20.15

Mailing Address: 470 Olde Worthington Road, Suite 100, Westerville, Ohio 43082

Email Address: jthomasjr@villagecommunities.com Phone: 614-487-1964

Property Information:

Property Address: 7837 Industrial Parkway, Plain City, Ohio 43064

Property Owner: Susan Johnson

Parcel ID # (s) 1500260070010

Acreage: 22.9156 Current Zoning: M-2 Subdivision Name: NA

PUD Zoning Information:

<u>PUD Type Requested:</u>	<u>Adjacent Land Uses:</u>	<u>Proposed Utilities:</u>
<input checked="" type="checkbox"/> Residential	North: <u>Single Family</u>	<input checked="" type="checkbox"/> Public Sewer
<input type="checkbox"/> Commercial / Office	South: <u>Vacant/agricultural</u>	<input type="checkbox"/> On-Site Sewer
<input type="checkbox"/> Industrial	East: <u>Commercial Garages/Farm</u>	<input checked="" type="checkbox"/> Public Water
<input type="checkbox"/> Mixed-Use	West: <u>Agricultural/Vacant</u>	<input type="checkbox"/> Private Well

The undersigned certifies that this application and the attachments thereto contain all the information required by the Zoning Resolution and that all information contained within this application is true and accurate to the best of his/her knowledge. Applicant hereby certifies that they have legal ownership or legal control over the property to be re-zoned and agrees to be bound by the provisions of the Jerome Township Zoning Resolution.

Agent / Applicant Signature: _____ Date: _____

Property Owner Signature (if different from the Applicant): Susan M. Johnson

Northern Lakes

Development Text

2.23.15

Developer/Applicant : Metro Development

470 Olde Worthington Road, Suite 100, Westerville, Ohio 43082
Joe Thomas Jr. 614- 540-2400

Planner/Landscape Architect : Faris Planning and Design

243 North 5th Street, Suite 400, Columbus, Ohio 43215
Todd Faris 614- 487-1964

Engineer : Terrain Evolution

720 East Broad Street, Suite 203 Columbus, OH 43215
Thom Reis 614-385-1090 x101

- a. **Proposed location and size of the proposed planned district. This includes a survey map of the boundaries of the site and a legal description.**

The site is on the west side of Industrial Parkway, just south of Frazier Drive (Frazier Estates) and North of Corporate Boulevard. The site is approximately 22.915 acres- See preliminary engineering and site plan (exhibit C-1 & E-1), legal description and survey for further information (exhibit B-1).

- b. **A list and description of the precise uses proposed for the development. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in the Zoning Plan or this Zoning Resolution. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan.**

Multi Family homes, detached garages, and clubhouse for residents and guests are the only allowed uses for this development

- c. **Concept site plan of the proposed planned district, and proposed layout of all subareas.**

See attached preliminary engineering and site plan for the proposed site layout. (Exhibits C-1 & E-1)

d. Proposed densities, number of lots and dimension parameters, and building intensities.

There shall be a maximum of 136 multi family dwelling units, with a density of 5.93 du/ac.

The setback from Industrial Parkway ROW shall be 165' for buildings and vehicular use areas (access drive is permitted) , from the northern boundary shall be 55' for buildings and vehicular use areas, from the western boundary shall be 150' for buildings and vehicular use areas , and from the southern boundary shall be 50' for buildings and vehicular use areas

e. Proposed parks, playgrounds, schools and other public facilities or open spaces including woodland preservation and natural topography preservation areas with their suggested ownership.

The site is bounded by Kile ditch to the south, which has sporadic trees along its northern boundary, most of which are dead or dying ash trees. There is one tree that has been preserved in the approximate middle of the site, which is not in very good condition

+/- 13.52 acres of open space that surround the project will be maintained as wild flower/low mow naturalized areas with an asphalt trail meandering throughout.

Internal open spaces, totaling approximately +/- .8 acres, will include sitting areas and open areas for activities. A clubhouse and pool will be provided for the guests that serves as an active recreational amenity

A total of +/- 14.32 Ac. Total (+/-62.5%) of open space shall be provided

All open spaces shall be owned and maintained by the property owner.

f. Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown.

Kile ditch runs along the southern boundary of the property. The centerline of the ditch is the southern property line. The ditch line has sporadic trees located along its bank. Drainage from the site runs from the Northwest to the South east- with Kile ditch being the receiving drainage outlet

g. Relation to existing and future lands use in surrounding area.

Existing land uses are single family to the north of the site. Existing Industrial uses are to the east. To the south and west are vacant agricultural fields

Future land uses shall most likely stay the same to the north and east, but the south and west are designated as industrial and manufacturing uses in the Township Comprehensive Plan, and will ultimately be developed for those uses.

This property is considered by the comprehensive plan to serve as a natural transition to buffer the existing Frazier Estates from future Industrial users to the south, with a maximum density of 6 units per acre.

h. Proposed provision of water, sanitary sewers, surface drainage, and street lighting.

Water and sewer service will be provided by the city of Marysville (see Exhibit E-2)

On site surface drainage will be handled through storm drainage structures located throughout the property, which will take the storm water to the lakes along Industrial Parkway. The water ultimately will be released to Kile Ditch

Internal street lights shall be low level fixtures, 14' height, and located at intersections to provide interior lighting for safety, which are depicted on the accompanying exhibits (Exhibit F-2)

i. Proposed traffic and pedestrian circulation pattern, indicating both public and private streets or highways, access points to public rights-of-ways, bike paths and trails, sidewalks and any off-site street improvements.

The main entry to the site shall be on located from Industrial Parkway. All streets shall be private, and maintained by the owner. A 5' minimum wide asphalt recreation path shall be installed throughout the open space as depicted on the exhibits

j. An anticipated schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed phase for various uses, the number of housing units proposed by type; building heights; open space; building intensity; parking areas; density and public improvements proposed.

The site shall be built as one phase. The construction shall occur upon approval of final engineering by the County and all Township approvals have been fulfilled. Upon securing zoning permits from the Township, the construction shall commence.

- k. Engineering feasibility studies and schematic plans showing, as necessary, water, sewer and other utility installations, waste disposal facilities, surface drainage, and street improvements.**

See attached preliminary engineering plan for feasibility (exhibit E-1) and attached letters from the City of Marysville and Union County Engineers for Preliminary Approval and availability (exhibit E-2).

- l. Site plan, showing approximate nonresidential building location(s), various functional use areas, circulation, and their relationship.**

See landscape plans depicting various use areas on site (exhibit D-1). There will not be any non residential buildings allowed on site other than the detached garages, clubhouse, and mail kiosk

- m. General architectural design criteria for proposed buildings, structures, signs and exterior lighting with proposed control features.**

See elevations for more details. (Exhibit F-1)

All multi family buildings and clubhouse shall be clad with a combination of stucco stone and/or brick, commercial grade vinyl siding, both lap and shake patterns. Shingles shall be an architectural grade asphalt shingles. Windows shall be vinyl.

The detached garages shall be vinyl lap siding, with architectural grade asphalt shingles. The garage doors shall be aluminum.

The mail kiosk shall be wood or cementitious fiber board with architectural grade asphalt shingles.

The compactor enclosure shall be constructed of integral colored decorative split face block.

- n. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.**

The property shall be subject Township zoning codes and the provisions within this PUD

o. Projected schedule of site development.

It is anticipated that all approvals needed will be obtained by summer of 2015, at which time construction will begin on the site. Following the start of construction in 2015 (or as final approvals are secured) improvements including roadways, utilities, and buildings will commence in fall of 2015. Final project build out will take approximately one year from start of constructions

p. Evidence that the applicant has sufficient control over the land to carry out the proposed development.

The applicant has a purchase contract for the property. Copies of this contract can be made available for the Trustees review if requested.

q. Regulation text for development in the proposed Planned Unit Development District. That text must set forth and define the uses to be permitted in the proposed District. The Regulation Text is intended to guide all development of the property proposed to be designated as a PUD.

This Regulation Text shall only apply to the PUD in question and all development within that PUD. All appropriate regulatory areas should be addressed by the applicant in the Regulation Text including, without limitation, the following:

i. All required setbacks including, but not limited to, buildings, service areas, off-street parking lots and signage, including rear, front and side yard areas.

Industrial Parkway Setback (buildings and vehicular use areas, excluding entry drive)	165'
Northern Property Line setback (buildings and vehicular use areas)	55'
Western Property Line setback (buildings and vehicular use areas)	150'
Southern Property Line setback (buildings and vehicular use areas)	50'
Signage- from Industrial Parkway ROW	15'
Setback of multifamily dwelling units from internal roadways or parking	10'

ii. All maximum height and size requirements of buildings, mechanical areas and other structures.

35' maximum height - as measured from first floor finished grade to the median height of the roof. No building shall be greater than 2 stories in height.

Minimum square footages for individual multi family dwelling units area as follows

- | | |
|--------------|------------------|
| 1. 1 bedroom | 800 square feet |
| 2. 2 bedroom | 1050 square feet |
| 3. 3 bedroom | 1300 square feet |

- iii. **All parking and loading space standards per building square footage or dwelling unit type, including dimensions of all parking stalls, aisles and loading spaces.**

A minimum of 2 parking spaces per individual dwelling unit including garage parking shall be included on the lot, with a minimum of 5 additional spaces for the clubhouse. Minimum parking space size for typical parking spaces shall be 9' x 18'. ADA spaces shall comply with federal standards and be 8' x 18' with an accessible aisle of 5' or 8' as required adjacent the space.

- iv. **All street and road right-of-way and pavement width dimensions, curb cut spacing and other related circulation standards.**

Internal streets shall be a minimum of 24' wide from face of curb to face of curb.

- v. **All pedestrian and bicycle walkway, trail and sidewalk dimensional standards, including rights-of-way and pavement width, and pavement standards.**

Internal concrete sidewalks shall be a minimum of 3' wide. The asphalt trail system through the open space shall be a minimum of 5' wide.

- vi. **All screening and landscaping standards, including buffer dimensions, height, landscape material, maintenance standards, and screening standards for off-street parking areas, loading docks, trash receptacles and dumpsters, ground- and roof-mounted mechanical units and adjoining areas.**

See landscape concept plans for proposed screening locations and materials (exhibit E). Landscaping shall be maintained in a healthy living state, and any dead plant materials shall be replaced with same/similar plant material in a timely fashion, in no instance longer than 1 year after the plant has died.

Minimum sizes for landscaping at installation shall be

- a. Deciduous shade tree-2" caliper
- b. Ornamental tree- 1 ½" caliper or 6' height
- c. Evergreen tree-5' height
- d. Shrubs- 18" height or spread
- e. Perennials – One gallon

Parking areas are generally located internally to the project. Parking areas that are visible by adjoining properties or street ROW will be screened with landscape and or mounding to a height of 3' minimum above the parking lot grade to minimize glare from headlights

Trash shall be handled by private trash hauler, and is located in a common trash compactor. The compactor will be screened from view with a integral colored decorative split face block.

All air conditioning units shall be located beside the buildings, and shall be screened from view from adjoining properties and public ROW's

vii. All proposed signage including height, setback, square footage and colors.

See attached signage plan for details (exhibit D-2). The signage shall be a yard arm type sign, and located at the main entry from Industrial Parkway. The sign shall be set back a minimum of 15' from the R.O.W.

Internal signage shall be typical street signs, stop signs, and other standard directional signs.

Additional signs may be located at the clubhouse that may indicate guest parking, manager's office, pool areas and operations, or other information regarding leasing and be limited in size to 4 sf and maximum of 2 colors

viii. All exterior lighting standards, including light intensity, placement, height and materials for parking lots, walkways, sidewalks and accent lighting.

There shall be internal lighting located at intersections and other areas as indicated on the site plan. The lights shall be down lighting only, and be limited in height to 14' above grade. The light source shall be limited to a 150 watt metal halide or HPS light bulb. See exhibit F-2 for light fixture. Individual lights shall be located at each resident entry doors and patio doors. Resident lights shall be a maximum of 100 watt incandescent bulb or LED equivalent

ix. All exterior architectural design standards, including material, color and styles.

See elevations for more details. (Exhibit F-1)

All multi family buildings and clubhouse shall be clad with a combination of stucco stone or brick, commercial grade vinyl siding, both lap and shake patterns. Shingles shall be an architectural grade asphalt shingles. Windows shall be vinyl.

The detached garages shall be vinyl lap siding, with architectural grade asphalt shingles. The garage doors shall be aluminum.

The mail kiosk shall be wood or cementitious fiber board with architectural grade asphalt shingles.

The compactor enclosure shall be constructed of integral colored decorative split face block.

Colors allowed shall be generally earth tone colors, and no colors of high intensity or chroma shall be used.

- x. **A list and description of the precise uses proposed for the development. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited elsewhere in the Zoning Plan or this zoning Resolution. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan.**

Only multi family uses associated with the occupation of living units, the leasing and managing of those units, and associated garages for parking shall be allowed on the property. This does not preclude customary Home occupations as and if allowed by the Township zoning code.

- xi. **Frontage requirements, minimum lot area requirements, yard areas, lot coverage restrictions and perimeter setback requirements.**

Since there are not any individual lots, there are no lot standards. The lot coverage shall be no more than 30%, calculated using building and vehicular use area coverage.

The setbacks are as follows:

Industrial Parkway Setback (buildings and vehicular use areas, excluding entry drive)	165'
Northern Property Line setback (buildings and vehicular use areas)	55'
Western Property Line setback	

(buildings and vehicular use areas) 150'

Southern Property Line setback
(buildings and vehicular use areas) 50'

Signage- from Industrial Parkway ROW 15'

Setback of multifamily dwelling units from internal roadways or parking 10'

xii. Accessory structure standards and limitations.

No accessory structures shall be allowed. Only structures approved by this plan will be allowed

xiii. Open space area, uses and structures, including proposed ownership and sample controlling instruments.

+/- 13.52 acres of open space that surround the project will be maintained as wild flower/low mow naturalized areas with an asphalt trail meandering throughout.

Internal open spaces, totaling approximately +/- .8 acres, will include sitting areas and open areas for activities. A clubhouse and pool will be provided for the guests that serves as an active recreational amenity

A total of +/- 14.32 Ac. Total (+/- 62.5%) of open space shall be provided

All open spaces shall be owned and maintained by the owner.

xiv. Any other regulatory area or matter deemed necessary or relevant by the Zoning commission.

None applicable

xv. The Regulation Text should contain the following provision: All development standards not specifically addressed by the Regulation Text shall be regulated by those general development standards set for the in the Zoning Resolution.

Exhibit "A-1" - Surrounding Property Owners.

BONNIE L BLACKWELL
8581 FRAZIER DRIVE,
PLAIN CITY, OH 43064.

LAUREN D SMITH
8611 FRAZIER RD
PLAIN CITY, OH 43064

GEORGE A WARE JR
8649 FRAZIER RD,
PLAIN CITY, OH 43064

KRISTAL W COOPER
8690 FRAZIER DR,
PLAIN CITY OH 43064

DAVID F PURDY
7808 INDUSTRIAL PKWY,
PLAIN CITY, OH 43064

MARY L WASHINGTON
7849 INDUSTRIAL PKWY,
PLAIN CITY, OH 43064

CORMAX PROPERTIES LLC
7854 INDUSTRIAL PARKWAY
PLAIN CITY, OH 43064

SUSAN ETAL JOHNSON
7837 INDUSTRIAL PKWY,
PLAIN CITY, OH 43064

GOSANGI HARI & VENKATA
STREELATHA HARIGOSANGI
7841 INDUSTRIAL PKWY,
PLAIN CITY, OH 43064

STARKEY FAMILY ENTERPRISES II
(PARCELS 1500280062000 & 1500280061000)
655 METRO PLACE SOUTH SUITE 210
DUBLIN, OH 43017

Exhibit "B-1" - Legal Description and Boundary Survey

December 31, 2014

**DESCRIPTION OF 22.915 ACRES
WEST OF INDUSTRIAL PARKWAY (C.R. 1 ~ 60' R/W)
SOUTH OF FRAZIER DRIVE (50' R/W)
JEROME TOWNSHIP, UNION COUNTY, OHIO**

Situated in the State of Ohio, County of Union, Jerome Township, Virginia Military Survey No. 7073 and Virginia Military Survey No. 6596, being all of that tract of land as described in a deed to Susan Johnson, of record in Official Record 295, Page 571, all references herein being to the records located in the Recorder's Office, Union County, Ohio and being more particularly described as follows;

BEGINNING at a 1" iron pipe found at the southwesterly corner of Lot 5 as shown and delineated on the plat entitled "Frazier Estates No.2", a subdivision of record in Plat Book 3, Page 161 and Plat Book 3A, Page 22, said iron pipe also being a point in the easterly line of a 50.962 acre tract of land as described in a deed to Starkey Family Estates II Limited, of record in Official Record 853, Page 272;

Thence North 76° 47' 28" East, along the southerly line of said Lot 7 and the southerly line of Lot 6 of said "Frazier Estates No. 2", a distance of 457.81 feet to an iron pin set at the southwesterly corner of Lot 10 of "Frazier Estates No. 1", a subdivision of record in Plat Book 3, Page 125 and Plat Book 3A, Page 15;

Thence North 76° 12' 28" East, along the southerly line of said Lot 10, a distance of 337.49 feet to an iron pin set in the westerly line of Lot 9 of said "Frazier Estates Lot No. 1", said iron pin set 1.3' south and 0.6' east of the center of an old wooden fence post;

Thence along the westerly line of said Lot 9 and the westerly and southerly lines of a 1.717 acre tract of land as described in a deed to Hari Gosangi and Venkata Sreelatha Harigosangi, of record in Official Record 1009, Page 770, the following courses;

1. South 5° 46' 32" East, a distance of 140.25 feet to an iron pin set;
2. North 82° 34' 00" East, a distance of 415.55 feet to the base of a metal post found at a depth of 1 foot;
3. North 66° 43' 53" East, passing an iron pin set at a distance of 566.16 feet, a total distance of 596.66 feet to a MAG nail set in the centerline of Industrial Parkway (County Road No. 1);

Thence **South 33° 37' 57" East**, along said centerline, a distance of **553.26 feet** to a MAG nail set in the center of a bridge over Kile Ditch at the **northeasterly corner of a 74.000 acre tract of land** as described in the aforementioned deed to Starkey Family Enterprises II Limited;

Thence **South 55° 28' 54" West**, along the centerline of said Kile Ditch, a distance of **30.00 feet** to a point in the southwesterly right-of-way line of said **Industrial Parkway** and being the **southeasterly corner of a 0.004 acre tract of land** as described in a deed to the Board of County Commissioners of Union County, Ohio, of record in Official Record 908, Page 186;

Thence along the easterly, northerly and westerly lines of said 0.004 acre tract, the following courses;

1. **North 33° 37' 57" West**, along said southwesterly right-of-way line, a distance of **22.30 feet** to an iron pin set;
2. **South 56° 22' 55" West**, a distance of **7.00 feet** to an iron pin set;
3. **South 33° 37' 57" East**, a distance of **22.41 feet** to a point in the centerline of said Kyle Ditch and the northerly line of said 74.000 acre tract;

Thence along the centerline of said Kile Ditch and the northerly line of said 74.000 acre tract the following courses which are referenced by a meander line being 50.00 feet northerly of and parallel to said property line and shown and delineated on the Plat of Survey which accompanies this legal description;

1. **South 55° 28' 54" West**, a distance of **88.82 feet** to a bent iron pipe found;
2. **South 64° 29' 46" West**, a distance of **228.38 feet** to a point;
3. **South 69° 35' 20" West**, a distance of **285.15 feet** to a point;
4. **South 86° 55' 07" West**, a distance of **676.92 feet** to a point;
5. **South 80° 45' 31" West**, a distance of **481.78 feet** to a bent iron pipe found at the southeasterly corner of the previously mentioned 50.962 acre tract;

Thence **North 32° 38' 21" West**, along the easterly line of said 50.962 acre tract, a distance of **603.85 feet** to the **PLACE OF BEGINNING** and containing **22.915 acres** of land.

DESCRIPTION OF MEANDER LINE ALONG THE SOUTHERLY LINE OF THE ABOVE DESCRIBED 22.915 ACRE TRACT

BEGINNING at the southwesterly corner of said 22.915 acre tract and in the centerline of Kile Ditch;

Thence **North 32° 38' 21" West**, along the westerly line of said 22.915 acre tract, a distance of **54.48 feet** to an iron pin set;

Thence through said 22.915 acre tract, along a line 50.00 feet northerly of and parallel to the southerly line of said 22.915 acre tract the following courses;

1. **North 80° 45' 31" East**, a distance of **506.11 feet** to an iron pin set;
2. **North 86° 55' 07" East**, a distance of **671.99 feet** to an iron pin set;
3. **North 69° 35' 20" East**, a distance of **275.31 feet** to an iron pin set;
4. **North 64° 29' 46" East**, a distance of **222.21 feet** to a point;
5. **North 55° 28' 54" East**, a distance of **122.65 feet** to a MAG nail set in the centerline of Industrial Parkway and on the easterly line of said 22.915 acre tract;

Thence **South 33° 37' 57" East**, along the centerline of said Industrial Parkway and the easterly line of said 22.915 acre tract, a distance of **50.01 feet** to the southeasterly corner of said 22.915 acre tract and the termination of this description.

Bearings herein are based on GPS observations in conjunction with the Ohio Department of Transportation VRS network, being the Ohio State Plane Coordinate System, North Zone, NAD 1983.

Iron pins set consist of a 5/8" x 30" rebar with a plastic cap inscribed "Jon Adcock, S-8461."

This description was prepared by American Land Surveyors, LLC, by Jon B. Adcock, Ohio P.S. No. 8461 and is based on a field survey performed in December, 2014.

The tract described above is Auditor's Parcel No. 15-00-28007.0010

Jon B. Adcock, Ohio P.S. No. 8461 Date

PLAT OF SURVEY

22.915 ACRE TRACT

VIRGINIA MILITARY SURVEYS No. 7073 AND 6596
JEROME TOWNSHIP, UNION COUNTY, OHIO

LEGEND:

- ① 1" O.D. IRON PIPE END (CAP AS NOTED)
- ② 5/8" IRON PIPE END (CAP AS NOTED)
- ③ 1/2" IRON PIPE END (CAP AS NOTED)
- ④ 1/4" IRON PIPE END (CAP AS NOTED)
- ⑤ 1/8" IRON PIPE END (CAP AS NOTED)
- ⑥ 1/16" IRON PIPE END (CAP AS NOTED)
- ⑦ 1/32" IRON PIPE END (CAP AS NOTED)
- ⑧ 1/64" IRON PIPE END (CAP AS NOTED)
- ⑨ 1/128" IRON PIPE END (CAP AS NOTED)
- ⑩ 1/256" IRON PIPE END (CAP AS NOTED)
- ⑪ 1/512" IRON PIPE END (CAP AS NOTED)
- ⑫ 1/1024" IRON PIPE END (CAP AS NOTED)
- ⑬ 1/2048" IRON PIPE END (CAP AS NOTED)
- ⑭ 1/4096" IRON PIPE END (CAP AS NOTED)
- ⑮ 1/8192" IRON PIPE END (CAP AS NOTED)
- ⑯ 1/16384" IRON PIPE END (CAP AS NOTED)
- ⑰ 1/32768" IRON PIPE END (CAP AS NOTED)
- ⑱ 1/65536" IRON PIPE END (CAP AS NOTED)
- ⑲ 1/131072" IRON PIPE END (CAP AS NOTED)
- ⑳ 1/262144" IRON PIPE END (CAP AS NOTED)
- ㉑ 1/524288" IRON PIPE END (CAP AS NOTED)
- ㉒ 1/1048576" IRON PIPE END (CAP AS NOTED)
- ㉓ 1/2097152" IRON PIPE END (CAP AS NOTED)
- ㉔ 1/4194304" IRON PIPE END (CAP AS NOTED)
- ㉕ 1/8388608" IRON PIPE END (CAP AS NOTED)
- ㉖ 1/16777216" IRON PIPE END (CAP AS NOTED)
- ㉗ 1/33554432" IRON PIPE END (CAP AS NOTED)
- ㉘ 1/67108864" IRON PIPE END (CAP AS NOTED)
- ㉙ 1/134217728" IRON PIPE END (CAP AS NOTED)
- ㉚ 1/268435456" IRON PIPE END (CAP AS NOTED)
- ㉛ 1/536870912" IRON PIPE END (CAP AS NOTED)
- ㉜ 1/1073741824" IRON PIPE END (CAP AS NOTED)
- ㉝ 1/2147483648" IRON PIPE END (CAP AS NOTED)
- ㉞ 1/4294967296" IRON PIPE END (CAP AS NOTED)
- ㉟ 1/8589934592" IRON PIPE END (CAP AS NOTED)
- ㊱ 1/17179869184" IRON PIPE END (CAP AS NOTED)
- ㊲ 1/34359738368" IRON PIPE END (CAP AS NOTED)
- ㊳ 1/68719476736" IRON PIPE END (CAP AS NOTED)
- ㊴ 1/137438953472" IRON PIPE END (CAP AS NOTED)
- ㊵ 1/274877906944" IRON PIPE END (CAP AS NOTED)
- ㊶ 1/549755813888" IRON PIPE END (CAP AS NOTED)
- ㊷ 1/1099511627776" IRON PIPE END (CAP AS NOTED)
- ㊸ 1/2199023255552" IRON PIPE END (CAP AS NOTED)
- ㊹ 1/4398046511104" IRON PIPE END (CAP AS NOTED)
- ㊺ 1/8796093022208" IRON PIPE END (CAP AS NOTED)
- ㊻ 1/17592186044416" IRON PIPE END (CAP AS NOTED)
- ㊼ 1/35184372088832" IRON PIPE END (CAP AS NOTED)
- ㊽ 1/70368744177664" IRON PIPE END (CAP AS NOTED)
- ㊾ 1/140737488355328" IRON PIPE END (CAP AS NOTED)
- ㊿ 1/281474976710656" IRON PIPE END (CAP AS NOTED)



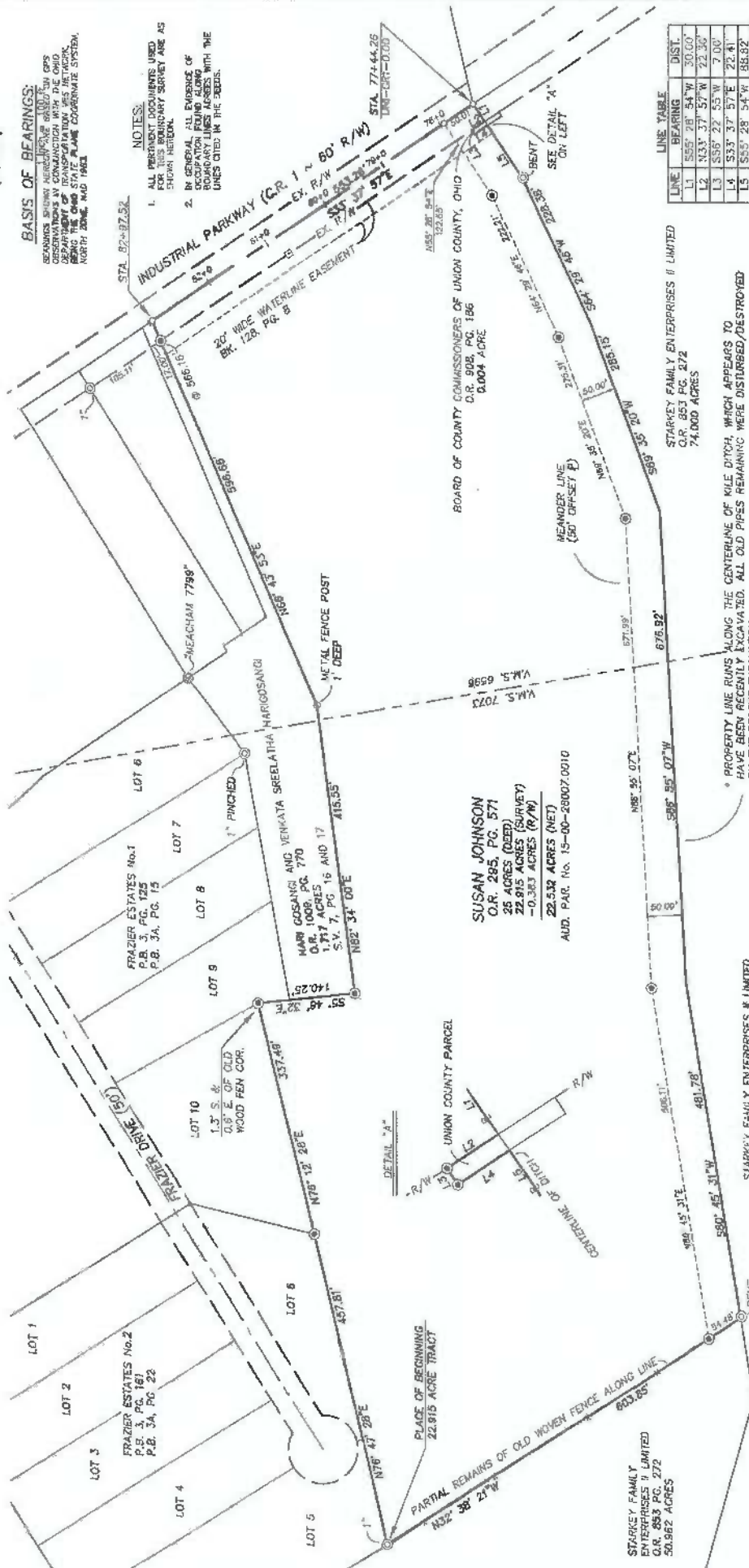
GRAPHIC SCALE
(IN FEET)

BASIS OF BEARINGS:

BEARINGS WERE MEASURED BY THE SURVEYOR OR HIS ASSISTANT IN CONNECTION WITH THE OHIO DEPARTMENT OF TRANSPORTATION VES TRAILER BEING THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 1983.

NOTES:

1. ALL PERTINENT DOCUMENTS USED IN THIS SURVEY ARE AS SHOWN HEREON.
2. BY GENERAL AGREEMENT OF THE PARTIES, THE BOUNDARY LINES SHOWN ON THIS PLAT ARE THE BOUNDARY LINES OF THE TRACTS, LINES CITED IN THE DEEDS.



LINE	BEARING	DIST.
L1	S55° 28' 54" W	50.00'
L2	N33° 37' 57" W	22.38'
L3	S55° 28' 54" W	7.00'
L4	S33° 37' 57" E	22.41'
L5	S55° 28' 54" W	38.82'

FLOOD NOTE:

THE SITE SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) AREA ACCORDING TO FEMA MAP PANEL NUMBERS 39156C0350D, DATED DECEMBER 15, 2005 AND 39156C0480D (NOV PRINTED PANEL WITH NO FLOOD HAZARD AREAS).

CERTIFICATION:

I, SURVEYOR, HAVE THIS PLAT OF SURVEY PREPARED ON AN ORIGINAL SURVEY, REQUIRED IN DECEMBER OF 2014 AND MEETS ALL OF THE REQUIREMENTS FOR A BOUNDARY SURVEY AS SET FORTH IN THE OHIO ADMINISTRATIVE CODE CHAPTER 4733-37.

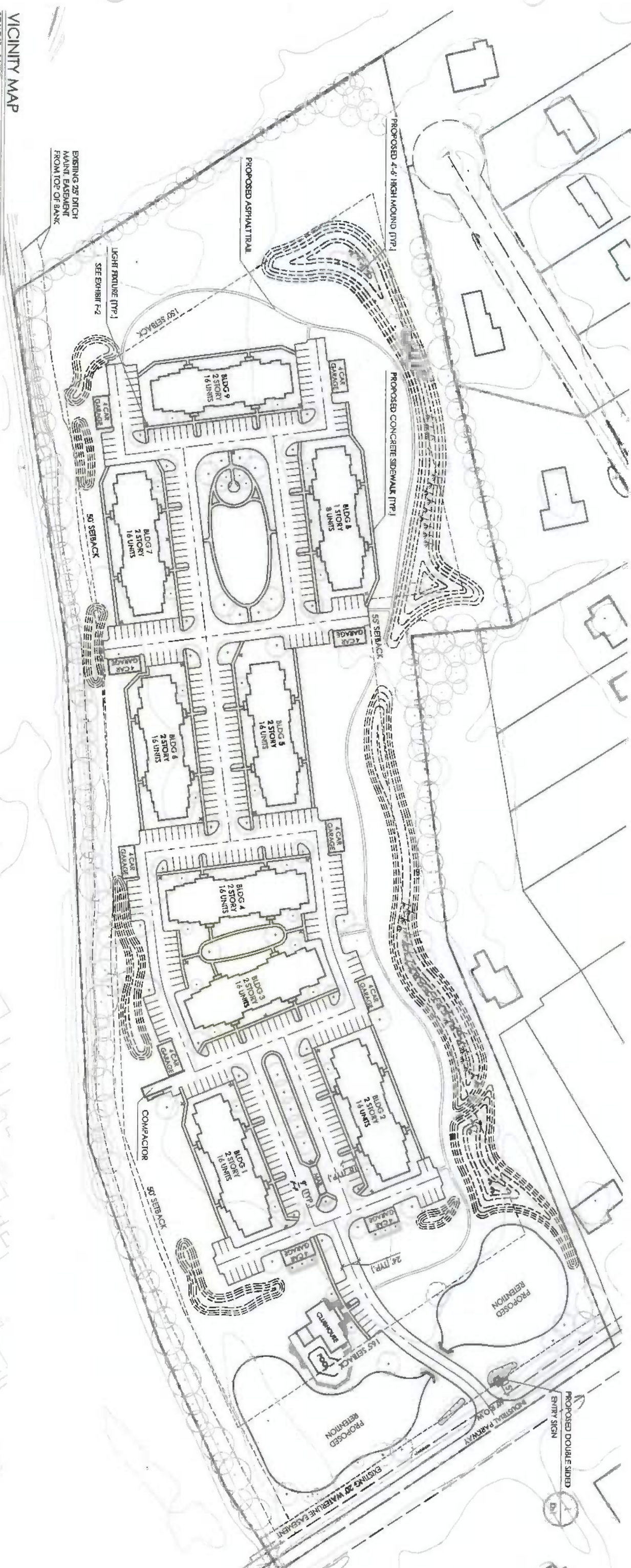
1346 Herndon Court N.E.
Columbus, Ohio 43260
(614) 551-1300
(614) 551-1300
(710) 551-1300
Fax: (710) 551-0004
www.americanlandsurveyors.com

AMERICAN LAND SURVEYORS
ALS
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FIELD	DRAFT	CHECK
JBA	JBA	JBA
JOB NO. 1	14-006	
DATE	DECEMBER 31, 2014	
SCALE	1"=100'	

JOHN B. ADDICKS, SURVEYOR, DATE

**Exhibit "C-1 & Illustrative Plan" - Preliminary Development Plan and
Illustrative Plan**



VICINITY MAP

SCALE 1" = 1 MILE



SCALE 1" = 1 MILE

PRELIMINARY DEVELOPMENT PLAN

NORTHERN LAKES

PREPARED FOR METRO DEVELOPMENT

DATE: 2.23.15

SITE DATA

TOTAL ACRES	22.915 ACRES
TOTAL UNITS	136 UNITS
DENSITY	5.93 DU./AC.
TOTAL OPEN SPACE	414.32 AC. (62.5%)
TOTAL SURFACE PARKING	336
TOTAL GARAGE PARKING	40
TOTAL PARKING	376 (12.76/UNIT)

SETBACKS (BUILDINGS & VEHICULAR USE AREAS)

FROM INDUSTRIAL PKWY R.O.W.	165'
FROM NORTH BOUNDARY	55'
FROM WEST BOUNDARY	150'
FROM SOUTH BOUNDARY	50'

OPEN SPACE LIMITS

SCALE: 1" = 200'

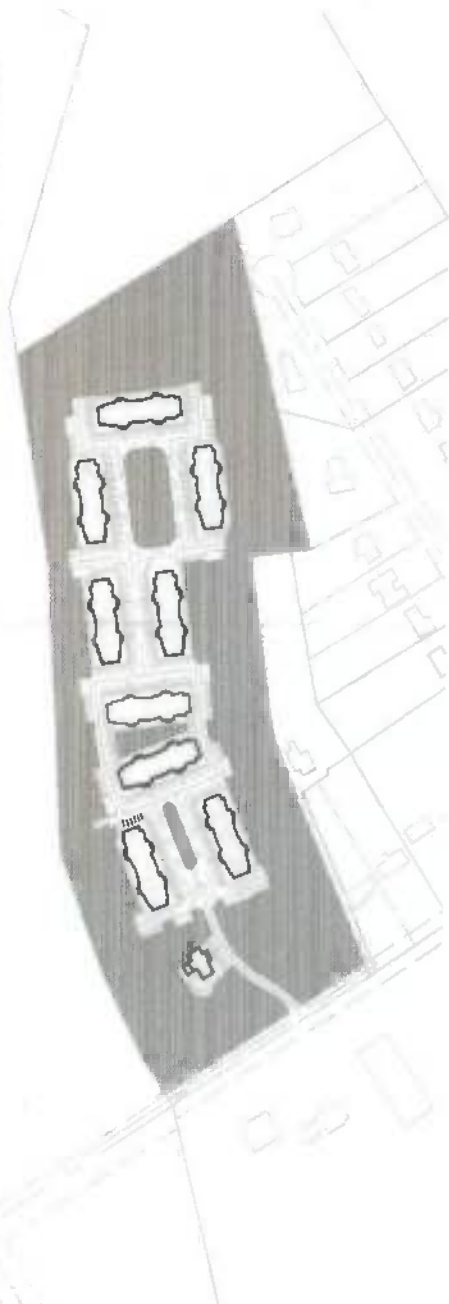
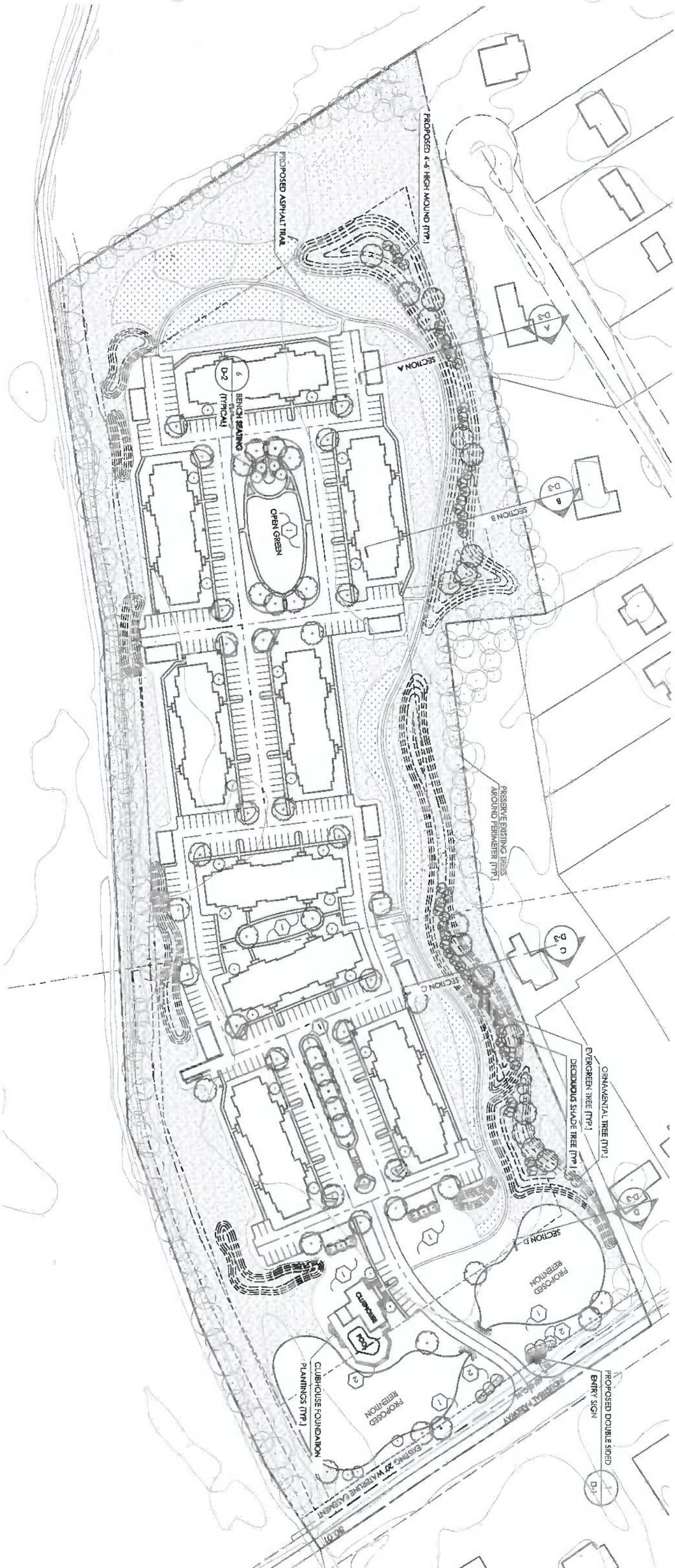


EXHIBIT C-1

- **Exhibit "D-1 through D-3" – Site Landscape Concept Plan, Concept Landscape Details, Site Sections**

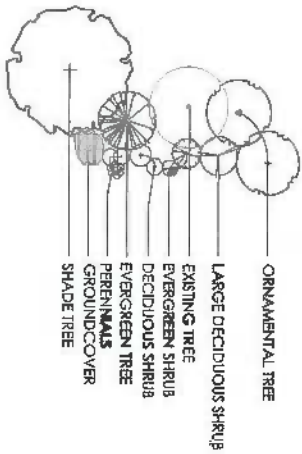


GENERAL PLANTING NOTES:

- 1. ALL PLANTS SHALL MEET OR EXCEED STANDARDS SET IN THE USA STANDARD FOR NURSERY STOCK.
- 2. ALL PLANTING OPERATIONS SHALL ADHERE TO THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS.
- 3. PLANT LOCATIONS AND BEDS SHALL BE LOCATED BY CONTRACTOR AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- 4. PLANTING BEDS SHALL HAVE A MINIMUM 3" DEEP SHREDED HARDWOOD BARK MULCH. MULCH BEDGES IN A CONTINUOUS BED.
- 5. ALL PLANTING BEDS TO BE TILLED TO A MINIMUM DEPTH OF 12".
- 6. ALL PLANTING BEDS TO BE FERTILIZED WITH 10-10-10 OR APPROVED EQUAL.
- 7. SOODING / SEEDING BY LANDSCAPE CONTRACTOR.
- 8. THE LOCATION OF THE EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES PRIOR TO COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
- 9. ALL AREAS DISTURBED BY CONSTRUCTION ARE TO BE RESTORED, FINE GRADED AND SEEDED/ SOODED.
- 10. ALL EXISTING PLANT MATERIAL SHOWN ON THIS PLAN IS TO BE PRESERVED UNLESS SPECIFICALLY NOTED OTHERWISE.

PLANT KEY TYPICALS

SEE PLANT LIST FOR SPECIFIC PLANT SPECIES



CONSTRUCTION NOTES:

- ① LAWN AREA, PROVIDE POSITIVE DRAINAGE ACROSS ALL SURFACES.
- ② LANDSCAPE AREA, PROVIDE POSITIVE DRAINAGE ACROSS ALL SURFACES.

HATCH KEY



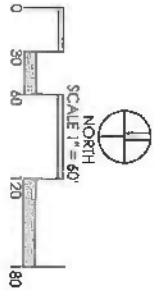
OVERALL LANDSCAPE CONCEPT PLAN

NORTHERN LAKES

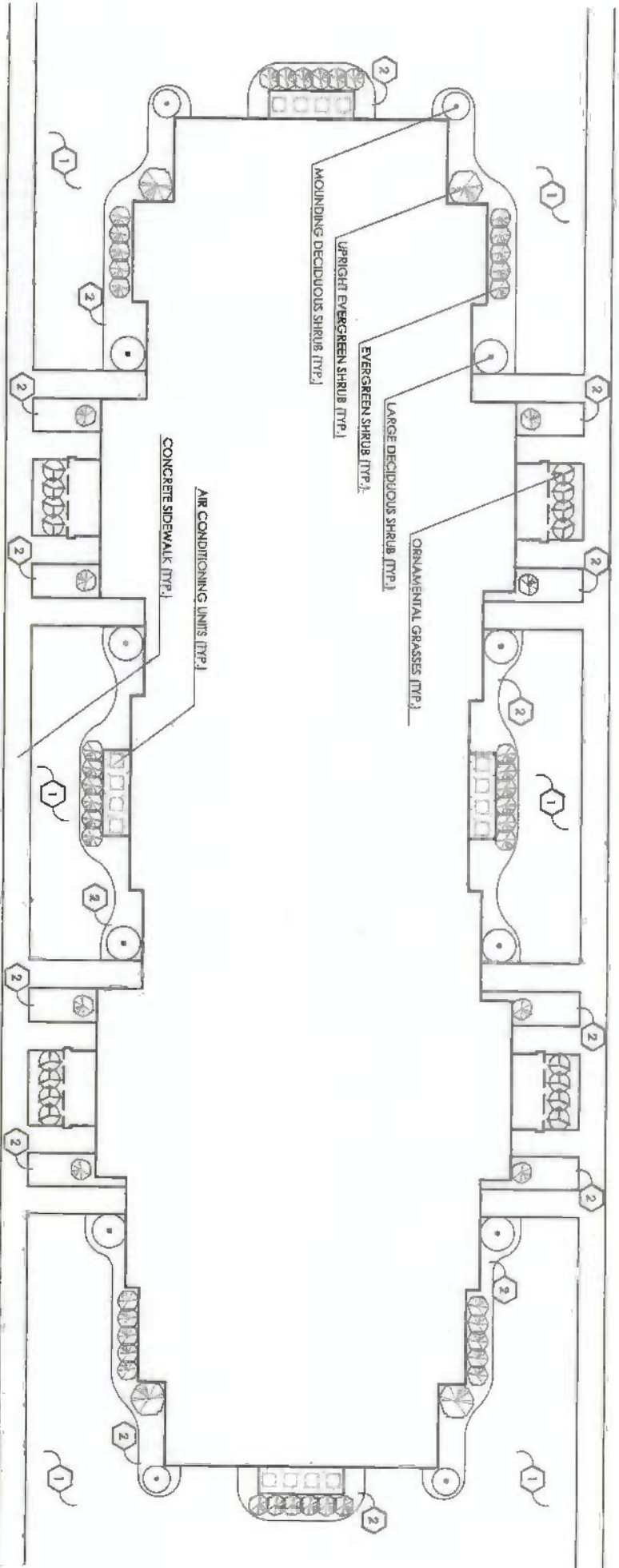
PREPARED FOR METRO DEVELOPMENT

DATE: 2.23.15

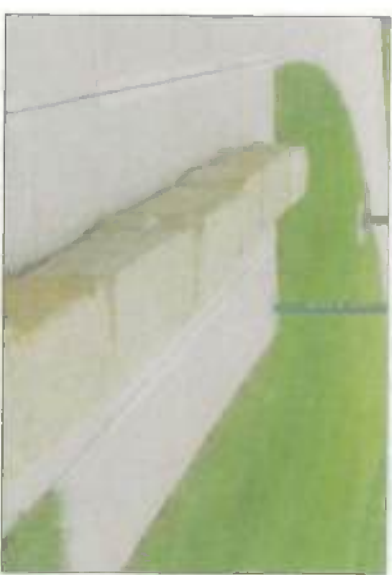
EXHIBIT D-1



Paris Planning & Design
LAND PLANNING
243 N. 5th Street
P.O. Box 1804
Scale: 1/8" = 1'-0"
LANDSCAPE ARCHITECTURE
COUNCILMAN, QM 42315
www.parisplanninganddesign.com

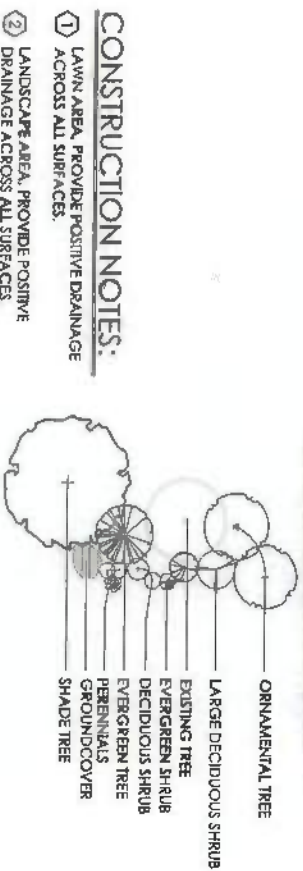


5 TYPICAL BUILDING PLANTING PLAN
SCALE: 1" = 10'



6 PROPOSED STONE BENCH
(OR OWNER APPROVED EQUAL)

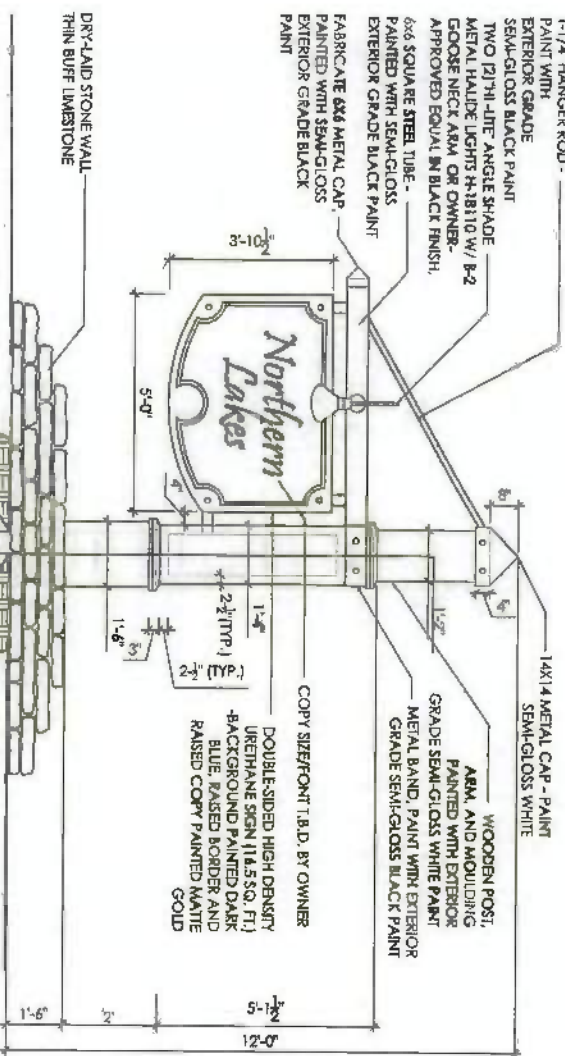
PLANT KEY TYPICALS
SEE PLANT LIST FOR SPECIFIC PLANT SPECIES



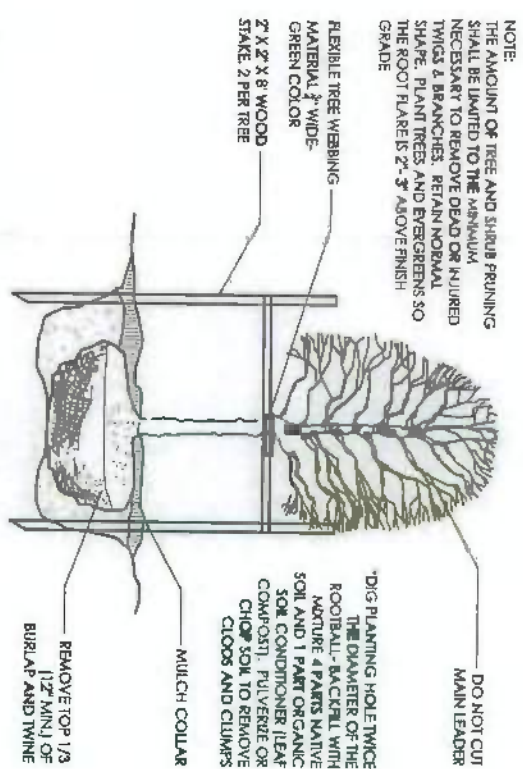
- CONSTRUCTION NOTES:
- 1 LAWN AREA, PROVIDE POSITIVE DRAINAGE ACROSS ALL SURFACES.
 - 2 LANDSCAPE AREA, PROVIDE POSITIVE DRAINAGE ACROSS ALL SURFACES.

CONCEPT LANDSCAPE DETAILS

4 MAIN ENTRY SIGN (DOUBLE-SIDED, 1 TOTAL) ELEVATION
N.T.S. - FINAL DETAIL T.B.D. BY SIGN CONTRACTOR

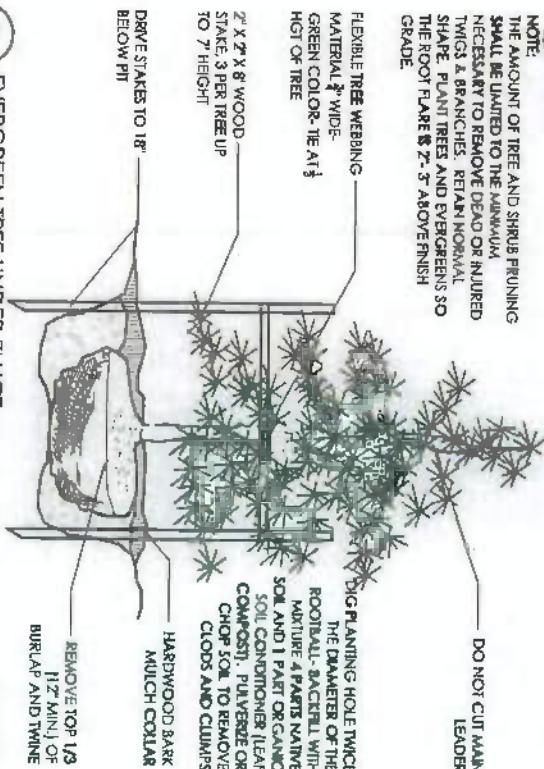


1 DECIDUOUS TREE
N.T.S.



NOTE:
THE AMOUNT OF TREE AND SHRUB PRUNING SHALL BE LIMITED TO THE MINIMUM NECESSARY TO REMOVE DEAD OR INJURED TWIGS & BRANCHES. RETAIN NORMAL SHAPE, PLANT TREES, AND EVERGREENS SO THE ROOT FLARE IS 2'-3' ABOVE FINISH GRADE.

2 EVERGREEN TREE UNDER 7' HGT.
N.T.S.



NOTE:
THE AMOUNT OF TREE AND SHRUB PRUNING SHALL BE LIMITED TO THE MINIMUM NECESSARY TO REMOVE DEAD OR INJURED TWIGS & BRANCHES. RETAIN NORMAL SHAPE, REMOVE EXCESS SOIL FROM THE TOP OF ROOT MASS, PLANT SHRUBS WITH TOP OF ROOT MASS AT FINISH GRADE.

3 SHRUB PLANTING DETAIL
N.T.S.

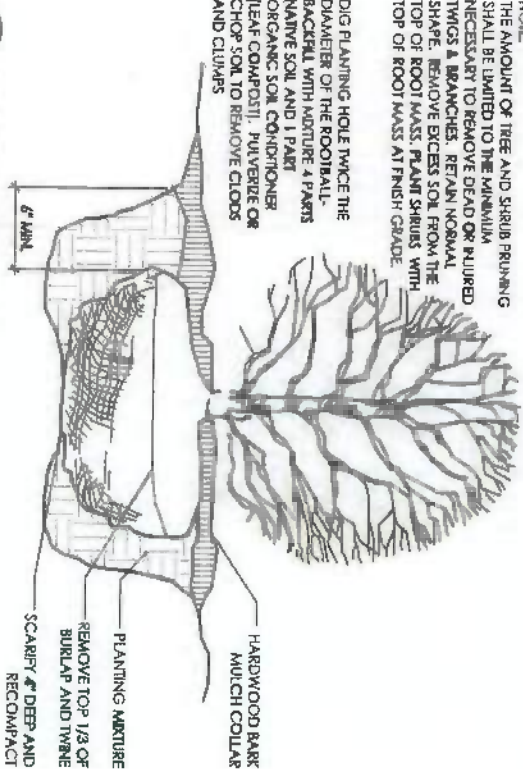
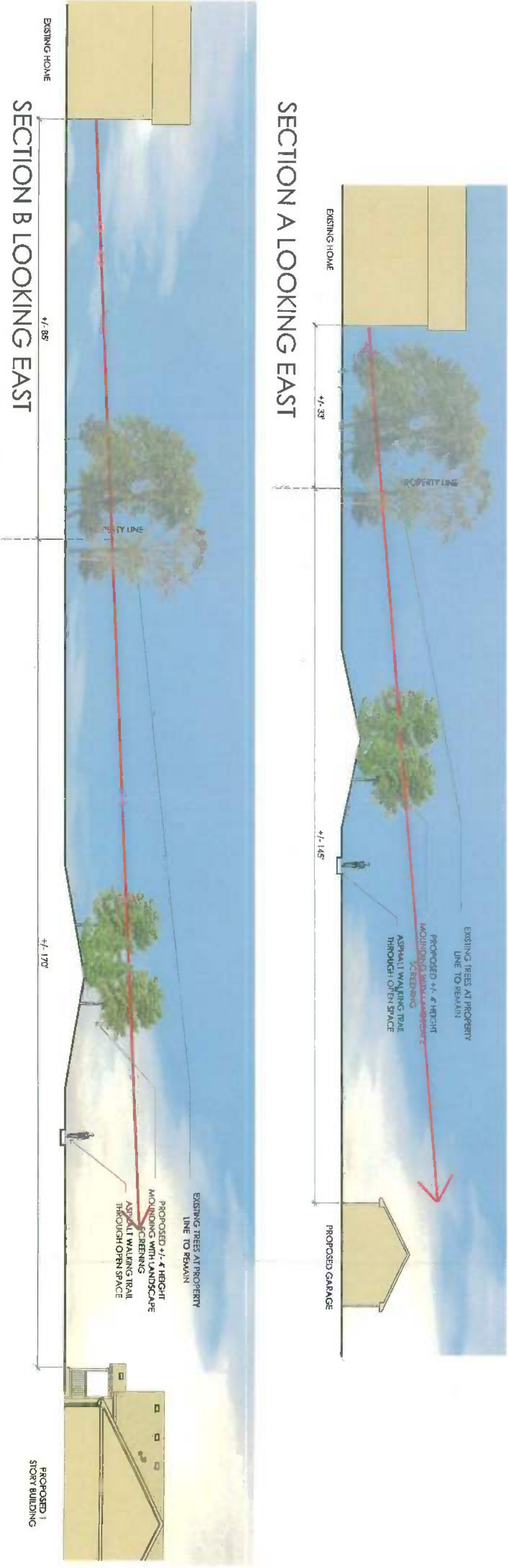


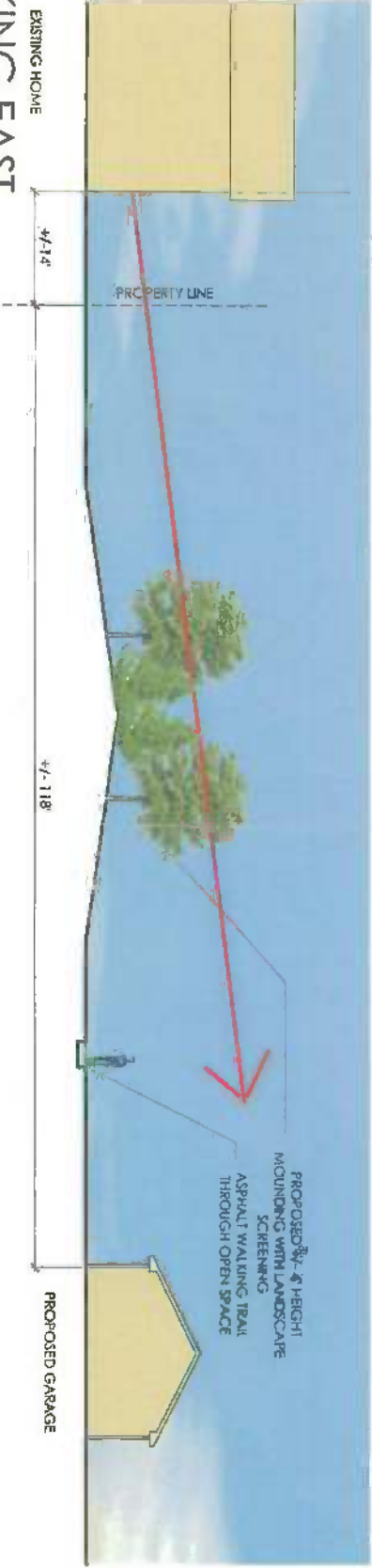
EXHIBIT D-2

NORTHERN LAKES
PREPARED FOR METRO DEVELOPMENT
DATE: 2.23.15

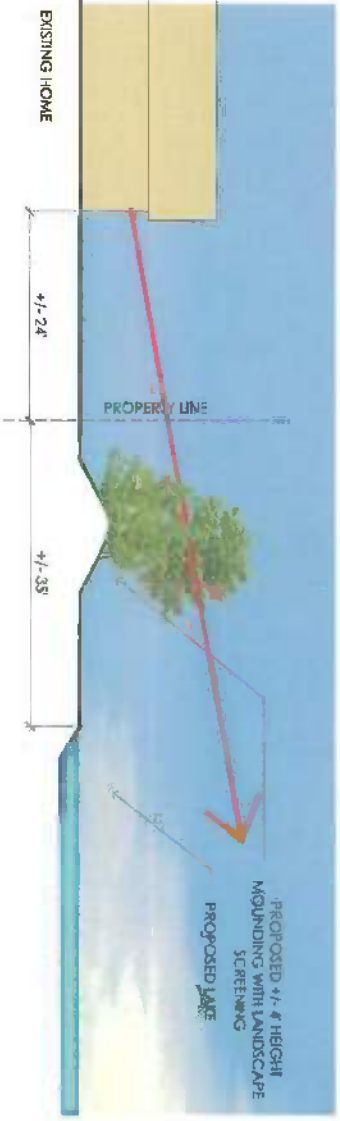
SECTION A LOOKING EAST



SECTION B LOOKING EAST



SECTION C LOOKING EAST



SECTION D LOOKING EAST

SITE SECTIONS

NORTHERN LAKES
PREPARED FOR METRO DEVELOPMENT

DATE: 2.23.15

EXHIBIT D-3

Paris Planning & Design



LAND PLANNING
282 N. 5th Street
P.O. Box 407
Columbus, OH 43215
www.parisplanninganddesign.com

LANDSCAPE ARCHITECTURE
Suite 401
Columbus, OH 43215
www.parisplanninganddesign.com

Exhibit "E-1 & E-2" – Engineering and Utility Letters

MEMORANDUM

To: Joe Thomas, Metro Development, LLC
From: Thom Ries
Date: 12/22/2014
Subject: 7837 Industrial Parkway Utility Capacity Analysis Summary

I. Proposed Development Statistics

- a. Area 24.996 AC
- b. Proposed Density 6 DU/AC
- c. Yield 150 DU

II. Domestic Water Service (City of Marysville)

- a. Available Capacity
 - i. Sufficient capacity for proposed development
 - 1. See Jeremy Hoyt email correspondence attached hereto for reference
- b. Tap & Capacity Fees
 - i. Master Metered System
 - 1. 5/8" Domestic Meter Size
 - a. Capacity Fee \$5,445
 - b. Inspection Fee \$75
 - c. Meter Cost \$264
 - d. Surcharge \$1,950
 - e. Total Cost \$7,734
 - 2. 70% of the total planned number of units
 - a. $0.70 \times 150 \text{ DU} \times \$7,734 = \$812,070$
 - i. \$5,413.80 per DU

III. Fire Protection (City of Marysville)

- a. Available Capacity
 - i. Sufficient capacity for proposed development
 - 1. See Jeremy Hoyt email correspondence attached hereto for reference
- b. Tap & Capacity Fees
 - i. *Correspondence ongoing with Jeremy Hoyt regarding fire protection capacity fees*

IV. Public Sanitary Service (City of Marysville)

- a. Available Capacity
 - i. Capacity issue exists

1. Pump station which site is tributary to is currently operating at 120% of capacity
2. Requires contribution to Marysville for upgrade of pumps
 - a. See Jeremy Hoyt email correspondence attached hereto for reference
- b. Tap & Capacity Fees
- c. Based on Master Metered Water System
 1. 5/8" Domestic Meter Size
 - a. Capacity Fee \$7,874
 - b. Inspection Fee \$75
 - c. Total Cost \$7,949
 2. 70% of the total planned number of units
 - a. $0.70 \times 150 \text{ DU} \times \$7,949 = \$834,465$
 - i. \$5,564.30 per DU
- d. Inspection Fees
 - i. Tier 1: 8%
 1. \$0 to \$1M of construction cost x 120%
 - ii. Tier 2: 4%
 1. \$1M to \$2M of construction cost x 120%
 - iii. Tier 3: 2%
 1. \$2M+ of construction cost x 120%
- V. Communication Service (Frontier Communications)
 - i. Sufficient capacity for proposed development
 1. See Robert Chandler email correspondence attached hereto for reference
- VI. Electrical Service (Union Rural Electric)
 - a. Available Capacity
 - i. Sufficient capacity for proposed development
 1. See Ron Rockenbaugh correspondence attached hereto for reference
 - b. 2014 URE Terms & Conditions (attached hereto for reference)
 - i. Aid to Construction Fee
 1. Fees are anticipated to be applicable to proposed development but are not available at this time

Thom Ries

From: Jeremy Hoyt [jhoyt@marysvilleohio.org]
Sent: Monday, December 08, 2014 5:05 PM
To: Thom Ries
Cc: Scott Sheppard; Rick Varner
Subject: Re: 7837 Industrial Parkway Utility Capacity
Attachments: City Utilities - 7837 Industrial Parkway.pdf; City of Marysville - 2014 Capacity Fees.pdf

Thom,

Here are my responses to your inquiry:

1. The water infrastructure has plenty of capacity for the proposed development. Our Wastewater Pump Station #2 (located adjacent to this development) is currently at 120% of its capacity...therefore, we would expect a contribution for the required pump upgrade to handle the additional flow. Although, it is expected that this upgrade could be split among several vacant parcels upon development.
 - o Please refer to the attached GIS Exhibit for further clarification regarding the location of our infrastructure. Also, the following legend holds true for the GIS Exhibit:
 - Blue = waterline
 - Gold = gravity sanitary sewer
 - The adjacent orange square indicates the pump station location
2. I have attached the City's capacity fee schedule for developments within Union County (for future reference, this information can be found on our website).
 - o Due to this project's location south of our Fladt Road Water Tower, it would be eligible for the additional capacity fee surcharge (\$1,950) per ERU.
3. If a master meter is utilized, any pipe material can be used behind this device.
 - o Please keep in mind, the capacity fees for multi-family residential (assumed based on your line of questioning) are charged at 70% the total number of planned units and not the meter size per City Code.

Please let me know if you have any further questions or concerns regarding this email or its attachments.

Thanks,
Jeremy

On Fri, Dec 5, 2014 at 9:33 AM, Thom Ries <tries@terrainevolution.com> wrote:

I forgot to identify location of parcel on GIS exhibit.

Thanks,

Thom Ries, PE/SI

President

720 East Broad Street, Suite 203

Columbus, OH 43215

Main: 614-385-1090 x101

Direct: 614-385-1091

Fax: 614-385-1085

terrinevolution.com

--

Jeremy V. Hoyt, P.E.

City Engineer / Deputy Public Service Director

209 South Main Street

Marysville, Ohio 43040

(P) 937.645.7358

(F) 937.645.7351

<http://www.marysvilleohio.org>

Typical Residential Capacity Fees (Based on 5/8" Meter)

Entity	Water			Wastewater		
	Capacity Fee	Inspection Fee (New Installation)	Meter Cost (Including AMI)	Additional Tap Fee	Total Cost	Total Cost
City	\$4,950	\$75	\$264	\$0	\$5,289	\$6,637
County (north of Platt Road)	\$5,445	\$75	\$264	\$0	\$5,784	\$7,949
County (south of Platt Road)	\$5,445	\$75	\$264	\$1,950	\$7,734	\$7,949
Jerome Village	\$5,445	\$75	\$264	\$0	\$5,784	\$7,949
						\$13,658

Water Capacity Fees						
City				County (includes 10% surcharge)		
Meter Size	Capacity Fee	Inspection Fee (New Installation)	Meter Cost (Including AMI)	Total Cost	Meter Size	Total Cost
5/8"	\$4,950	\$75	\$264	\$5,289	5/8"	\$5,784
1"	\$10,890	\$75	\$322	\$11,287	1"	\$12,376
1.5" (C2)	\$19,600	\$75	\$869	\$40,544	1.5" (C2)	\$44,504
1.5" (T2)	\$19,600	\$75	\$1,272	\$40,947	1.5" (T2)	\$44,907
2" (C2)	\$39,600	\$75	\$1,002	\$40,677	2" (C2)	\$44,637
2" (T2)	\$49,500	\$75	\$1,445	\$51,020	2" (T2)	\$55,970
3" (C2)	\$99,000	\$75	\$1,211	\$100,286	3" (C2)	\$110,186
3" (T2)	\$128,700	\$75	\$1,790	\$130,565	3" (T2)	\$143,435
4" (C2)	\$198,000	\$75	\$2,422	\$200,497	4" (C2)	\$220,297
4" (T2)	\$247,500	\$75	\$2,997	\$250,572	4" (T2)	\$275,322
6" (C2)	\$396,000	\$75	\$4,240	\$400,315	6" (C2)	\$435,600
6" (T2)	\$495,000	\$75	\$5,068	\$500,143	6" (T2)	\$554,500

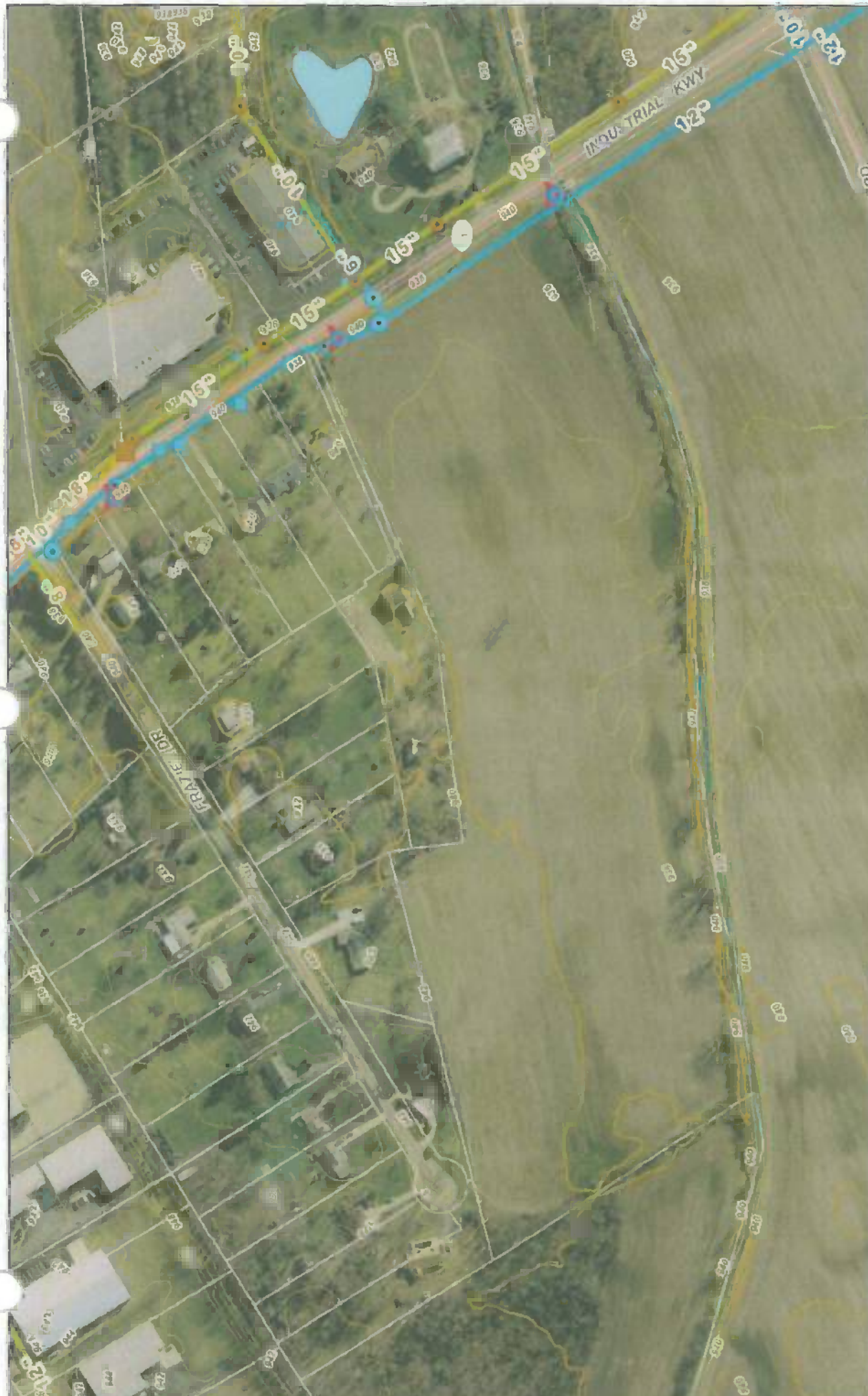
Note: All properties within a development south of Platt Road are subject to an additional \$1,950 tap fee for developer driven installation of 36" waterline along Industrial Parkway

Fire Protection Fees						
City				County (includes 10% surcharge)		
Meter Size	Meter Equivalents	Inspection Fee (New Installation)	% Reduction	Total Cost	Meter Size	Total Cost
5/8"	1.0	\$4,950	15%	\$743	5/8"	\$817
1"	2.5	\$4,950	15%	\$1,856	1"	\$2,042
1.5"	5.0	\$4,950	15%	\$3,713	1.5"	\$4,084
2"	8.0	\$4,950	15%	\$5,940	2"	\$6,534
3"	15.0	\$4,950	15%	\$11,138	3"	\$12,251
4"	25.0	\$4,950	15%	\$18,563	4"	\$20,419
6"	50.0	\$4,950	15%	\$37,125	6"	\$40,838

Wastewater Capacity Fees						
City				County (includes 20% surcharge)		
Meter Size	Capacity Fee	Inspection Fee	Total Cost	Meter Size	Capacity Fee	Total Cost
5/8"	\$6,562	\$75	\$6,637	5/8"	\$7,874	\$7,949
1"	\$14,436	\$75	\$14,511	1"	\$17,323	\$17,398
1.5" (C2)	\$32,496	\$75	\$32,571	1.5" (C2)	\$62,995	\$63,070
1.5" (T2)	\$32,496	\$75	\$32,571	1.5" (T2)	\$62,995	\$63,070
2" (C2)	\$52,496	\$75	\$52,571	2" (C2)	\$62,995	\$63,070
2" (T2)	\$65,620	\$75	\$65,695	2" (T2)	\$78,744	\$78,819
3" (C2)	\$131,240	\$75	\$131,315	3" (C2)	\$157,488	\$157,563
3" (T2)	\$170,612	\$75	\$170,687	3" (T2)	\$204,734	\$204,809
4" (C2)	\$262,480	\$75	\$262,555	4" (C2)	\$314,976	\$315,051
4" (T2)	\$338,100	\$75	\$338,175	4" (T2)	\$393,720	\$393,795
6" (C2)	\$534,960	\$75	\$535,035	6" (C2)	\$629,952	\$630,027
6" (T2)	\$656,200	\$75	\$656,275	6" (T2)	\$787,440	\$787,515

Note: Please contact the Engineering Department at (937) 645-7350 for specific questions regarding utility tap fees.

1. 10% of the 1st \$1,000,000 of the estimated cost of the improvements
2. 4% of the next \$1,000,000 (between \$1,000,000 and \$2,000,000) of the estimated cost of the improvements
3. 2% of the remainder of the estimated cost of the improvements
4. The developer is responsible for additional fees if the actual cost exceeds the inspection fees
5. All projects must be constructed within 24 months of approval



7837 Industrial

42

NOTE: This map is a resource to be used for general information purposes only. The City of Marysville does not warrant the accuracy, completeness, or timeliness of the information provided.

All GIS data layers are referenced to the Ohio State Plane Coordinate System (NAD83) - North American Datum (NAD) 83 (NAD) Vertical - North American Datum Vertical Datum (NAVD) 88, Units - Surveyor's Feet.

All data has been developed from public records that are constantly undergoing change and is not warranted for current, complete, or accurate. The City of Marysville does not warrant, guarantee or represent the data to be fit for a particular use or purpose.



City of Marysville, Ohio

209 South Main Street
Marysville, Ohio 43040
(937) 645-7350
www.marysvilleohio.org

Thom Ries

From: Chandler, Robert L. [robert.l.chandler@ftr.com]
Sent: Thursday, December 18, 2014 10:47 AM
To: Thom Ries
Subject: Utility Capacity Letter

Thom,

The area you were inquiring about does have enough capacity for the proposed Residential development. If you have any other questions please feel free to contact me.

Thanks.

Robert Chandler
Network Engineer
740-369-0826 Office
740-802-8890 Cell
robert.l.chandler@ftr.com

frontier Communications



December 8, 2014

Thomas Ries
President
Terrain Evolution
720 East Broad Street, Suite 203
Columbus, Ohio 43215

RE: Electric Utility Capacity at 7837 Industrial Parkway

Dear Mr. Ries,

Union Rural Electric Cooperative has reviewed your letter dated December 5, 2014 for Electric Utility Capacity at 7837 Industrial Parkway. UREC has existing 3 phase overhead electric facilities along the southwest side of Industrial Parkway adjacent to referenced parcel to support Metro Development, LLC residential services with multi-phase facilities as needed per 2014 URE Terms and Conditions for Supplying Electric Service – Residential Plats page 10 of 24. Parcel UC PID 1500280070010.

Please let me know if you have any questions.

Kind regards,

Ron Rockenbaugh
Manager of Engineering Services
Union Rural Electric Cooperative, Inc.
PO Box 393
15461 US Route 36
Marysville, Ohio 43040
Cell: (937) 537-0369
Direct: (937) 645-9241

Separate attachment: 2014 URE Terms and Conditions for Supplying Electric Service



15461 US Route 36 • PO Box 393 • Marysville, OH 43040-0393
(937) 642-1826 • (800) 642-1826 • Fax (937) 644-4239
www.ure.com

Your Touchstone Energy® Cooperative



TERMS AND CONDITIONS FOR SUPPLYING ELECTRIC SERVICE

Effective 01/01/93

Revised 01/26/94, 02/18/95, 01/29/96, 04/28/97, 7/1/98, 9/29/98, 1/1/02, 5/1/03,
5/1/04, 5/1/05, 5/1/06, 5/1/07, 5/1/08, 5/1/09, 5/1/10, 5/1/11, 5/1/12, 6/1/13, 6/1/14

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Your Touchstone Energy® Cooperative



GENERAL STATEMENT

The Cooperative's *Terms and Conditions for Supplying Electric Service* to its Members is hereby adopted by the Board of Trustees.

As hereinafter used, "Member" shall be construed to be any Member or Member using Cooperative's electric service, and all of the following *Terms and Conditions for Supplying Electric Service* are applicable to all Members of the Cooperative regardless of Membership status.

As hereinafter used, "Cooperative" is construed to mean the management of the Cooperative.

It shall be the responsibility of management to implement these *Terms and Conditions for Supplying Electric Service* with such supplementary administrative rules, forms and/or specifications as may be necessary to properly enforce and carry out the intent of these *Terms and Conditions for Supplying Electric Service* as well as administer and properly apply the Cooperative's electric rate schedules.

If a conflict occurs between any provision(s) set forth in these *Terms and Conditions for Supplying Electric Service* and state or federal governmental regulatory authority, or laws of this state, the latter shall take precedence.

SECTION I - REQUIREMENTS FOR SECURING ELECTRIC SERVICE

- A. **Membership Application:** All Members shall be required to be a Member of the Cooperative by completing a formal application for electric service on the Cooperative's standard form. The application for electric service shall constitute a binding contract between the applicant and the Cooperative in conformance to these *Terms and Conditions for Supplying Electric Service*, and the applicable rate schedule.
- B. **Enrollment Fee:** Each Member shall be required to pay a non-refundable account set up fee to establish each account in the Member's name. No enrollment fee shall be charged to establish an account of a surviving spouse of a deceased Member or to relocate an existing service.
- C. **Security Deposit:** The Cooperative reserves the right to require a security deposit for a residential, commercial or industrial account.
- D. **Rate Schedule:** The Cooperative shall make the determination of the appropriate rate schedule.
- E. **Lease & Affidavit:** Members requesting service for disconnected services for nonpayment and/or delinquent services may be required to provide
 1. Notarized lease document showing name of lessee, address, landlord with contact info, list of all occupants, and start date of the lease
 2. Signed affidavit stating that the person whose name the service was previously in no longer lives at the location and will not be living there in the future

SECTION II - NEW SERVICE/LINE EXTENSIONS

GENERAL SERVICE REQUIREMENTS

A pre-construction meeting with a URE representative is required for any new electric service or line extension to determine the location of distribution facilities including metering equipment and to determine the amount of contribution in aid of construction if applicable. Property pins must be installed and located prior to the preliminary construction meeting. Line extensions will normally be located along lot lines when appropriate. The Cooperative shall have sole discretion as to the location of all distribution facilities. Variance to Cooperative recommended location of distribution facilities may result in an additional contribution in aid of construction charge to recover any additional expense to the Cooperative. If any property damage occurs as a result of the deviation, repairs are at the member's expense.

The prospective Member, Builder or Developer requesting service shall provide an accurate site map indicating the proposed or existing structures, driveways, parking lot, leach field and any other underground facilities to assist with the engineering of the electric service and easement.

The Member, Builder, or Developer shall furnish and install the meter base in the manner and location specified by the Cooperative. The meter base shall be kept sealed, under control of the Cooperative and maintained by the Member. In those instances where electric service is supplied to a low profile structure or meter pole separate and apart from the electric consuming facility, then the member or

developer shall install a fused disconnect or breaker on the low profile structure or meter pole on the member's side of the meter base.

The point of service may be referred to as a point of delivery or the point of attachment. The Cooperative shall extend its facilities to the point of attachment designated by the Cooperative on the Member's pole, building or other suitable structure. The Cooperative at its option may own the point of attachment.

The Member shall provide an unencumbered path at the Cooperative's specified width for overhead or underground line extension. If the line extension is underground the path must be within six inches (6") of final grade. The Member shall be responsible for the installation of conduit raceway as required by the Cooperative such as but not limited to paved driveway and parking lot crossings and to Cooperative specifications for underground installations. The Cooperative is not responsible for excavation settlement after construction. **No electric facilities will be installed until paths are cleared, conduits are in place and/or the grade slip has been submitted to the Cooperative.**

The Cooperative reserves the right to assess the Member a trip charge for any unnecessary trips to the job site due to a problem caused by the Member. The Cooperative also reserves the right to **de-energize** any of its facilities if the grade is not to its safety standards.

Utility Easement Agreement

At the discretion of the Cooperative, an easement may be required for electric facilities. Easement(s) must be executed by the property owner(s) on the Cooperative's standard utility easement agreement. If the Member is not the owner of the property to be supplied with electric service or utility easement must be obtained from any adjoining property owners, the Member shall be ultimately responsible to obtain all necessary utility easements from any and all property owners necessary to furnish said electric service.

The member shall grant to the Cooperative and the Cooperative will maintain easement and/or road right-of-way according to its specifications with the right to cut, trim and control the growth of vegetation using mechanical or chemical methods within the easement and/or road right-of-way or that may interfere with or threaten to endanger the operation or maintenance of the Cooperative's electric facilities.

The minimum easement width, which may include existing road right of way, shall be as follows:

Distribution Type	Width	From Centerline
• Overhead Three Phase Primary	30'	15'
• Underground Three Phase Primary	20'	10'
• Overhead Single Phase Primary	20'	10'
• Underground Single Phase Primary	20'	10'
• Overhead Three Phase Secondary	20'	10'
• Underground Three Phase Secondary	20'	10'

The member shall be responsible for providing a clear unobstructed path free of vegetation and debris 6 inches from final grade prior to the installation of electric facilities. Permanent service shall not be energized until all applicable permits and/or easement(s) are received and all fees and/or CIAC (contribution in-aid to construction) are paid.

If no governmental authority has jurisdiction over the wiring owned by the Member, said Member wiring shall be installed in accordance with the current edition of the National Electrical Code and the specifications and regulations of the Cooperative.

The Cooperative reserves the right to require adequate protective posts or barriers at the expense of the Member where electric facilities are installed in areas of vehicular traffic.

All electric facilities installed by the Cooperative shall remain its property unless otherwise agreed to in writing.

SINGLE-PHASE SERVICE

1. Single-Family Residence:

The Cooperative shall extend up to five spans of single-phase primary electric distribution facilities to a permanent single family residence at no cost to the Member constructed along and immediately adjacent to any existing road right of way limits having been legally dedicated for public use by a governmental authority.

A permanent single family residence is defined as a home used year round for habitation with its own water system, sewage system and permanent foundation.

The Cooperative will supply the service conductor from the transformer to the service point. Residential Service exceeding 320 Amps in size will be evaluated on a case-by-case basis in the same way as a single phase commercial service (see section 2. Commercial).

Contribution In Aid of Construction (CIAC)

The following guidelines shall be used to calculate (CIAC):

1. The measurement to calculate the CIAC shall begin from the closest point of contact of existing electrical distribution facilities from which the line extension is to be constructed, or from the nearest public road right-of-way when existing facilities are installed on the opposite side of the roadway. The measurement shall follow the proposed path as determined by the Cooperative and will normally be located along property lines when practical.
2. Additional line extension charges shall be levied for changing the original path at the request of or caused by the Member/builder or for reasons deemed appropriate by URE.
3. Payment of the CIAC must be made in full prior to permanent service being energized.
4. Management has authority granted by the Board of Trustees February 26, 2006 to use its discretion to waive a portion or all of the CIAC when the owner/builder has choice of the electric supplier due to territorial lot split.

2. Commercial:

The Cooperative shall extend single-phase electric distribution facilities to a commercial business where, as determined by the Cooperative, the elements of a business operation exist and where electric service is normally used on a year round basis.

The Member is responsible for providing and installing any necessary meter bases, CT cabinets, disconnect switches, concrete transformer pads, grounding grid, underground conduits, transformer protection posts and cable trenching required for the secondary service. Members with services larger than 400 amps will be required to provide, install service conductors and transformer connection lugs.

All meter bases, CT cabinets or service disconnect switches mounted in a location exposed to vehicular traffic or delivery docks must be shielded from contact with protection posts or railing. These protection devices should not interfere with the ability to remove meters or opening of the utility equipment doors. Overhead service to a commercial building will be at the discretion of the Cooperative.

The Member shall be required to pay a contribution in aid of construction at 100% of the actual cost for all electric distribution facilities necessary to provide electric service from the point of attachment of existing distribution facilities including line extension along a public road right-of-way unless the projected revenue is sufficient to justify the investment and operating expenses as determined by the Cooperative.

3. Other Temporary, Permanent or Seasonal Single-Phase Services:

The Cooperative shall extend single-phase electric distribution facilities to a member that is not a residence or commercial business provided the Member pay a contribution in aid of construction at 100% of the actual work order cost for all electric distribution facilities necessary to provide service from existing distribution facilities including line extension along a public road right-of-way. Types of services

are, but not limited to, a barn, garage, pump, grain dryer, cabin, trailer, billboard, etc.

The Cooperative encourages its Members or prospective Members to provide the electric service to these types of loads from the existing service panel if possible. When this is not practical, the Cooperative will provide the engineering services for one (1) cost estimate upon an up-front non-refundable payment of a \$100 engineering charge credited toward the completion of the project. Members or prospective Members shall be charged a trip charge for each additional request of more than one (1) field trips for re-engineering estimates.

If the member chooses to serve a temporary, permanent or seasonal single-phase and later connects a single-family residential service to these facilities, the member may be entitled to a partial refund if either of the following events take place:

1. The individually metered residential service has passed a permanent electrical inspection by the County governing authority within one year of the date in which the original permanent single-phase service was connected.
2. The residential service is served from existing permanent single-phase facilities and has received the permit for permanent electric service within 36 months of the date in which the original permanent single-phase service was connected.

The amount of the refund shall be determined at the discretion of the Cooperative.

Reconnection of a temporary, permanent or seasonal service having been disconnected at the request of the Member shall be charged a connect fee in addition to a sum equal to the monthly base charge specified in the applicable rate schedule for each month the service was disconnected.

4. Multi-Unit Residence:

The Cooperative reserves the right to require multiple unit residence to be separately metered. The Member or owner of an apartment house or a single family house which is converted or constructed for separate and individual living quarters or dwelling units for more than one family shall, upon request of the Cooperative, install at the owner's expense separate wiring so that each dwelling unit can be metered and billed separately. The Member or owner shall also be responsible for obtaining and installing gang meter bases that are used to separate services. The meter bases shall be subject to the approval of the Cooperative. All multi-unit buildings whether they are residential or commercial that receive electric service from a single transformer are required to provide a lockable load break disconnect switch so that service to individual tenants may be interrupted for maintenance purposes. Members with services larger than 400 amps will be required to provide and install service conductors and transformer connection lugs. Any conduit crossings for services will be installed and provided by the Member. The Cooperative has the sole discretion as to the definition of a multi-unit dwelling.

All gang meter bases shall have each service location labeled with a permanent identification tag in order to correctly identify which meter corresponds to a particular dwelling. (see NEC code 225.37, 230.2 (B) (1), and 230.2 (E).

5. Temporary Construction Service (per service):

A Member or the Member's contractor may request temporary construction power from an existing transformer. A temporary construction service shall be defined as to not exceed a two year, 24 month period. The Cooperative may install a temporary service structure at no charge or the Member may install his/her own temporary service structure in accordance with Cooperative specifications. Modification or damage of URE's temporary service will result in additional charges. Any electric facilities required to be installed for the purpose to provide the temporary service shall fall under the appropriate line extension guidelines for determining CIAC. Any electric facilities that are not incorporated into the permanent service shall be removed at 100% of the cost of removal to the Member.

- | | |
|--|---------------------------|
| 1. Single-phase Member owned temporary structure: | \$0.00 |
| 2. URE supplied single-phase temporary structure: | \$0.00 first year |
| 3. URE supplied single-phase temporary structure/year: | \$300/yr after first year |

6. Temporary Electric Service

When electric service is required temporarily for any purpose, the applicant shall pay a CIAC with the Cooperative for the total estimated cost of construction, plus any total estimated cost of removal, minus the estimated salvage value of all equipment and materials.

RESIDENTIAL PLATS

Residential plats (subdivisions) are defined as single family homes or condominiums that must meet the following criteria:

- Recorded and platted with the appropriate electric and natural gas utility easements
- Lots served by dedicated public roadways maintained by a governmental authority

Residential plats (subdivisions) must also meet 2 or more of the following criteria:

- Average density of no less than two single family residence per acre
- Street and building lot layouts that allow the Cooperative to serve a minimum average of two homes per transformer
- Provides 15 building lots or more

For developments that do not meet the criteria of a residential plat the Cooperative will address the installation of its primary, secondary and services as described in Single-Family Residence on page 7 of these terms and conditions.

COMMERCIAL PARK DEVELOPMENTS

Commercial Parks shall be defined as a large tract of land developed for the express purpose of locating multiple businesses and industries. The Cooperative shall locate and install primary distribution facilities within platted and recorded easements designated for electric utilities. The Developer will be required to pay a contribution-in-aid of construction for the installation of Cooperative facilities –to be determined through an economic analysis of the proposed business revenues and cost to serve. Individual businesses or industries may be required to provide additional CIAC for their services which is beyond the primary distribution provided to the development.

The location of primary distribution facilities for any type development shall be based on sound engineering standards and least cost approach to the Cooperative. Any variance to the location of the distribution facilities by the Developer or other controlling authorities may result in additional contribution in aid of construction assessed to the Developer to recover any additional expense to the Cooperative. The Developer must sign an Agreement for Electric Facilities for High Density Developments.

The Cooperative reserves the right to require the developer to install conduit raceway for all or portions of the cables to be installed in the development.

The Cooperative shall have sole discretion of charging a CIAC based on a percentage of a minimum of 40% up to 100% of the total estimated cost to install electric facilities. The amount of the CIAC shall be determined at the sole discretion of the Cooperative based on factors that include, but not limited to, housing markets, other economic conditions and prior performance history of the developer. Such CIAC must be paid in advance of installation of electric primary facilities.

OUTDOOR LIGHTING

1. Private Lighting

Any Member may request lighting from the Cooperative to provide lighting to private property available in post-top, flood and mast arm units. A contribution in aid of construction and three-year agreement shall be required prior to the installation of any private light.

2. Public Street Lighting

Street lighting services are available to governmental bodies and developers to provide roadway lighting on public roads. The services will be provided under contract to governmental agencies and under standard tariffs to commercial and industrial Members. A contribution in aid of construction shall be required prior to the installation of street light facilities installed by the Cooperative.

THREE-PHASE SERVICE

1. Individual

Where an extension or expansion of Cooperative's facilities is necessary to provide three-phase electric service, the Cooperative reserves the right to require a contribution in aid of construction where, as determined by the Cooperative, the probable additional revenue is insufficient to justify the investment and operating expenses involved.

The Cooperative reserves the right not to furnish three phase service to Members when the Cooperative determines that single-phase service will adequately supply the Member's load requirements. The Cooperative also reserves the right to determine whether the service conductor will be overhead or underground.

The Member shall be responsible for the installation of any concrete transformer pads, grounding grid, switchgear pads, secondary cabinets, transformer pad grounding, C.T./P.T. cabinet, meter bases, transformer protection posts, secondary service cables, service cable connection lugs and conduit raceways as required by the Cooperative in accordance with Cooperative specifications. The Cooperative will provide the necessary C.T. / P. T. metering devices as well as the meter for the Member's facility. A 320 amp 120/208 V three-phase self-contained meter base may be made available at the discretion of the Cooperative.

The Member shall be responsible for providing adequate access to the transformer including a road base to the transformer sufficient for the Cooperative's utility vehicles.

2. Multiple Tenants

Three-phase facilities may be requested by a commercial builder for multiple-tenant buildings. In the event a tenant requests or requires single-phase service from the three-phase service, the tenant and building owner may enter into a written agreement with the Cooperative to make the necessary changes to the electric facilities to provide single-phase service. The owner shall reimburse the Cooperative all costs associated with providing the single-phase electric service.

Contribution in Aid to Construction (CIAC) may be required at the discretion of the Cooperative.

All multi-tenant buildings whether they are residential or commercial that receive electric service from a single transformer are required to provide a lockable load break disconnect switch for each tenant service so that service to individual tenants may be interrupted for maintenance purposes. Members with services larger than 400 amps will be required to provide and install conductors with connection lugs.

All gang meter bases should have each service location permanently tagged in order to identify which meter corresponds to a particular business space. (see NEC code 225.37, 230.2 (B) (1), and 230.2 (E).

3. Temporary Three-Phase Service

The Cooperative will provide temporary three-phase service. The member or contractor shall be responsible for paying 100% of the cost of construction to install and remove as a contribution in aid to construction. The CIAC must be paid in full prior to the start of the project.

SECTION III - USE AND RESPONSIBILITY OF ELECTRIC SERVICE

A. USE OF ELECTRIC AND POWER CONDITIONING

The electricity supplied by the Cooperative is for the exclusive use of the Member on the premises to which such energy is delivered by the Cooperative. Service shall not be shared with another, sold to another or transmitted off the premises unless approved by the Cooperative. If this restriction is violated, the Cooperative reserves the right to discontinue electric service without notice.

The Member's electrical equipment shall be operated and controlled so as not to cause electrical disturbances on the Cooperative's system or to be detrimental to the service furnished other Members of the Cooperative.

The Cooperative reserves the right to require the Commercial or Industrial Member to install at the Member's expense such power factor corrective equipment to achieve a minimum of 92.5% power factor; and to require any necessary equipment to prevent undue voltage fluctuations so that it is not necessary for the Cooperative to supply excess capacity and facilities. The Cooperative reserves the right to require the Member to install such controls that are necessary to prevent voltage or other disturbances on the Cooperative's system that would be detrimental to service furnished to other Members.

Where the Member installs equipment/appliances with sensitive electronic components such as computer microprocessors and other devices containing programmable controllers, it is understood that the Cooperative cannot guarantee to provide the special voltage and power needs required by sensitive electronic equipment at all times. It shall be the responsibility of the Member to install, own, operate and maintain appropriate "power conditioning equipment" in order to protect such devices from damage due to power line noise, voltage fluctuations, power interruptions, spikes, transient surges, harmonic distortions or other types of power disturbances which may be construed as being less than suitable to such sensitive electronic components.

A. RESPONSIBILITY

The point at which service is delivered by the Cooperative to the Member, to be known as a "point of delivery," shall be the point at which the Member's facilities are connected to the Cooperative's facilities. The Cooperative's responsibility and liability terminates at the point where the Cooperative's service drop conductors first contact Member's building structure, mast pipe or other such service terminating structures or facilities. All such terminating facilities shall be approved by the Cooperative but shall be owned, operated and maintained by the Member. If the meter base needs to be inspected or worked on, the Member needs to contact the office to set up a date and time so the service can be disconnected. The Cooperative reserves the right, but shall not have the duty, to determine the suitability of apparatus or electrical facilities to be connected to its lines, to determine whether the operation of such shall be detrimental to its general supply of electricity, and further reserves the right to refuse to supply, or to discontinue the supply of electricity until such time as the Member shall conform to the Cooperative's regulations. The Cooperative also reserves the right to disconnect and remove its facilities without notice when in its judgment it deems that the Member's terminating structure or facility is inadequate.

The Member shall use reasonable care in designing his electric wiring and circuits. The Member's electric loads shall be connected to Member's circuits so that the loads on the individual phases, legs and circuits of the Cooperative's service conductors are properly balanced. The electrical facilities must conform to the National Electric Code. In no event shall the Cooperative be under any obligation to inspect the electrical facilities of the Member, but where the Cooperative has a reason to believe that the electrical facilities of the Member do not comply with recognized requirements, the Cooperative may refuse to supply electricity to the Member.

The Member shall be responsible for notifying the Cooperative of any plans for adding electrical facilities that might overload or impair the electrical service or the facilities of the Cooperative. The Cooperative will upgrade its facilities at no charge to the Member if, as determined by the Cooperative, the probable additional revenue is sufficient to justify the investment and operating expenses involved or a CIAC will be charged. The Member shall also notify the Cooperative of unusual electrical facilities to be added and obtain the consent of the Cooperative for the use thereof.

The Member shall be responsible at all times for the safekeeping of all Cooperative property installed on the Member's premises and to that end shall give no one, except authorized Cooperative employees, access to such property.

The Member shall be liable for the cost of repairs or damage to the Cooperative's property on the Member's premises resulting from the negligence of, or misuse by others than Cooperative employees. In the event of damages to the Cooperative's property on the Member's premises, the Cooperative may require a reasonable security deposit to insure payment for repairs in the event of future damage.

Member's will be responsible for tampering with, interfering with, or breaking of seals of meters, or other equipment of the Cooperative installed on the Member's premises. The member hereby agrees that no one except the employees of the Cooperative shall be allowed to make any internal or external adjustments of any meter or any other piece of apparatus which shall be the property of the cooperative. The Cooperative shall have the right during regular working hours and in emergencies to enter the premises of the consumer for the purpose of installing, reading, removing, testing, replacing or otherwise disposing of the apparatus and property, and the right of entire removal of the cooperative's property in the event of the termination of the contract for any cause. The Member will keep the area where the Cooperative's apparatus and property are located free from obstruction, danger and/or safety hazards. The Cooperative's agent will, upon request, show credentials and state the reasons for requiring access.

The Cooperative shall not in any event be liable for loss injury or damage to any person or property whatsoever, resulting directly or indirectly from the Member's use, misuse, equipment, or presence of the said electricity on the Member's premises or elsewhere, after it passes the Cooperative's metering equipment or other point of delivery; or for any loss or damage resulting from the presence, character or condition of the wires or electrical facilities of the Member. The Cooperative retains all responsibility only with respect to the actions of its employees in connection with property owned by the Cooperative.

For safety reasons, nothing other than Cooperative owned equipment whether temporary or permanent may be attached, leaned against or generally blocking access to Cooperative owned electric facilities at any time. Any member-owned property including, but not limited to, signs, basketball equipment, security lights, etc. found to be attached, leaned against or generally blocking access to Cooperative owned facilities, will be immediately removed by Cooperative personnel. This provision does not apply to meter poles owned by the Cooperative with member-owned service wires and meter bases attached.

B. METER ACCURACY

The Cooperative will maintain an accuracy of its meters of plus or minus two percent in accordance with the Ohio Revised Code. The Cooperative, by employees or its agents, will visit the service and visually read the meter of all Members annually except when prevented by extreme weather conditions, unforeseen problems, inaccessibility or when other circumstances dictate.

If a meter fails to register correctly, the meter will be replaced with a calibrated meter. Each meter shall be tested and calibrated to plus or minus two percent accuracy before being placed in service at a given location. The arithmetic average of light load and full load tests will be used to determine overall accuracy of the meter.

Upon request by a Member, the Cooperative shall test the meter provided that such tests are not made more frequently than once in 24 months. The type of test for

single-phase meters shall be a comparison test at the Member's location with a calibrated meter or with calibrated meter test set. Three phase meter tests shall be conducted by replacing the meter in question with a calibrated meter and testing with calibrated meter test set. If tests of meters are required by the Member to be made more frequently than once in 24 months, the Cooperative shall require a meter test fee. The fee will be refunded if the meter tests faster than 102 percent or slower than 98 percent.

If the meter is found to be in error greater than two percent, an adjustment will be made on the Member's electric bill per section VI – Billing and Payment for Service. In the event the metering equipment installed by the Cooperative fails to properly register the energy during any period, the consumption for such period will be estimated upon all known facts and billed accordingly, or at the option of the Cooperative, shall be estimated from the amount of energy used during a period in which the Member operated under conditions similar to those existing during the period in which the metering equipment failed to properly register energy consumed.

C. Estimated Bills

The Cooperative attempts to read meters on a monthly basis but there are occasions when it is impractical due to circumstances beyond control. In such circumstances the Cooperative will render an estimated bill based upon past use of service.

D. IDLE SERVICES

Any service that has been disconnected for a period longer than one year will be classified as abandoned and is considered an Idle Service. The Cooperative will attempt to contact the property owner to determine the future need for electric service when services have been disconnected and left idle. The Cooperative, at its discretion, may remove the idle electric facilities. If an idle service is removed and service is requested in the future at that location, the request will be treated as a new service. All costs associated with a new service installation will be calculated in accordance with the line extension policy in effect at the time of the request. The Cooperative requires services that have been idle for more than 12 months to be inspected by the governmental authority prior to reconnect.

SECTION IV - QUALITY AND CONTINUITY OF ELECTRIC SERVICE

The quality of electric service supplied by the Cooperative shall be in accordance with the accepted standards of the industry. The Cooperative shall maintain adequate facilities and trained personnel for maintaining quality electric service. The Cooperative's nominal standard voltage for standard lighting and other domestic uses shall be 120/240 volts, 60 cycles, single-phase alternating current. Other voltages may be furnished by special arrangements with the Cooperative and at the option of the Cooperative. The Cooperative will endeavor to maintain the voltage within 7.5 percent of the standard voltage.

The Cooperative will use reasonable diligence in furnishing a regular and uninterrupted supply of electric power and energy, but does not guarantee uninterrupted service. The Cooperative shall not be liable for damages in case such supply should be interrupted or fail by reason of an act of God, the public enemy, accidents, labor disputes, orders or acts of civil or military authority, loss of power supply beyond its control, breakdowns or injury to the machinery, transmission lines, distribution lines or other facilities of the Cooperative, extraordinary repairs, or any other cause beyond its control.

Vegetation management in or near the electric distribution facilities shall be performed on a schedule of approximately four years with the exception of trees that are of a faster growing variety requiring more frequent cutting. Minimum clearance must meet all applicable codes.

The Cooperative shall be prompt and diligent in reenergizing its facilities and restoring its service as soon as it believes that in the exercise of reasonable care for the protection of the public and the employees of the Cooperative such action can be taken with reasonable safety.

When Cooperative personnel are dispatched to restore an outage and the problem is determined to be on the Member's side of the service, the Cooperative may charge the Member a service fee. If after investigation, it is determined that the Cooperative's electrical facilities are not at fault, a service charge may be assessed.

In the event of an adverse condition or disturbance on the system of the Cooperative, or any other system directly or indirectly interconnected with it which requires automatic or manual interruption of the supply of electricity to some Members in order to limit the extent or duration of the adverse condition or disturbance, or to prevent damage to generating or transmission facilities, or to expedite restoration of service, the Cooperative may, without incurring liability, take such action as appears reasonably necessary.

SECTION V – SPECIAL MEMBER SERVICE REQUESTS

A. CONVERSION FROM OVERHEAD TO UNDERGROUND SERVICE

Any request to convert overhead facilities to underground for the convenience of the Member shall be at 100% of the actual cost.

B. CONVERSION FROM OVERHEAD TO UNDERGROUND – PUBLIC AUTHORITY

The Cooperative shall not be required to construct general distribution lines underground unless the cost of such special construction for general distribution lines and/or the cost of any change of existing overhead general distribution lines to underground which is required or specified by a municipality or other public authority (to the extent that such cost exceeds the cost of construction of the Company's standard facilities) shall be paid for by that municipality or public authority. The "cost of any change" as used herein, shall be the cost to the

Company of such change. The "cost of special construction" as used herein, shall be the actual cost to the Company in excess of the cost of standard construction. When a charge is to be based on the excess cost, the Company and the municipality or other public authority shall negotiate the amount thereof.

C. RELOCATION OF ELECTRIC FACILITIES

The Cooperative reserves the right to deny any request, temporary or permanent, to relocate electric distribution facilities owned by the Cooperative for any reason. If the Cooperative agrees to relocate its electric facilities and a suitable relocation exists, the Member shall be charged 100% of the actual cost in advance of said relocation.

If in the opinion of management that it is in the best interest of the Cooperative and the member, management may direct electric facilities to be moved at the expense of the Cooperative particularly if facilities in question constitute a safety hazard to the public.

D. SERVICE UPGRADE

Service upgrades may be charged a CIAC at the discretion of the Cooperative using the line extension guidelines contained herein for new construction based on single-family, commercial or other types of service.

E. EXCESS FACILITIES

If the Member requests facilities in excess of those normally furnished and the Cooperative agrees to furnish excess facilities, the Member shall pay a contribution in aid of construction equal to the increased cost to the Cooperative.

F. POLE TOP SWITCH INSTALLATION

As of September 30th, 2001, the Cooperative will no longer support the installation of a new pole top switch. It has been and shall continue to be the policy of the Cooperative that these devices are Member owned and are to be Member maintained.

All work performed by the Cooperative on a pole top switch shall be billed to the Member at 100% of actual costs. The Cooperative encourages its Members with pole top switches to replace the switches with a standard 200 amp or 320 class meter base instead of repairing or installing a new switch.

G. EMERGENCY GENERATION

The Cooperative permits the use of emergency generating equipment for operation only in the event the Cooperative's electric power supply is interrupted. Periodic testing is permitted. Where the Member has emergency generating equipment installed, the Member shall install and maintain all necessary double throw switching and protective devices so that it will be impossible for the Member to operate his generating equipment in parallel with the Cooperative's electric system.

All generating equipment, wiring and switching installation shall be in conformance with the National Electric Code.

The commercial and industrial Member will use lockout/tagout procedures in accordance to OSHA standards. The Cooperative reserves the right to discontinue its service without notice, if the Member's installation does not at all times comply with these provisions and requirements. All Member equipment shall be installed beyond the metering point.

Residential, Agricultural and Commercial Members that are equipped with an emergency generator are requested to notify the Cooperative in writing or by telephone. This information will be noted on the Member's account to ensure during electric restoration efforts Cooperative employees are aware of this power source.

H. DISTRIBUTED GENERATION

The Cooperative will comply with requirements of Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 and all governmental regulations lawfully promulgated thereunder (PURPA). The Cooperative will interconnect with and operate in parallel with any qualifying facility which meets all Cooperative's rules and regulations. Any residential member wishing to interconnect a generating system of 25 KW or less single phase to the cooperative system will be covered by the net metering rate N. The member must sign a net metering agreement and pay a filing fee to submit their generating facilities plans for review.

I. AUTOMATIC TRANSFER OF ACCOUNT FROM RENTER TO PROPERTY OWNER

A Member who owns a residence or business but rents it to other Members periodically may have the account automatically revert to his name without disconnection at the request of the renter by completing the appropriate form available at the Cooperative's office.

SECTION VI – BILLING AND PAYMENT FOR SERVICE

The Cooperative has a monthly cycle billing format. The Cooperative will send the bill to the address furnished by the Member. Failure to receive the bill does not relieve the Member of the responsibility for timely payment.

Payments for electric service may be made at the Cooperative's office at 15461 U.S. Route 36, P.O. Box 393, Marysville, OH 43040, during regular business hours excepting holidays. A night depository is provided for the convenience of the Members. Payments received in the Cooperative's night depository are considered as a payment made on the following business day. Payments can be made electronically at www.ure.com. Payment settling times may vary, please contact the office with questions.

Bills not paid by the close of business on the penalty date printed on the electric bill shall forfeit the five percent (5%) discount.

Cash, personal checks, money orders, credit cards (Visa & MasterCard only), bank draft and electronic checks are acceptable forms of payment. Payments can be made using the automated pay-by phone service by calling (877) 999-3413. The account number and Personal Identification number (PIN) is required to use this service. The Cooperative is not responsible for discrepancies in cash payments made by mail or in the night depository. **Two party checks will not be accepted.** Members who have had two or more checks returned for insufficient funds shall be required to make future payments by cash or money order. The Cooperative may charge the Member a fee for all checks returned for insufficient funds.

In the event of an accounting/billing error, an adjustment shall be made retroactive to the date of highest confidence to account for and correct the error. If the Member owes the Cooperative, payment arrangements may be made with mutually agreed terms. If the Cooperative owes the Member, the Member's account shall be credited the amount of the error within one year from the discovery of the error, by means of twelve equal payments, unless an accelerated payment arrangement is determined acceptable by URE.

SECTION VII - COLLECTION AND DISCONNECT PROCEDURES FOR NONPAYMENT

A. TERMINATION OF SERVICE FOR NONPAYMENT

Accounts which are delinquent more than 30 days are subject to having electric service disconnected. The Cooperative, prior to disconnecting said delinquent service, shall issue a balance forward on the monthly bill indicating the delinquent amount, which shall serve as the delinquent notice at least 10 days prior to the date for disconnection. Failure of the Member to receive the bill/notice does not relieve the Member of responsibility for timely payment.

If the delinquent amount of the account is not fully paid prior to the disconnect date indicated on the delinquent notice, the electric service may be terminated without any further notice to the Member.

If payment has not been received in the Cooperative office prior to the date of disconnection, the Cooperative may attempt to collect the delinquent amount or service will be terminated for non-payment. If the Cooperative dispatches an employee or agent to the service address to collect payment* a collection fee will be charged according to the current Schedule of Fees and Charges.

*To comply with the federal Red Flag Rules regarding identity theft and for employee safety, payments will not be accepted in the field. During the collection visit, members will be directed by the employee or agent to contact the office to make payment or to make payment online at www.ure.com.

The Cooperative will only disconnect electric service for nonpayment during normal business hours. The Cooperative will not disconnect for nonpayment after 12:30 PM on days preceding holidays or on Fridays.

B. RESIDENTIAL PAYMENT ARRANGEMENTS

The Cooperative reserves the right to offer the following payment arrangements for delinquent residential accounts:

1. Two-week extension on payment of the delinquent amount from the date of disconnection for nonpayment in addition to full payment of the current month billing.

Members failing to meet the commitments on any payment arrangement are in default of their payment arrangement and shall be subject to immediate termination of electric service.

C. NON-RESIDENTIAL PAYMENT ARRANGEMENTS

The Cooperative reserves the right to offer payment arrangements for non-residential delinquent accounts. Any payment arrangements for non-residential delinquent accounts shall be unique to that Member.

D. RECONNECTION OF ELECTRIC SERVICE DISCONNECTED FOR NONPAYMENT

Accounts, which have been disconnected for nonpayment, shall be reconnected following payment in full of the delinquent amount, the current billing, a security deposit and any applicable fees. A reconnect fee shall be assessed for any service disconnected for non-payment according to the Schedule of Fees and Charges.

E. 30 DAY MEDICAL CERTIFICATE

Any Member subject to termination of their electric service for non-payment with a medical condition dependent upon electric service that without electric service would be "Especially Dangerous or Life Threatening" to the health of the Member, family Member residing in the home or individual under the care of the Member, is required to have a licensed physician or local Board of Health physician complete a 30 Day Medical Certificate. Provided the 30 Day Medical Certificate is completed by a licensed physician or local Board of Health physician and returned to the Cooperative office within seven days of the Member's request for special consideration, electric service shall not be terminated for non-payment during the term of the certificate. The 30 Day Medical Certificate is renewable three consecutive times for a maximum of 90 days.

SECTION VIII - TERMINATION OF ELECTRIC SERVICE FOR REASONS OTHER THAN NONPAYMENT

Service may be disconnected at the Cooperative's discretion under the following conditions:

1. At the request of the Member;

2. In event that it is a prudent matter of safety to disconnect electric service to perform construction or maintenance or special monitoring service;
3. To a Member who is using electricity in a manner which is detrimental to the electric service of other Members;
4. To a Member in conflict or incompatible with the laws of the State of Ohio or the Federal Government and/or any of its agencies;
5. To a service location that has been vacated;
6. When supplying electricity creates a dangerous condition on the Member's premises or where because of conditions beyond the Member's premises, termination of the supply of electricity is reasonably necessary;
7. In the event the Member uses fraudulent practice in obtaining electricity or is the beneficiary of such fraudulent practice.
8. By order of public authority

SECTION IX – MEMBER FINANCIAL SECURITY

1. Security Deposit

The Cooperative reserves the right to require a security deposit from a Member. The security deposit shall be according to the Ohio Revised Code. Security deposits shall be required for, but not limited to, the following:

- a. A beacon score of less than 650 at sign-up
- b. Intentional or unintentional damage to Cooperative property
- c. Disconnection of electric service for non-payment
- d. Filing protection under bankruptcy laws
- e. Theft of electricity
- f. Two returned checks for insufficient funds within a 12 consecutive month period.

A security deposit shall be refunded provided the Member maintains payment of their current monthly bill for twelve consecutive months. If the Member discontinues service and moves off the Cooperative's system, the security deposit, with interest, shall be applied to the Member's final bill.

Simple interest at 3% shall accrue on deposits held by the Cooperative.

The Cooperative reserves the right at any time to re-evaluate the adequacy of a deposit and/or credit worthiness of the member and adjust the deposit accordingly.

2. Commercial / Industrial Security

- a. The Cooperative reserves the right to require a security deposit from a Member according to the Ohio Revised Code 4933.17.
- b. A surety bond may be furnished in lieu of a cash deposit for commercial and industrial members and if requested and if the member is qualified as acceptable by reputable insurance underwriters. A guaranteed arrangement for keeping the surety bond in force must be agreed upon and the minimum amount of the surety bond must be no less than twice the anticipated or

current billing. The surety bond shall be subject to the approval of the Cooperative in its sole discretion and the bond shall be in the form as approved by the Cooperative, and shall specifically provide that it shall not be cancelled or otherwise rendered ineffective by principal thereof or the surety except upon sixty (60) days prior notice thereof given in writing to the Cooperative. Failure to have a valid bond in force and effect shall be considered a breach of contract for the furnishing of electric service to the member and the Cooperative shall, in its discretion, be entitled to any remedy as otherwise provided, but specifically including the right to terminate electric service.

3. Upon termination of electric service to any member for any reason, the security deposit is applied to any unpaid amount owed the Cooperative before refunding any remaining balance of the deposit to the member.


SECTION X - PARTICIPATION IN LOAD MANAGEMENT PROGRAMS

Members may elect to participate in the load management programs as offered by the Cooperative, thereby receiving the incentives offered in the programs, provided they adhere to program guidelines. Failure by the Member to adhere to the program guidelines shall result in forfeiture of any future incentives and/or the Member refunding all or part of program incentives issued to him.

The Cooperative may at its discretion offer new load management programs or withdraw existing load management programs.



15461 US Route 36 • PO Box 393 • Marysville, OH 43040-0393
(937) 642-1826 • (800) 642-1826 • Fax (937) 644-4239
www.ure.com

Your Touchstone Energy Cooperative 

SCHEDULE OF FEES AND CHARGES **Effective June 1, 2013**

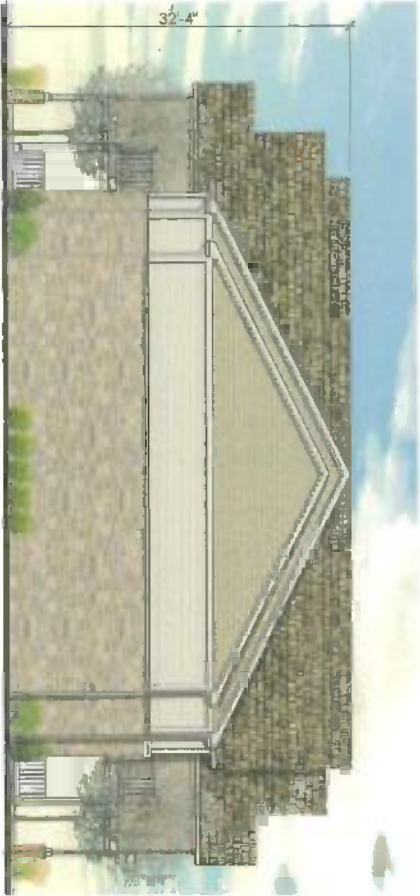
Enrollment Fee.....	\$10
Return Check.....	\$35
Trip Charge During Business Hours	
Collection/Reconnect/Service.....	\$35
Three-phase Reconnect Fee.....	\$250
Trip Charge After Business Hours	
Collection/Reconnect/Service.....	\$100
Outage Call-Out for Member Owned Equipment.....	\$125
Construction Crew Trip Charge.....	\$250
Single-Phase Other Engineering Charge.....	\$100
Meter Locking Ring Fee.....	\$35
Meter Test.....	\$25
320 Ampere Meter Base.....	Actual Cost
Locate Non-URE Underground Cable.....	\$50

Exhibit "E-1 & E-2" – Engineering and Utility Letters

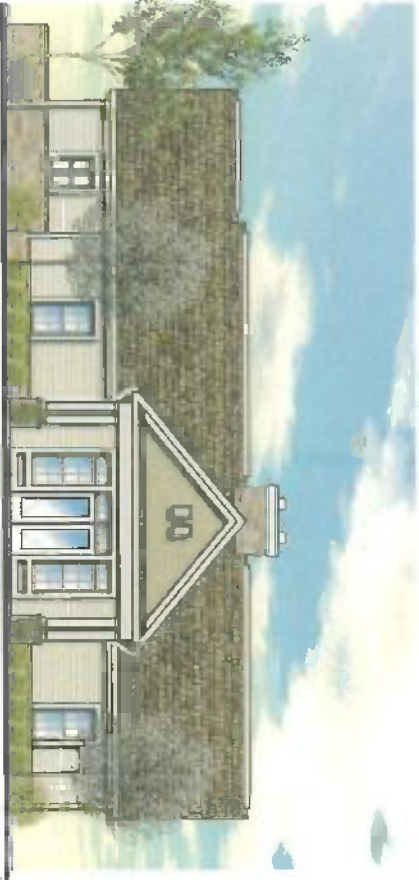
Exhibit "F-1 & F-2" - Architectural Elevations and Lighting



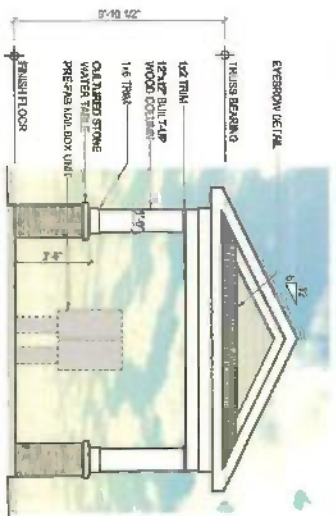
7 TYPICAL BUILDING ELEVATION
SCALE: 1/8" = 1'



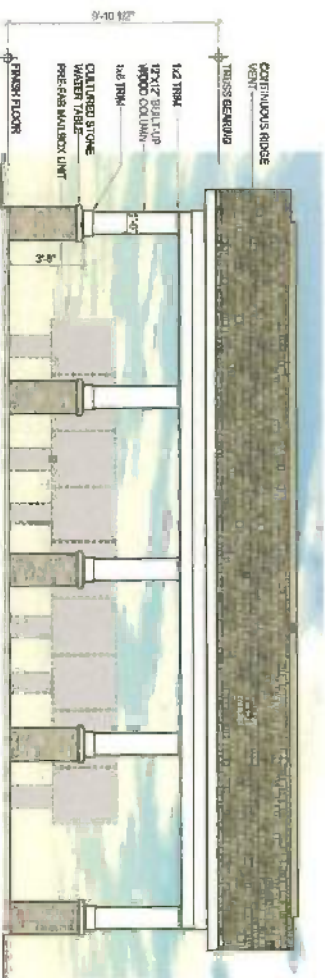
8 TYPICAL BUILDING SIDE ELEVATION
SCALE: 1/8" = 1'



9 CLUBHOUSE ELEVATION (FRONT)
SCALE: 1/8" = 1'



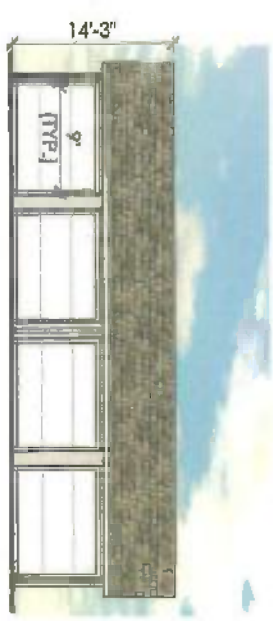
4 MAILBOX KIOSK (SIDE)
SCALE: 1/4" = 1'



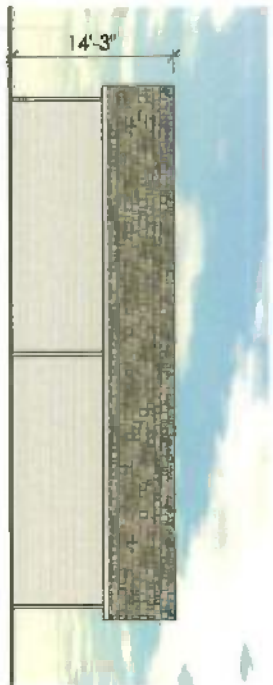
5 MAILBOX KIOSK (FRONT & REAR)
SCALE: 1/4" = 1'



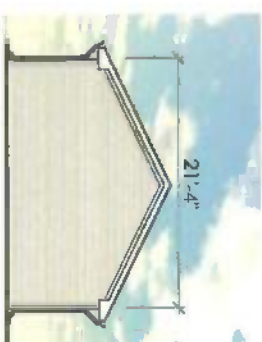
6 CLUBHOUSE ELEVATION (SIDE)
SCALE: 1/8" = 1'



1 GARAGE ELEVATION (FRONT)
SCALE: 1" = 10'



2 GARAGE ELEVATION (REAR)
SCALE: 1" = 10'



3 GARAGE ELEVATION (SIDE)
SCALE: 1" = 10'

MATERIALS KEY	
	ASPHALT SHINGLES
	VINYL SIDING
	CULTURED STONE
	VINYL SHAKE SIDING
	BRICK

ARCHITECTURAL DESIGN

NORTHERN LAKES

PREPARED FOR METRO DEVELOPMENT

DATE: 2.22.15

EXHIBIT F-1

Farris Planning & Design

LAND PLANNING
2401 N. 25th Street
P.O. Box 401
Columbus, OH 43215
www.farrisplanningdesign.com

LANDSCAPE ARCHITECTURE
Columbus, OH 43215

DESCRIPTION

The Lexington tastefully complements communities, parks and residential roadways.

STREETWORKS



Type	
Date	

SPECIFICATION FEATURES

- A ... Top

Hinged die-cast aluminum top with cupola cover.
- B ... Socket

Vertical: Base up standard on Type II, III and V. Horizontal: Available with Type II and III horizontal reflector. Mogul-base porcelain socket is field adjustable on horizontal only. 50-150W Metal Halide is medium-base socket standard.
- C ... Screws

Captive retaining screw.
- D ... Refractor

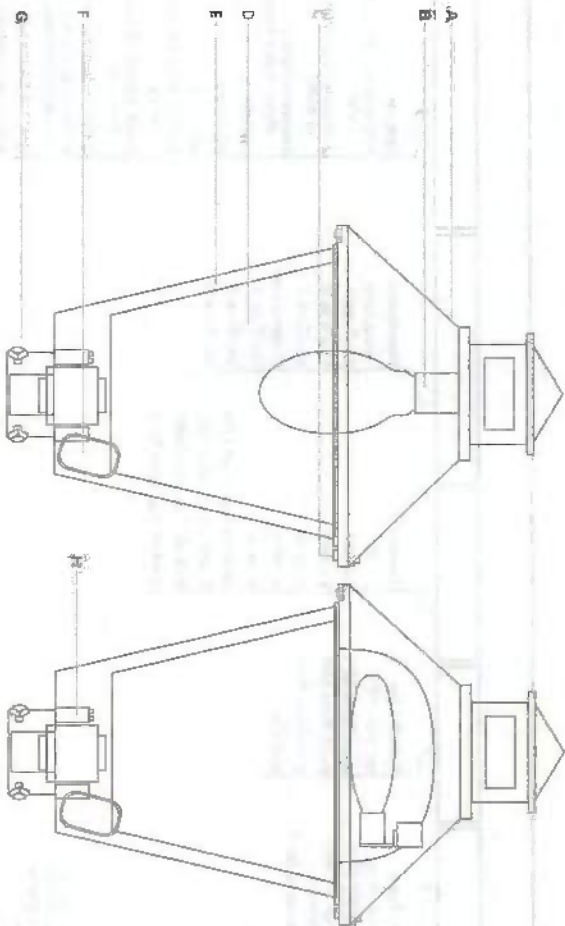
Injection molded acrylic refractor panels.
- E ... Housing

Die-cast aluminum base housing. Standard color is black. Other finish colors available. Consult your Streetworks Representative. 1" ANSI wattage/source label.
- F ... Starter

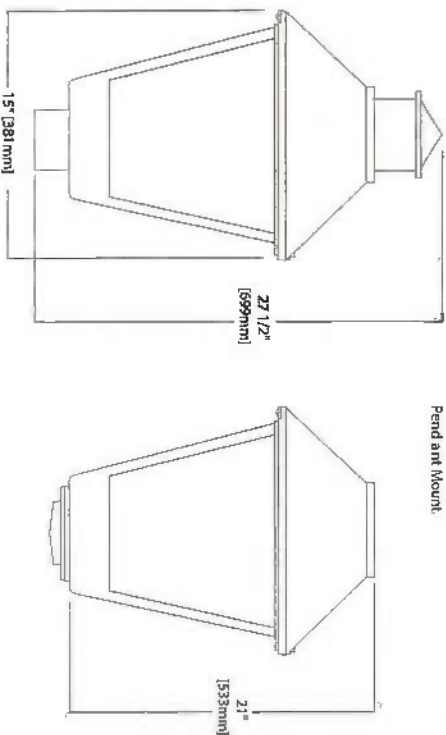
Plug-in starter.
- G ... Mounting

Self-aligning pole-top fitter fits 2 3/8" and 3" O.D. tenons. Square headed 1 1/4" polymer coated mounting bolts.
- H ... Terminal Block

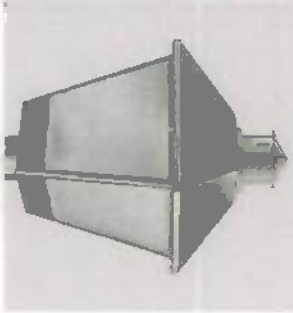
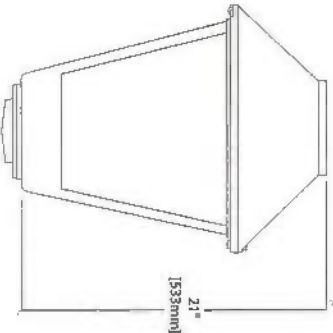
Terminal block standard.



DIMENSIONS



Pend art Mount.



LXF
LEXINGTON

Model A

50 - 175W
Pulse Start Metal Halide
High Pressure Sodium
Metal Halide

DECORATIVE LUMINAIRE



EPA
Effective Projected Area: 1.7

SHIPPING DATA
Approximate Net Wt:
26 lbs. (11kgs.)



COOPER Lighting

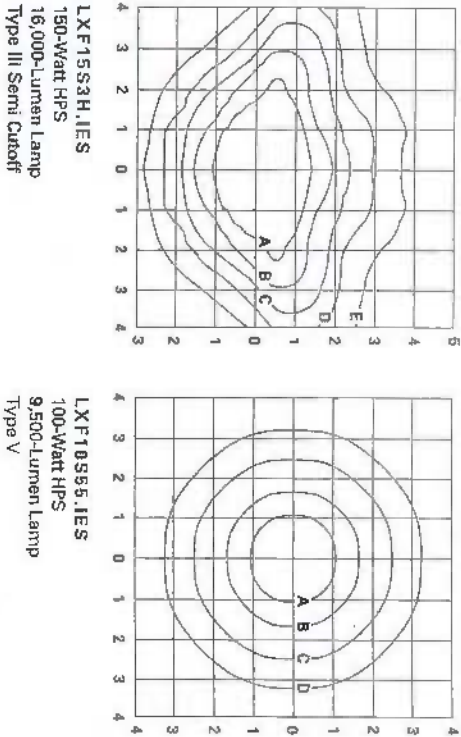
www.cooperlighting.com

Specifications and Dimensions subject to change without notice.

Consult your representative for additional options and features.

EXHIBIT F-2

LXF Lexington, ADPM082638
12/27/2008 11:11:45 PM



Footcandle Table					
Select mounting height and read across for footcandle values of each Isofootcandle line. Distance in units of mounting height.					
Mounting Height	Footcandle Values for Isofootcandle Lines				
	A	B	C	D	E
LXF15S3H,IES					
10'	2.88	1.44	0.72	0.36	0.28
12'	2.00	1.00	0.50	0.25	0.10
14'	1.50	0.75	0.37	0.18	0.07
LXF10S55,IES					
10'	1.44	0.72	0.36	0.28	
12'	1.00	0.50	0.25	0.10	
14'	.75	0.37	0.18	0.07	

ORDERING INFORMATION

Sample Number: LXF79SR2554

Product Family LXF = Lexington	Lamp Type P = Pulse Start Metal Halide S = High Pressure Sodium M = Metal Halide ²	Ballast Type ³ R = Rec. /NPF N = H.I. Rec. /NPF P = H.I. Rec. /NPF R = H.I. Rec. /NPF M = CWA	Voltage ³ 2 = 120V 0 = 208V 4 = 240V 7 = 277V 8 = 480V 9 = 347V W = Multi-Tap wired 120V P = 240 w/PCR wired 120V V = Multi-Tap wired 240V N = Multi-Tap wired 277V	Distribution Vertical Lamp 22 = Type II 33 = Type III ⁴ 55 = Type V Horizontal Lamp 2H = Type II 3H = Type III ⁴ 4H = Type IV	Options 1 = Single Fuse (120, 277 or 347V) 2 = Double Fuse (208, 240, or 480V) 4 = Internal NEMA Photocoupler Receptacle WH = White BZ = Bronze AP = Grey P = Polycarbonate Lens Panels T = 3/4" Pendant Mount Provision N = NEMA Ballast Bracket ⁵ 8 = Snap Latches for Toolless Lamp Replacement U = UL/CSA Listed J = Factory Installed Ladder Feet
Lamp Wattage ¹ Pulse Start Metal Halide 70 = 70W 10 = 100W 17 = 170W 15 = 150W M Probe Start ² 17 = 175W	High Pressure Sodium 50 = 50W 70 = 70W 10 = 100W 15 = 150W 17 = 175W				

Notes:
1 Medium-basis sodal standard for 150 watt and below Metal Halide.
2 Probe Start Metal Halide available for non-US markets only (175W).
3 Refer to the technical section for lamp/ballast voltage compatibility.
4 Requires use of control lamp to achieve Type II distribution.
5 Available in Raster HPS and NPF for Hi Resistance or CWA availability, consult your Streetworks representative.



Staff Report – Jerome Township Rezoning Application

Applicant:	Jerome Township c/o Zoning Commission 9777 Industrial Parkway Plain City, OH 43064 (614) 873-4480
Request:	This request is to amend the existing Jerome Township Zoning Resolution. The existing Zoning Resolution is approximately 118 pages long. The proposed Zoning Resolution is approximately 219 pages long. The proposal is essentially a rewrite of the Zoning Resolution.

Staff Analysis:	<p>Preamble A preamble should be added to the text that matches LUC model text.</p> <p>Chapter 1 <u>Page 1-1 Conformance Notes</u> Staff recommends adding the word “structure” in addition to land and buildings.</p> <p><u>115.03 Exemptions</u> Staff recommends adding the word “building” in addition to land and structures.</p> <p>Chapter 2 <u>200.01 Duties of the Zoning Inspector 4.</u> Staff recommends adding “with notations of special conditions involved.” The text will read “issue Zoning Certificates when the provisions of this Resolution have been met <i>with notations of special conditions involved</i>, or refuse to issue the same in the event of non-compliance.”</p> <p><u>200.01 Duties of the Zoning Inspector 5.</u> Staff recommends changing this to read that the Zoning Inspector shall “Maintain permanent and current records required by the Zoning Resolution, including but not limited to the Official Zoning Map, zoning permits, inspections documents, and records of all variances, amendments, and conditional uses. Such records shall be kept at the Township Administrative Offices.” This is LUC model text.</p> <p><u>205.01 Proceeding of the Township Zoning Commission</u></p>
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Staff Report – Jerome Township Rezoning Application

Staff recommends adding that the Zoning Commission will also “adopt rules in accordance with the Zoning Resolution.”

210 Board of Zoning Appeals

Staff recommends adding text that clarifies that a BZA alternate has the same voting power as a regular member when serving in place of an absent member.

220 Zoning Certificate Required

Staff recommends keeping the expiration timelines consistent in 220.02 and 220.03; as written, the timelines are different. Staff recommends 2.5 years or 28 months per LUC model text. Also, the section refers to work that is “substantially completed.” Staff recommends that the Township add a percentage.

220.03 Expiration of Zoning Certificate and Zoning Certificate Fees

Under 220.03 and 220.05, it reads that written notice will be provided when a Zoning Certificate expires or is declared void. Staff recommends that the text specify the written notice shall be provided by the Zoning Inspector.

230.01 Application for Zoning Amendment 2.

Staff recommends adding that applications for zoning amendments may also be generated by a lessee to be consistent with the ORC.

Chapter 235 Non-Conforming Uses

Staff recommends using LUC model text for this section. This is due to three major reasons:

- 235.06 and 235.07 use vague language—“diligently pursued” and “willfully.”
- There is not a section that addresses how existing Conditional Uses will be handled.
- The repairs and maintenance section, 235.08, does not specify non-bearing walls.

245.01 Application Required

Staff recommends adding language from the LUC model text, that a variance application requires a letter from the Zoning Inspector that identifies the necessity for the variance.

260 Penalties for Violation

Staff recommends this section match LUC model text or the ORC (519.23 and 519.99).

Chapter 3



Staff Report – Jerome Township Rezoning Application

300 Definitions

Staff recommends using LUC model text language for definitions of 13. Billboard, 15. Building, 23. Dwelling, 33. and 34. floor area measurements, 51. Depth, and 85. Structure.

Staff recommends specifying the lot minimum area is exclusive of any right-of-way. Staff recommends specifying that front setbacks are measured from the right-of-way.

Staff recommends using ORC definitions for motor homes, recreational vehicles, and motor vehicles.

Staff recommends striking the prohibition of residential gardens in front yards. See definition 74.

Chapter 4

415 Official Zoning Map

Staff recommends adding LUC model text language regarding signatures on the Official Zoning Map—Trustee Chairman and Clerk signatures.

420.05 Lot size and Yard Setback Standards 3.

Staff does not recommend allowing flag lots. Staff recommends either the 3:1 ratio or 4:1 ratio.

425.03 Conditional Uses 2.

Staff recommends deleting this. It is blank.

440.05 Loading, Deliver, and Service Areas

Staff recommends adding section numbers where “XXX” appears.

445.04 Building and Development Standards

Staff recommends the building heights be increased. If parapets are required to screen rooftop units, heights between 35’ and 45’ may be a too short.

445.05 Standards for Outdoor Storage Areas

Staff recommends increasing the limitation on stacking above 14’, as it may be too short for certain uses.

445.06 Outdoor Loading, Delivery, and Service Areas 2. c)

Staff recommends adding the section number where it reads, “XXX.”

445.11 Existing Structures, Existing uses, Existing Outdoor Storage and Other Existing Conditions (Commerce District)



Staff Report – Jerome Township Rezoning Application

Staff recommends that Section 445.11 be struck. The section discusses non-conforming uses and seems to require retroactive compliance. The Township should simply refer to the non-conforming section of the Zoning Resolution.

470.03 Conditional Use Standards 2. Shooting Sports

Staff questions how noise levels will be measured by the Township at the property lines for shooting sports.

470.05 Building and Development Standards 3. Building Height

Staff recommends the Township increase the height from 24 feet; parapets screening HVAC increase height.

General Comment

Most of the districts limit businesses to either one monument sign or one wall sign. The Township should consider allowing one of each sign type.

General Comment

Add a definition for “ground cover.” The term is used a lot throughout the Zoning Resolution. Staff recommends defining this because grass could be called ground cover.

General Comment

Staff recommends striking the language related to building materials. Townships are not able to regulate building materials. See ORC 519.02. Staff noticed sections 435.05, 440.04, 440.05, 445.04, 445.06, 455.04, 460.04, and 470.05.

General Comment

Staff recommends that schools and churches be moved from Permitted Uses to Conditional Uses. Staff noticed sections 425.01, 430.01, 435.01, and 470.01.

General Comment

Staff recommends that the Township not create additional regulations for Farm Markets, as they can be considered agricultural. Staff noticed sections 420.05 and 425.04.

Chapter 5 (Special Zoning Districts)

500.05 Previously Approved Planned Developments

Staff recommends adding a date where there are several dates missing.

500.06 General PD Standards 5. Access



Staff Report – Jerome Township Rezoning Application

Staff recommends changing the word “should” to “shall” when referring to the need for direct access to public roads.

500.07 Use-Specific Development Standards 2. Higher Density Residential Land Use

Staff recommends establishing a definition or criteria for “increased architectural and landscape standards and creative site planning.” Otherwise, the language is ambiguous.

500.09 Development Plan 6. Modification of Development Plan

Staff recommends striking the section that reads, “Modifications of a Development plan, not modifying the underlying zoning, shall be subject to the review and approval of the Zoning Commission only.”

500.10 Fees

Staff recommends simplifying the fee process. The text is several sentences long.

General Comment – PUD Regulations

Staff points-out that the last portion of the PUD regulations in the existing code is missing after Section 500.11 in the proposed Zoning Resolution. This is mentioned in case the Township did not intend to exclude those sections.

510.03 Building and Development Standards in the Open Space District

Staff has three recommendations. First, allow a height taller than 24’ because barns are sometimes taller than that. Second, the text reads “MU Districts,” not “OS Districts.” Third, staff recommends allowing loading docks on the front or side of the building because they can be architectural features on a barn or establishing a review process to allow for loading docks on the front or side of the building when appropriate.

General Comments

Staff recommends striking the language related to building materials. Townships are not able to regulate building materials. See ORC 519.02. Staff noticed sections 500.01, 500.06, 510.03, and 510.04 b) (ii).

Chapter 6 (General Development Standards)

605.03 Farm Markets



Staff Report – Jerome Township Rezoning Application

Staff recommends that the Township not create additional regulations for Farm Markets, as they can be considered agricultural.

610.02 Required Off Street Parking Spaces

Staff recommends increasing the number of number of parking spaces required for restaurants, athletic fields, bowling alleys, and spectator sports.

610.07 Limitations on Parking and Storage of Certain Vehicles 5. Car Covers on Non-Junk, Operable or Licensed Vehicles

Staff recommends changing the last sentence regarding car covers. It reads, "No vehicle may remain parked or stored outside with a cover for a period longer than 7 consecutive days." Staff points-out that covers can be removed and reinstalled on a daily basis.

615.05 Permanent Signs – Permit Required 5. Drive-thru Menu Boards

Staff recommends limiting the number of drive-thru menu boards. It is becoming more common for restaurants to use multiple menu boards.

615.05 Permanent Signs – Permit Required 6. Residential Development Entry signs

Staff recommends that one residential development entry sign be allowed at each entrance. This is because there is sometimes more than a single entrance.

615.06 4. Model Home Signs c)

Staff recommends adding the Section number. It should not read "Section 6XX.XX."

615.07 General Requirement for All signs 7. Construction

There is a lot of language that deals with hazardous conditions, such as wind pressure and electrical wiring. Staff recommends deferring to the Building Department.

620.04 Minimum Planting Requirements 3.

Staff recommends allowing additional techniques in addition to "installed balled and burlapped." There are comparable, if not better techniques.

635 Home Occupations 1. and 10.

Staff recommends the Township limit Home Occupations to a certain percentage of the residential buildings. "Clearly incidental and secondary to the use of the dwelling" is vague.



Staff Report – Jerome Township Rezoning Application

This also resolves the potential issue that staff noticed regarding storage, where the text reads, “There shall be no storage of equipment used in the Limited Home Occupation.”

635.02 Expanded Home Occupation 6.

Staff recommends prohibiting Home Occupations that repair or refurbish motor vehicles. This is a use best left to hobbies or in a commercial district and should be prohibited in Home Occupations.

640.05 Permitted Temporary Uses, Events, and Sales 1. a)

Staff recommends striking the text that prohibits temporary accessory structures or vehicles during garage or yard sales. Tarps and tents are frequently utilized to protect items for sale from the weather.

640.05 Permitted Temporary Uses, Events, and Sales 1. e)

Staff recommends that “Section XXX” be filled-in.

640.05 Permitted Temporary Uses, Events, and Sales 1. h)

Staff recommends striking this text. It prohibits the sale of items purchased for resale. The LUC Zoning & Subdivision discussed this in the past and it would be difficult to enforce or prove this.

640.05 Permitted Temporary Uses, Events, and Sales 3.

Staff recommends striking this text. It prohibits the sale of motorcycles and motor vehicles from a residentially zoned property. That is a common need of a property owner.

640.05 Permitted Temporary Uses, Events, and Sales 4.

Staff recommends striking this text. It limits the sale of Christmas Trees. It does not seem to be a pervasive issue in the Township and there are situations where the agricultural exemption applies to Christmas Tree sales.

645.01 Accessory Uses and Structures Defined 2.

Staff recommends the word “shall” be added and the text to read, “Accessory buildings or Uses shall be subordinate in area to the principal use, building, object, or structure.”

645.02 Accessory Uses and Structures Permitted 1.

Staff recommends striking this section because it limits a property owner to 1 or 2 accessory uses or structures total.

645.02 Accessory Uses and Structures Permitted 8.

Staff recommends that “Section 6XX” be filled-in.



Staff Report – Jerome Township Rezoning Application

	<p><u>645.03 Swimming Pools as Accessory Uses or Structures 1 c) and 3. Community or Club Swimming Pools b)</u> Staff recommends adding text that requires a self-closing and self-locking lock placed at the top of the gate.</p> <p><u>660 Adequate Drainage/Ponds</u> Staff recommends incorporating the Union County Engineer's requirements for ponds.</p> <p>General Notes about the Proposal Staff recommends correcting typos and will forward a document with noted typos highlighted to the Township, if required.</p> <p>Staff recommends noting that the Trustees have delegated the architectural review board requirement to the Zoning Inspector with additional delegation to the Zoning Commission as required by the Zoning Resolution.</p> <p>Union County Prosecutor's Office The Union County Prosecutor's Office continues to review the proposed Zoning Resolution. Before LUC takes official action on the proposal, the comments from that Office should be reviewed and included in any recommendation.</p>
Staff Recommendations:	Staff recommends APPROVAL of the application for the Zoning Resolution amendment with the condition that all staff comments and Union County Prosecutor comments be included in the Zoning Resolution. Staff emphasizes that it is important the Township remove language regarding building materials as noted in this staff report.
Z&S Committee Recommendations:	

Jerome Township Zoning Commission

Anita Nicol
Clerk

9777 Industrial Parkway
Plain City, Ohio 43064

Office: (614) 873-4480 x102
Fax: (614) 873-8664

February 24, 2015

Brad Bodenmiller
L.U.C. Regional Planning Commission
Box 219
East Liberty, Ohio 43319

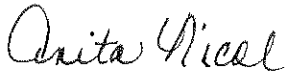
Dear Brad:

This letter is to inform you of the Jerome Township Zoning Resolution Rewrite:

The township would like the LUC Recommendation on the Jerome Township Zoning Rewrite, application number 15-ZA-5 before it goes to a hearing on March 23, 2015.

If you need further information, please feel free to contact me.

Sincerely yours,



Anita Nicol
Jerome Township Zoning Clerk

Enc: Zoning Resolution Rewrite



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

Zoning Text Amendment Checklist

Date: January 24, 2015 Township: Jerome

Amendment Title: Zoning Rewrite

Notice: Incomplete Amendment requests will not be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Text Amendment change must be received in our office along with a cover letter, explaining the proposed zoning text change (s). All items listed below must be received no later than 10 days before the next scheduled LUC Regional Planning Commission Executive Board Meeting (second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Non-LUC Member Fee, If applicable	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Additionally, after final adoption regarding this zoning text amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted language.

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

Revision: Initial, 8/2009

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East Liberty, Ohio 43319

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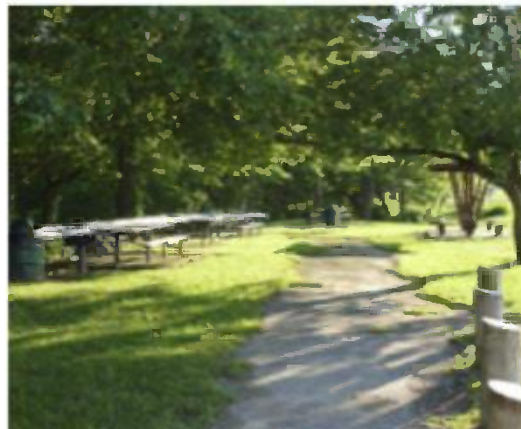
**JEROME TOWNSHIP
ZONING AMENDMENT
NUMBER 15-ZA-5**

FEBRUARY 23, 2015

JEROME TOWNSHIP
UNION COUNTY, OHIO

February 23, 2015

ZONING RESOLUTION



Chapter 1 Interpretation and Enactment

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Section 105	Reserved
Section 110	Repeal of Prior Resolutions
Section 115	Conformance
Section 120	Relationship to Existing Regulations
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Section 135	Use of Images, Diagrams and Notes
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Section 205	Zoning Commission
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Section 215	Duties of Zoning Inspector, Board of Zoning Appeals, Governing Body, and Courts on Matters of Appeal
Section 220	Zoning Certificate Required
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Section 250	Fees
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Chapter 3 Definitions

Section 300	Definitions
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Chapter 4 Standard Zoning Districts

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Section 425	Rural Residential District (RU)
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Section 440	Office / Research / Medical District (ORM)
Section 445	Commerce District (COM)
Section 450	Not Used
Section 455	Local Retail District (LR)
Section 460	Regional Retail District (RR)
Section 465	Not Used
Section 470	Special Recreation District (SRE)

Chapter 5 Special Zoning Districts

Section 500 Planned Development District (PD)

Chapter 6 General Development Standards

Section 600 General Regulation

Section 605 Agriculture

Section 610 Off Street Parking and Loading

Section 615 Signs and Advertising

Section 620 Landscaping, Screening, and Buffering

Section 625 Free Standing Walls, Fences, and Hedges

Section 630 Exterior Lighting Standards

Section 635 Home Occupations

Section 640 Temporary Uses, Events, and Sales

Section 645 Accessory Uses and Structures

Section 650 Small Wind Projects

Section 655 Telecommunications Towers

Section 660 Ponds

Section 665 Adult Entertainment

Chapter 7 Appendices

Section 705 Appendix 1-Buffer Diagrams

100 Title and Resolution

100.01 Title

This Resolution shall be known and may be cited and referred to as the "Zoning Resolution of Jerome Township, Union County, Ohio" hereinafter referred to as the "Resolution".

100.02 Resolution

This Resolution is enacted for the purposes set forth and pursuant to the authority contained in Chapter 519 of the Ohio Revised Code.

105 Reserved for Future Use

110 Repeal of Prior Resolutions

The Zoning Resolution or parts thereof previously in effect in Jerome Township, Union County, Ohio not otherwise adopted as part of this Amended Zoning Resolution are hereby repealed. However, all civil legal proceedings and/or all prosecutions resulting from violation of any Zoning Resolution or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Resolution but shall be prosecuted to their finality the same as if amendments to this Resolution had not been adopted; and any and all violations of existing zoning, resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

115 Conformance

No building, structure, or use of land shall hereafter be used, occupied, erected, constructed, re-constructed, moved, or structurally altered except in strict conformance with all the regulations established by this Resolution.

115.01 Buildings and Structures

No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area; and
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Resolution.

Conformance notes:

Prior to the development of any land within the township or construction of any buildings, or change of any use of buildings or land, the owner or entity should first:

1. Verify with the Township Zoning Inspector that the intended land use and/or development are permissible within the current zoning classification of the property.
2. If a change of zoning is required the owner should review the current township comprehensive plan to verify if the intended land use fits the desired pattern of land use and the goals of the township.
3. File an application for a change in zoning if necessary for the intended use of the property. See section 230.
4. File an application for a Zoning Certificate if necessary for the intended use of the property. See section 220.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

115.02 Yards and Lots

No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements established by this Resolution.

115.03 Exemptions

The regulations set forth in this Resolution shall affect all use of land, every structure, and every use of land or structure except where specifically exempt by law or as may be hereafter amended by law such as public utilities and railroads, and in circumstances where the township has no authority to regulate certain instances of agriculture as defined by Section 519.21 of the Ohio Revised Code.

120 Relationship to Existing Regulations

This Resolution shall not be interpreted as interfering with, repealing, or annulling any resolutions, county subdivision regulations, engineering or building standards, or permits adopted or issued except where such resolutions, county subdivision regulations, engineering or building standards, or permits are in conflict with this Resolution or amendments hereto. Where this Resolution or amendments hereto impose greater restrictions or higher requirements than are imposed or required by other resolutions, county subdivision regulations, or engineering or building standards the provisions for this Resolution or amendments hereto shall prevail. However, where such resolutions, county subdivision regulations, or engineering or building standards impose greater restrictions or higher requirements than this Resolution or amendments hereto, they shall prevail.

125 Reserved for Future Use

130 Declaration of Minimum Requirements

Subject to limitations specified under applicable law the regulations set forth by this Resolution shall be interpreted to be minimum regulations and shall be applicable to all buildings, structures, and use of land for any private individual or entity, political subdivision, or other entity within the unincorporated area of Jerome Township.

Note: Jerome Township is responsible for administering and enforcing the standards and requirements of this Zoning Resolution and it is the responsibility of the land owner, developer, or builder of land or structures to insure compliance with the requirements of this Resolution. It is also the sole responsibility of the land owner, developer, or builder of land or structures within the Township to insure that any existing or proposed land use, building, or development meets all applicable platting, subdivision, construction, building and engineering standards required by agencies other than Jerome Township. Examples include but are not limited to:

- Health Department requirements
- Union County Engineering Standards
- County Platting and Subdivision standards
- County building permits

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135 Use of Images, Diagrams and Notes:

The use of images, diagrams, and notes within the shaded areas of the right hand margin of this Resolution are provided only for the purpose of explaining, illustrating, and clarifying the requirements and standards of the adopted text of this Resolution. All such images, diagrams, and notes within this shaded area shall be considered as separate from the adopted text of this Resolution. In the event of a conflict between the adopted text of this Resolution and the reader's interpretation of the images, diagrams, and notes within the shaded area the adopted text of this Resolution shall govern.

140 Severability

Should any Chapter, Section, Sub-Section, or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the Chapter, Section, Sub-Section, or provision so declared to be unconstitutional or invalid.

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200 Zoning Inspector

A Zoning Inspector designated by the Board of Township Trustees, as is prescribed by Section 519.16 of the Ohio Revised Code, shall administer and enforce this Resolution. He/she may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Zoning Inspector shall administer and enforce this Resolution, and shall perform such other duties as are specified by the Board of Trustees or this Resolution.

200.01 Duties of the Zoning Inspector

For the purposes of this Resolution the Zoning Inspector shall have the following duties:

1. Administer, interpret, and enforce this Resolution, and take all necessary steps to remedy conditions found in violation by ordering in writing the discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized by this Resolution to ensure compliance with or to prevent violation of its provisions.
2. Collect fees as designated by the Board of Township Trustees for Zoning Certificates, and applications for Zoning Appeals, Zoning Amendments, Variances, and Conditional Uses.
3. Review and evaluate all applications for Zoning Certificates, Zoning Amendment, Zoning Appeals, Variances, and Conditional Uses as necessary to make reports to the Zoning Commission, Board of Zoning Appeals, and Board of Township Trustees.
4. Issue Zoning Certificates when the provisions of the Resolution have been met, or refuse to issue the same in the event of non-compliance.
5. Keep records as necessary to support the functions of the Office of Zoning Inspector. Such records shall be kept at the Township Administrative Offices.
6. Inspect any building or lands for compliance with these regulations or to document violations as they may exist.
7. Advise the Board of Trustees on all matters pertaining to the enforcement of and amendments to the Resolution.

205 Zoning Commission

There is hereby established, in accordance with Chapter 519 of the Ohio Revised Code, a Township Zoning Commission consisting of 5 members appointed by the Township Board of Trustees. Members shall be appointed for a period of 5 years and terms shall be so arranged that the term of one member shall expire each year. Each member shall be a resident of the unincorporated area of Jerome Township. Members shall serve until his successor is appointed and qualified. The Board of Township Trustees may appoint up to two

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alternate members to the Zoning Commission for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member according to procedures prescribed by a Resolution of the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member, and shall serve until a successor is appointed and qualified. Members of the Zoning Commission shall be subject to removal as specified in Chapter 519 of the Ohio Revised Code. In the event a vacancy occurs on the Zoning Commission, such vacancy shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

205.01 Proceedings of the Township Zoning Commission

The Zoning Commission shall organize annually and elect a chairman, other officers, and a secretary as necessary. Meetings of the Zoning Commission shall be at the call of the Chairman and all meetings of the Zoning Commission shall be open to the public. For the purpose of taking action the concurring vote of 3 members of the Zoning Commission shall be required. The Zoning Commission shall keep records of its determinations or other official actions, all of which shall be filed in the Office of the Township Trustees and shall be a public record.

205.02 Powers and Duties of the Zoning Commission

For the purposes of this Resolution the Zoning Commission shall have the powers and duties set forth as follows:

1. To submit a plan, including both text and maps, representing the recommendations of the Zoning Commission in implementing the power, purpose, and provisions of the zoning powers conferred by the State of Ohio upon townships.
2. To evaluate and make appropriate recommendations to the Board of Township Trustees regarding proposed amendments to the Resolution and or Official Zoning Map, after conducting necessary hearings.
3. To employ or contract with such planning consultants as the Zoning Commission deems necessary, within the limit of monies appropriated by the Board of Township Trustees for such purposes.
4. To work with the Zoning Inspector toward the administration and enforcement of the Resolution.
5. To accomplish such other action(s) as are required by this Resolution or by applicable law.

210 Board of Zoning Appeals

There is hereby established, in accordance with Chapter 519 of the Ohio Revised Code, a Township Board of Zoning Appeals consisting of 5 members appointed by the Township Board of Trustees. Members shall be appointed for a period of 5 years and terms shall be so arranged that the term of one member shall expire each year. Each

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member shall be a resident of the unincorporated area of Jerome Township. Members shall serve until his successor is appointed and qualified. The Board of Township Trustees may appoint up to two alternate members to the Board of Zoning Appeals for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member according to procedures prescribed by a Resolution of the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member and shall serve until a successor is appointed and qualified. Members of the Board of Zoning Appeals shall be subject to removal as specified in Chapter 519 of the Ohio Revised Code. In the event a vacancy occurs on the Board of Zoning Appeals, such vacancy shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

210.01 Proceedings of the Board of Zoning Appeals

The Board of Zoning Appeals shall organize annually and elect a chairman, other officers, and a secretary as necessary. The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Board of Zoning Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of the witnesses. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Township Trustees.

210.02 Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the powers and duties set forth as follows:

1. The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
2. Conditional Uses - The Board of Zoning Appeals shall hear and decide only such Conditional Uses as the Board of Zoning Appeals is specifically authorized to pass on by the terms of this Resolution as defined in section 240.
3. Variances – The Board of Zoning Appeals shall hear and decide on applications for variances to this Resolution as defined in section 245.

210.03 Hearings and Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be initiated by any person

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aggrieved or by any officer of the township affected by any decision of the Zoning Inspector in accordance with the following:

1. **Initiation** - Such appeal shall be taken within twenty days after the decision by filing, with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
2. **Notice** - The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten days' notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.
3. **Board has powers of Zoning Inspector on Appeals** - In exercising the powers in Section 519.14 of the Ohio Revised Code, inclusive, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of 3 members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution.

215 Duties of Zoning Inspector, Board of Zoning Appeals, Governing Body, and Courts on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this Resolution, the Board of Township Trustees shall have only the duties established by applicable law, including, but without limitation, considering and

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adopting or rejecting proposed amendments or the repeal of this Resolution, or Official Zoning Map, as provided by law, approving planned unit development projects, and of establishing a schedule of fees and charges as stated in Section 250 of this Resolution.

220 Zoning Certificate Required

No occupied or vacant land shall hereafter be changed in its use, in whole or part, until a Zoning Certificate has been issued by the Township Zoning Inspector. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building, structure, or sign or change the use of buildings in whole or part without first obtaining a Zoning Certificate from the Township Zoning Inspector. No such Zoning Certificate shall be issued for the proposed building, structure, or land use unless the proposed building, structure or land use fully complies with the articles of this Resolution.

220.01 Application

Application for a Zoning Certificate shall be made to the Office of Zoning Inspector as follows:

1. The application forms shall be available from the Office of Zoning Inspector and shall be completed and returned with all supporting documentation as required in the application form and as necessary to demonstrate compliance with this Resolution.
2. Each application for a Zoning Certificate shall fully describe the intended land use.
3. When new buildings or structures are to be erected, or when existing buildings are to be enlarged or relocated, or when a change in use of an existing structure is proposed, the application shall be accompanied by a plan of the proposed structure together with a site plan layout showing:
 - a) The size and dimensions of the lot on which the proposed use or structure is to occur, and all applicable front, side and rear yard setbacks required by this Resolution.
 - b) The location of all structures, additions, and uses, both existing and proposed, with reference to all roads, property lines and required setbacks.
 - c) Compliance with all applicable development standards for the district in which it resides including, but not limited to, landscaping and screening, parking, signage, and fencing.
4. When new signs or billboards are to be erected, or when existing signs or billboards are to be modified or re-located, the application shall be accompanied by the following:
 - a) A completed application and fee for each requested sign.
 - b) A scalable elevation drawing of each proposed sign.
 - c) Foundation and anchoring drawings for each proposed sign.
 - d) A dimensioned site plan showing the location of proposed signs and adjacent buildings and other structures.

Sub-Leases / Multi-Tenant Buildings:

Prior to sub-leasing a building, structure, or land, or signing new tenants in a multi-tenant building it shall be the responsibility of the property owner, lessor, and/or lessee to ensure that the proposed use complies with the requirements of this Resolution. A Zoning Certificate shall be issued for all new uses within such circumstances.

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- e) For wall signs, a building elevation drawn to scale showing the proposed wall sign and all applicable dimensions.
 - f) For ground signs, a sign base landscaping plan.
 - g) Cut sheets for any exterior lighting fixtures and/or details of the lighting type to be used.
5. In every case where the lot is not served and is not proposed to be served with public water and sanitary sewer services the application shall be accompanied by an installation permit from the Union County Health Department for the proposed method of water supply and/or disposal of sanitary wastes.
6. The application form shall be accompanied by all supporting information as required and all plans, as applicable, shall be prepared by a Professional Surveyor, Engineer, Architect or Landscape Architect registered in the State Ohio.

220.02 Approval and Authorization

Application for Zoning Certificate shall be approved or disapproved, by the Zoning Inspector, in accordance with the provisions of this Resolution within a reasonable period of time following the submittal of a complete application. In the case of disapproval a copy of the disapproved application will be accompanied by a written statement of reasons for denial and one copy of the plans with the Zoning Inspectors comments. Zoning Certificates issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, arrangement, and construction as set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed in violation of this Resolution and punishable as provided by Section 260. All Zoning Certificates shall be conditional upon the commencement of work within six months.

220.03 Expiration of Zoning Certificate

If the proposed construction described in any Zoning Certificate has not commenced within 9 months from the date of issuance thereof, said Zoning Certificate shall expire or lapse, and written notice thereof shall be given to the persons affected. If the work described in any Zoning Certificate has not been substantially completed within 24 months of the date of issuance thereof, said Zoning Certificate shall expire, shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected along with notice that further work as described in the canceled Zoning Certificate shall not proceed unless and until a new Zoning Certificate has been obtained. "Commencement of Work" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner including where excavation, demolition, or removal of an existing building has substantially begun preparatory to rebuilding.

Note: Approval of a Zoning Certificate by the Zoning Inspector shall not be construed as a building permit certifying compliance with Ohio Building Codes or other applicable county regulations regarding building or site engineering and construction. It is the sole responsibility of the property owner, developer, or builder to secure any additional permits as may be required for construction and certificate of occupancy.

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220.04 Record of Zoning Certificate

One copy of the application shall be returned to the applicant after being marked as approved or disapproved and signed by the Zoning Inspector. A record of all Zoning Certificates shall be kept on file in the Office of the Zoning Inspector.

220.05 Zoning Certificate Fees

Each application for a Zoning Certificate shall be accompanied by a money order or check made payable to the Jerome Township Trustees in the amount shown on the Schedule of Zoning Fees most recently adopted by the Jerome Township Board of Trustees. Applications not accompanied by the required fee shall not be reviewed and approved until the required fee has been received by the Zoning Inspector.

220.06 Void Zoning Certificate

A Zoning Certificate shall be void if any of the following conditions exist:

1. The Zoning Certificate was issued contrary to the provisions of this Resolution.
2. The Zoning Certificate was issued based upon any materially false information provided by the applicant.

When a Zoning Certificate has been declared void pursuant to this section a written notice of the revocation will be provided to the Applicant. Notice of the revocation shall also include a statement that all work upon, or use of, the buildings, structure, or land shall cease until a new Zoning Certificate has been issued.

225 Reserved for Future Use

230 Zoning Amendments

Whenever the public necessity, convenience, general welfare, or good zoning practices require, or in conformance with the adopted Comprehensive Plan, the Board of Township Trustees may by resolution amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property. Such amendments may only be made after recommendation from the Zoning Commission and subject to the procedures provided by law. Amendments may be initiated by motion of the Zoning Commission, by the passage of a resolution by the Board of Trustees, or by the filing of an application by 1 or more owners of property within the area proposed to be changed or affected by the proposed amendment with the Zoning Commission.

Note: Any person(s) wishing to change the zoning classification of property or properties within Jerome Township, to allow for a change of use or change of intensity of use, must file an application for Zoning Amendment.

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230.01 Application for Zoning Amendment

Application to initiate an amendment to the Resolution or the Official Zoning Map shall be made to the Office of Zoning Inspector as follows:

1. The application forms shall be available from the Office of Zoning Inspector, and shall be completed and returned with all supporting documentation as required in the application form and as necessary to demonstrate compliance with this Resolution. No application shall be considered unless the same is fully completed and accompanied by all required information on said application, together with plot plans or drawing as necessary.
2. Applications shall be signed by at least one owner, or an agent assigned by the owner, of the property being re-zoned, and shall be filed with the Zoning Inspector .
3. Each application for a Zoning Amendment shall fully describe the intended land use.
4. The application form shall be accompanied by all supporting information as required by the application form. All plans required shall be prepared by a Professional Surveyor, Engineer, Architect, or Landscape Architect registered in the State Ohio.
5. Applications shall be accompanied by a check or money order made payable to the Jerome Township Board of Trustees in the amount shown on the Schedule of Fees most recently adopted by the Board of Trustees.
6. For an amendment of zoning to a PUD district the township may require additional submittal information as required by Section 500 of this Resolution.

230.02 Procedure

The procedure for the amendment of the Resolution, or a zoning amendment, shall follow the requirements of the Ohio Revised Code, Chapter 519.12 (Townships)

235 Non-Conforming Uses

At the time of adoption or amendment of this Resolution there may exist lots, structures, or uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendment thereto. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as may otherwise be permitted by this Resolution.

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235.01 Incompatibility of Non-Conforming Uses

Non-conforming uses are declared by this Resolution to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, land, or a structure and land in combination shall not be extended or enlarged after passage of this Resolution. In addition, the attachment on a building or premises of additional signs intended to be seen from off the premises, or the addition of other uses of a nature which would be prohibited generally in the district are prohibited.

235.02 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner including where excavation, demolition, or removal of an existing building has substantially begun preparatory to rebuilding.

235.03 Non-Conforming Lots of Record

At the time of adoption or amendment of this Resolution there may exist lots of record that do not conform to the requirements for lot width and or lot area established by this Resolution or amendment. Nothing in this Resolution shall prevent the construction of dwellings, buildings, structures, or accessory uses or structures on these non-conforming lots of record provided the following:

1. The proposed dwellings, buildings, structures, or accessory uses are permitted within the district established by this Resolution.
2. Such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership.
3. The construction of dwellings, buildings, structures, or accessory uses shall meet all requirements established by this Resolution other than for lot area and lot width.
4. Variance from all other requirements shall be obtained only through action of the Board of Zoning Appeals.

235.04 Non-Conforming Lots of Record in Combination

At the time of adoption or amendment of this Resolution, there may exist lots of record that do not meet the requirements of this Resolution for lot area and/or lot width. Where two or more of these lots adjoin with continuous frontage under a single ownership the lots involved shall be considered to be an undivided parcel for the purposes of this Resolution. No portion of said undivided parcel shall be used or sold in a manner which diminishes compliance with the requirements of this Resolution.

235.05 Non-Conforming Uses of Land

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

Where, at the time of adoption or amendment of this Resolution, lawful use of land exists, which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided the following:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution.
3. If any such non-conforming use of land has been willfully abandoned for any reason for a period of more than 24 months, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

235.06 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Any non-conforming structure or non-conforming portion of a structure which is removed, partially removed, damaged, destroyed, or partially destroyed by any means to an extent of less than 60 percent of its then fair market value at time of such removal, damage, or destruction may be restored to its prior condition and the same use or occupancy continued or resumed, provided that the total cost of such restoration does not exceed 60 percent of its then fair market value; and provided further that such restoration is started within 1 year after such removal, damage, or destruction and is diligently pursued to completion.
1. Any non-conforming structure which is removed, partially removed, damaged, destroyed, or partially destroyed by any means by more than 60 percent of its then fair market value shall eliminate the non-conforming use of such structure or structure and land in combination, and shall not be repaired or reconstructed except in conformity with this Resolution
3. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Note: See Section 300 for an explanation of "Fair Market Value".

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235.07 Non-Conforming Uses of Structures or of Structures and Land in Combination

If lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution or amendment, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building that was not used for such non-conforming use at the time of adoption or amendment of this Resolution.
3. If no structural alterations are made, any non-conforming use of a structure or structure and land in combination, may, upon application to and approval by the Board of Zoning Appeals as a Conditional Use, be changed to another non-conforming use provided that, in addition to any other criteria, the Board of Zoning Appeals finds after consideration of the nature, predominate character, and intensity of the proposed use and the size, dimensional requirements, and other regulatory characteristics of the proposed use, that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use and that the size, dimensional requirements, traffic generation, signage needs, parking requirements and other regulatory characteristics are not greater than the existing nonconforming use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and land in combination, is willfully discontinued or abandoned for 24 months (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

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235.08 Repairs and Maintenance

On any non-conforming structure, or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing provided the following:

- 1.
2. The cubic content of the structure existing when it becomes non-conforming shall not be increased through such repairs or maintenance.
3. Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

240 Conditional Uses

Under some circumstances a use of property, typically considered more intense than the uses permitted in the zoning district in which it is located, may be determined to be desirable and compatible with the permitted uses if additional standards are applied to control and regulate the more intense use. These uses are listed as “Conditional Uses” within each of the zoning districts.

The Board of Zoning Appeals may grant conditional approval for a Conditional Use of the land, buildings or other structures where such Conditional Uses are provided for in the applicable zoning district. The Board of Zoning Appeals shall decide on only such Conditional Uses as specifically authorized by the terms of this Resolution; decide such questions as are involved in determining whether Conditional Uses should be granted; grant Conditional Uses with such conditions and safeguards as are appropriate under this Resolution; or deny Conditional Uses when not in harmony with the purpose and intent of this Resolution. A Conditional Use shall not be permitted if its use, location, and/or method of development will unreasonably alter the character of the vicinity, unduly interfere with or impact the use of adjacent lots, adversely affect the health, safety and general welfare of surrounding properties, or impart special privileges to its owner which are not normally enjoyed by other uses within the district. To this end the Board of Zoning Appeals may set forth additional requirements that will render the Conditional Use compatible with the existing and future use of adjacent lots in the district. A Conditional Use shall not be granted by the Board of Zoning Appeals unless and until:

240.01 Application

An application for a Conditional Use shall be submitted to the Office of Zoning Inspector who shall forward the application to the Board

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

of Zoning Appeals. Application forms shall be available in the Office of Zoning Inspector, and the application shall be accompanied by a site plan showing the exact location, width, and depth of the section of the owner's property for which the Conditional Use permit is to be considered along with such information as necessary to demonstrate compliance with the specific requirements to be considered for approval for such Conditional Use as required by this Resolution.

240.02 Notice and Hearing

The Board of Zoning Appeals shall hold a public hearing within a reasonable period of time following its receipt of application. Notice shall be given at least 10 days in advance of the public hearing by publication in at least one newspaper of general circulation in the area. The notice shall state the date, time, and place and the nature of the proposed hearing. The same information shall be mailed by first class mail to the applicant and all owners of property within and contiguous to and directly across the street from the property in question to the addresses of those owners appearing on the county auditor's current tax list. Any party may appear in person, or by attorney.

240.03 Action by the Board of Zoning Appeals

The Board of Zoning Appeals shall, within a reasonable time, approve, approve with supplementary conditions, or disapprove the application as was submitted. If approved with supplementary conditions the Zoning Inspector shall issue a zoning certificate listing the specific conditions listed by the Board of Zoning Appeals.

240.04 Decision of the Board of Zoning Appeals

Before any Conditional Use shall be issued, the applicant shall demonstrate that the proposed Conditional Use meets the following general standards:

1. The proposed use shall meet the purpose and intent of the district as stated in this Resolution and in the Jerome Township Comprehensive Plan.
2. The proposed use will be harmonious with the existing or intended character of the area in which it is located, and that such use will not change the essential character of the same area.
3. Ingress and egress to property and the proposed structures thereon has been provided and will ensure automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, and all points of vehicular entrance or exit shall conform to state and county regulations.
4. Off-street parking and loading areas are provided where required, with particular attention to the items in 240.04 (2.) above.

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5. The proposed use will be served adequately, as required, by essential public facilities and utilities including, but not limited to, water and sewers, drainage, refuse collection, and fire and police protection.
6. The proposed use will comply with all of the requirements of this Resolution including, but not limited to, setback, landscaping and buffering, screening, and open space.
7. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. Lighting shall not create a nuisance for the general public or for the residents of neighboring properties; shall not impair safe movement of traffic on any street or highway; shall not shine directly on adjoining properties; and shall comply with all other applicable Sections of this Resolution.
9. If applicable, truck routes shall be established for movement in and out of the property being granted a Conditional Use in such a way that will minimize the wear on public streets, and prevent hazards and damage to other properties in the community, the general public, and residents of the neighboring properties.
10. In the event the property being considered for a Conditional Use Permit has a house or other structure on it, the Conditional Use Permit MAY be issued for only the section of property that is to be used for the Conditional Use and SHALL not include the house or other structures unless otherwise designated in Section 240.01.

240.05 Supplementary Conditions and safeguards

If the Board, in its discretion, approves the Conditional Use Permit, it may impose such conditions, safeguards, and restrictions as it deems necessary to ensure that the use will be conducted in the best interest of the zoning district.

245 Variances

Upon appeal the Board of Zoning Appeals may authorize, in specific cases, such Variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship, and so that the spirit of the Resolution will be observed and substantial justice done. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a Variance. A Variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until:

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245.01 Application Required

An application for a Variance shall be submitted to the Office of Zoning Inspector who shall forward the application to the Board of Zoning Appeals. Application forms shall be available in the Office of Zoning Inspector and completed applications shall accompany such information as required on the application form.

245.02 Notice and Hearing

The Board of Zoning Appeals shall hold a public hearing within a reasonable period of time following its receipt of a completed application. Notice shall be given at least 10 days in advance of the public hearing by publication in at least one newspaper of general circulation in the area. The notice shall state the date, time and place and the nature of the proposed hearing. The same information shall be mailed by first class mail to the applicant and all owners of property within and contiguous to and directly across the street from the property in question to the addresses of those owners appearing on the county auditor's current tax list. Any party may appear in person, or by attorney.

245.03 Action by the Board of Zoning Appeals

The Board of Zoning Appeals shall, within a reasonable time, approve, approve with supplementary conditions, or disapprove the application as was submitted. In granting any Variance under the provisions of this section, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions as deemed necessary to secure the objectives of the standards set forth in this Article, and to carry out the general purpose and intent of this Resolution. Violation of the conditions, safeguards, and restrictions, when made a part of the terms under which the request for the Variance is granted, shall be deemed a violation of this Resolution.

245.04 Decision by the Board of Zoning Appeals

A Variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until the applicant demonstrates the following:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. That literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution;
3. That the special conditions and circumstances do not result from the actions of the applicant;
4. That granting the Variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district;

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5. That the Variance is the minimum Variance that will make possible the reasonable use of the land, building, or structure;
6. That the granting of the Variance will be in harmony with the general purpose and intent of this Resolution and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

245.05 Supplementary Conditions and Safeguards May be Prescribed

In granting any Variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under Section 260 of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a Variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

250 Fees

The Board of Township Trustees shall establish a Schedule of Fees listing the charges and expenses, and a collection procedure for Zoning Certificates, Zoning Amendments, Zoning Appeals, Conditional Uses, Variances, and other matters pertaining to this Resolution. The Schedule of Fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

255 Violations of this Resolution

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector.

260 Penalties for Violation

260.01 Penalty for Violation of Zoning Resolution

Any person violating any provision of any article of this Resolution, or who shall violate or fail to comply with any order made thereunder; or who shall falsify plans or statements filed thereunder; or who shall continue to work upon any structure after having received written notice from the Township Zoning Inspector to cease work, shall be guilty of a misdemeanor, and subject to the penalty provided in Section 519.99, Ohio Revised Code.

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260.02 Remedies for Violation of Zoning Resolution

In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be used in violation of any regulation or provisions of this Resolution or any amendment thereto, the Board of Township Trustees, the Zoning Inspector, Prosecuting Attorney of the county, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

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300 Definitions

Except where specifically defined herein, all words used in this Resolution shall carry their customary meaning. The following listed words are specifically defined for use in this Resolution.

1. For the purposes of this Resolution certain terms or words used herein shall be interpreted as follows:
 - a) The word "person" or "person of interest" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 - b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - c) The word "shall" is mandatory; the word "may" is permissive.
 - d) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
 - e) The word "lot" includes the words "plot" or "parcel".
2. **Abandoned Sign** - A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained and not repaired.
3. **Accessory Use (or Structure)** - Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, sheds without any foundation or footings/skid shed, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in the Resolution, an accessory use shall be a permitted use.
4. **Adult** - An individual eighteen years of age or older.
5. **Adult Book Store** - Adult book store means an establishment deriving a majority of its gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films, or mechanical or non-mechanical devices, which constitute adult materials.
6. **Adult Care Facility** - An adult family home or an adult group home. For the purposes of this Resolution, any residence, facility, institution, hotel, congregate housing project, or similar

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facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services. Adult care facility does not include:

- a) A facility operated by a hospice care program licensed under ORC 3712.04 that is used exclusively for care of hospice patients.
- b) A nursing home or home for the aging as defined in ORC 3721.01.
- c) A community alternative home as defined in ORC 3724.01.
- d) An alcohol and drug addiction program as defined in ORC 3793.01.

- 7. **Adult Family Home** - As defined in ORC 3722.01, a residence or facility that provides accommodations for three to five unrelated adults and supervision and personal care services to at least three adults.
- 8. **Adult Group Home** - As defined under ORC 3722.01, an adult group home means a residence or facility that provides accommodations for six to sixteen unrelated adults and provides supervision and adult personal care services to at least three of the unrelated adults.
- 9. **Agriculture** - For the purposes of this Resolution the definition of Agriculture shall be that prescribed by Section 519.01 of the Ohio Revised Code. As used herein, agriculture generally includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- 10. **Agricultural Buildings and Structures** – Agricultural Buildings and structures are defined as such structures that are customarily used primarily to house animals and support agricultural uses such as barns, sheds, pole barns, silos, grain structures, feed structures, etc. The use of equipment such as Semi-Trailers, abandoned box cars, and similar such units shall not be considered agricultural structures and shall not be permitted for use as such.

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11. **Awning** - A hood or cover that projects from the wall of a building against the face of the supporting building.
12. **Basement** - A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.
13. **Billboard** - A billboard shall be defined as an off premise, outdoor display exceeding 64 square feet in advertising area intended to advertise products or services at locations where activities related to their sale, distribution, production, repair, and associated administrative functions are not maintained. Billboards also include off premise outdoor displays intended to convey information, ideas, or opinions to the public at locations not used by their sponsors for other professional administrative activities. Billboards are subject to local zoning, Delaware County building permit requirements, and State of Ohio regulations for outdoor advertising.
14. **Buffer** - A man-made or natural vegetated area, between the side or rear lot line and the required side or rear setback line, where mounding, planting, walls, fences or a combination thereof are installed and constructed to protect adjacent uses from noise, odor, dust, fumes, glare, or unsightly storage of materials in commercial or industrial districts.
15. **Building** - A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property or to support a proposed use of a property.
16. **Building, Height of** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
17. **Building, Principal** - A building in which is conducted the main or principal use of the lot on which said building is situated.
18. **Clear Sight Triangle** - The triangular area formed by a diagonal line connecting two points, located on intersecting lines of street and driveway, one being on the street right-of-way, the other point being on the easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. The view through this triangular area, from the street into the driveway or the driveway into the street, shall be open and unobstructed by landscaping, signs, or structures, from a height of 3 feet above grade to 10 feet above grade.

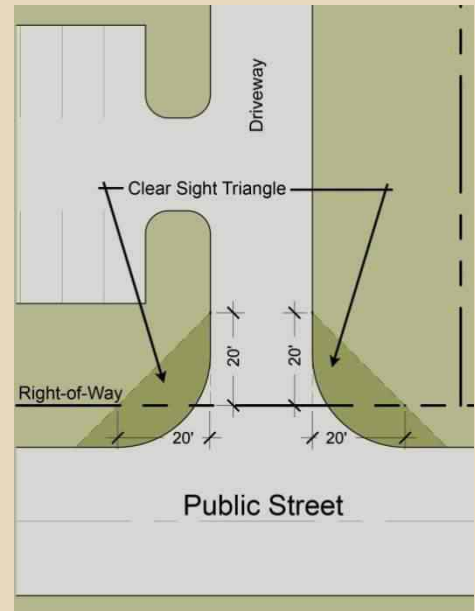


Figure xx: Clear sight triangle

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19. **Conditional Use** - A use that, because of special requirements or characteristics, may be allowed in a particular zoning district after review by the Board of Zoning Appeals and granting of Conditional Use Permit. With the approval of a Conditional Use Permit the Board of Zoning Appeals may impose such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.
20. **Conditional Use Permit** - The documented evidence of authority granted by the Board of Zoning Appeals to locate, operate, and maintain a conditional use on a particular property.
21. **District** - A part, zone, or geographic area within the township within which certain zoning or development regulations apply.
22. **Drive through business or window** - An establishment or part of an establishment designed for the conduct of business with customers who remain within a vehicle during the transaction.
23. **Dwelling** - Any building or structure which is wholly or partially used or intended to be used for living or sleeping by one or more human occupants.
24. **Dwelling, Detached Single Family** - detached, individual dwelling units, which accommodate one family, as defined herein, living as one housekeeping unit. The type of construction of such units shall conform to the Residential Code of Ohio, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the definition of permanently-sited manufactured home as provided for in ORC 519.212.
25. **Dwelling, Multi-Family** - A residential building arranged or designed for 3 or more dwelling units as separate and complete housekeeping units.
26. **Dwelling, Two Family** - A building arranged or designed to be occupied by 2 families, the structure having only 2 dwelling units living independently of each other.
27. **Dwelling Unit** – Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as, space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.
28. **Enclosed Storage** - Any building such as a warehouse, pole barn, etc., fully enclosed on all sides and with roof where equipment, materials, or goods are stored.
29. **Essential Services** - The erection, construction, alterations, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical or water

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transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, mains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

30. **Family** - a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
- a) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
 - b) two unrelated people; or
 - c) two unrelated people and any children related to either of them by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship.

“Family” does not include any society, club, fraternity, sorority, association, lodge, federation, or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of a criminal offense. This definition is not, however, intended to prohibit those living arrangements among individuals which is specifically set forth and authorized by applicable law as being permitted uses within residential zoning districts.

31. **Fair Market Value** – The “Fair Market Value” as used herein shall first be determined to be the current value of structures as carried by the Union County Auditor. If such value is disputed by the owner of the structures, or the township, the township may elect to hire a licensed third party licensed appraiser to determine the value. Said appraiser shall be hired by the township and, in the event of a dispute by the property owner, may require reimbursement from the property owner for such fees as necessary. If the township shall require reimbursement, the township shall solicit fees for the appraisal in advance of the start of work, and shall provide the property owner with a copy of the fee proposal and a notice to deliver a check to the township for such fees prior to the commission of the appraisal.
32. **Farm** - Any land, buildings, or structures on or in which agriculture and farming operations are carried on as defined in the Ohio Revised Code Section 519.01.
33. **Floor area, Non-Residential** – A square footage calculation of the floor area of the specified use excluding stairs, washrooms,

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elevator shafts, maintenance shafts and rooms, display windows and similar areas.

34. **Floor area, Residential** - Floor area of a residential structure shall be computed as the sum of the gross horizontal area, in square feet, of the several floors of the residential structure, excluding finished or unfinished basements, breezeways, carports, garages, storage areas with only outside access, porches, unfinished attics, and other unheated and/or unfinished areas attached to the principal use or structure.
35. **Gasoline Station** - That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash.
36. **Granny Flat** – A granny flat is adwelling unit located in a separate structure that is accessory to a single-family dwelling as may be permitted as a conditional use in certain zoning districts within this Resolution. As long as members of the resident owner’s family use the granny flat, the principal use of the property retains its single-family status. Conversion of a granny flat to a rental unit for the general public requires zoning approval for a two-family dwelling.
37. **Group Residential Facility** - A group residential facility, as defined by ORC 5119.34, is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative services.
38. **Gun Club (Public or Private)** - Any private or public facility for the discharge of firearms operated on a fee or membership basis.
39. **Hazardous Wastes** - Means those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.
40. **Home Occupation** - Home Occupation means an accessory use which is an activity, profession, occupation, service craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises, without any significant adverse effect upon the

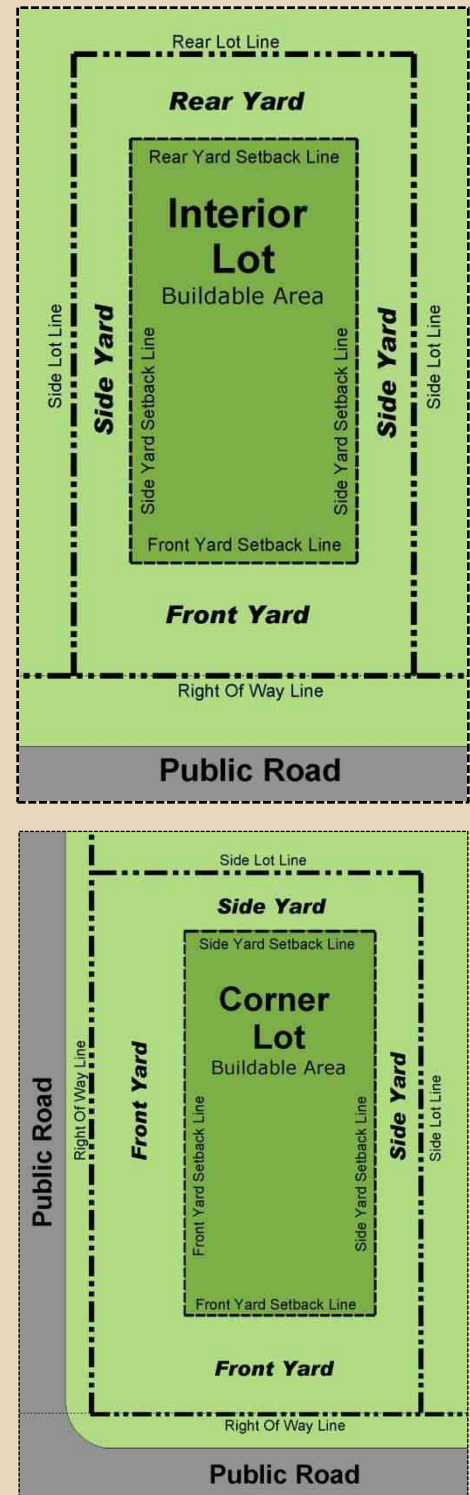
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surrounding neighborhood. See section 635 in the General Development Standards.

41. **Junk** - Means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junk, dismantled automobiles, equipment or parts thereof, construction salvage, mechanical salvage, iron or steel and other old or scrap ferrous or non-ferrous materials.
42. **Junk Yard** - Means an establishment or place of business which is maintained or operated or any other land used for the purpose of storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard. It shall also include scrap material, processing facilities which are located within one thousand (1,000) feet of the nearest edge of the right of way of a highway or street.
43. **Kenel/Animal Boarding** - Any lot or premise, on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensation.
44. **Litter** - Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile or equipment parts, furniture, glass or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private property not owned by the person, or in or on waters of the state.
45. **Loading Dock** - An unobstructed area or platform within or attached to a building or structure, usually coinciding with large openings in the building wall, which are provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise. Loading docks may be configured in a single arrangement or with multiple loading docks grouped together as typically seen in large warehouse or distribution facilities.
46. **Loading Space, Off-Street** - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
47. **Lot** - For the purposes of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

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- a) A single lot of record;
 - b) A portion of a lot of record;
 - c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
48. **Lot Coverage** - The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.
49. **Lot, Flag** - A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.
50. **Lot Frontage** - The uninterrupted linear or curvilinear extent of a lot measured along the street right-of-way, or property line adjacent to the street on which the lot fronts, from the intersection of one side lot line to the intersection of the other side lot line.
51. **Lot Measurements** - A lot shall be measured as follows:
- a) The Depth of a lot shall be considered to be the average horizontal distance between the front property line or street right-of-way line and the rear property line.
 - b) The Width of a lot shall be considered to be the horizontal distance between side property lines measured at the required front building setback. For pie shaped lots the width between side property lines where they intersect the front property line or street right-of-way line shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs or on the radius of a loop street.
52. **Lot, Minimum Area** - The lot area required within each zoning district determined to be the minimum necessary to support the permitted use.
53. **Lot of Record** - A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
54. **Lot Types** - Terminology used in this Resolution with reference to corner lots, interior lots, and through lots is as follows:
- a) A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. Corner lot shall meet the setback requirements for all roads, streets, or alleys that abut.



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- b) An interior lot is a lot with only one frontage on a street.
 - c) A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
55. **Manufactured home** - A non self-propelled building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A 5401, 5403 and that has a permanent label or tag permanently affixed to it as specified in 42 U.S.C.A 5415, certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.
56. **Mobile Home (park trailer)** - A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit. A mobile home does not qualify as a manufactured home, or as permanently sited manufactured housing.
57. **Model Home** - A temporary showroom or display model that is used for marketing purposes by a commercial homebuilder during the sales period of a new residential development. For the purposes of this Resolution, a model home loses its status

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as a marketing tool after five (5) years from its opening date. Model homes may be converted to permanent residences at the end of their use as a marketing location, provided they meet all zoning and building codes for occupancy.

58. **Motor Home / Recreational Vehicle** - A vehicle which is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
59. **Motor Vehicle** - Motor vehicle means any vehicle, including motor homes / recreational vehicles, propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires.
60. **Motor Vehicle, Inoperable** - A car, truck, bus, van or other motor vehicle that cannot be started and moved under its own power or does not meet Ohio Revised Code requirements for operation on a public streets. A vehicle that is without a valid, current registration decal and/or license, including recreational vehicle or travel trailer that is designed for travel on the public roads is also considered an inoperable vehicle.
61. **Non-Commercial Recreation** - Any public or quasi-public related recreational use.
62. **Non-Conforming Use** - A building, structure or use of land lawfully existing at the time of enactment or amendment of this Resolution, and which does not conform to the current regulations of the district or zone in which it is situated.
63. **Nuisance** – As used herein nuisance refers to a building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. As used herein a nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, and debris. The above includes those nuisances as identified in the Ohio Revised Code Sections 505.86, 505.87, and 505.871. Additionally “Nuisance” means any of the following:
- a) That which is defined and declared by statutes to be a nuisance;

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- b) Any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place, in or upon which lewd, indecent, lascivious, or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen or exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for such purpose.
 - c) Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured or sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture of beer or intoxicating liquor and beer or intoxicating liquor contained in the room, house, building, boat, structure, or place, or the operation of such a room, house, building, boat, structure or place where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. "Violation of law" includes, but is not limited to, sales to any person under the legal drinking age.
64. **Office, Corporate** - An establishment primarily engaged in providing internal office administration services as opposed to customer service in a single building or a campus setting; for example, the headquarters, regional offices or the administrative offices for a corporation. Generally the majority of the traffic generated from corporate offices comes from employees and not the general public.
65. **Office, Freeway Oriented** – An office building(s), located on a lot that borders the right-of-way of a state or federal highway, that is designed and located on the lot in such a way to maximize the visibility and/or recognition of the office structure from the highway.
66. **Office Park** – A large tract of land that is planned, developed, and operated as an integrated facility for a number of separate office buildings uses and may incorporate internal circulation, joint parking facilities, shared utility needs, and common areas, and may pay special attention to aesthetics and compatibility.
67. **Outparcel** – An individual lot or structure located within a retail center but apart from the main structure, typically located along the right-of-way of the public street serving the retail center, which may share driveway access, internal circulation, and

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internal parking with the retail center, and may or may not be under the same property ownership.

68. **Parking Space, Off-Street** - For the purposes of this Resolution, an off-street parking space shall consist of an off-street space available for the parking of one motor vehicle conforming to the requirements of section 610.
69. **Pond** - Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit. Definitions for ponds include **retention** basins designed to permanently hold water. This definition would not apply to **detention** basins or bio-swaes designed for short-term storm water containment. This would not include landscape water features less than 150 square feet.
70. **Portable Pools** - Those pools which are not permanently installed; do not require water filtration circulation, and purification; do not exceed 18 inches in depth; do not exceed a water surface of 100 square feet; and do not require braces or supports.
71. **Public Service Facility** – A government regulated public buildings, power plants, substations, water treatment plants or pump stations, sewage disposal plants or pump stations, electrical, gas, water and sewerage service and other similar public service structures or facilities whether publicly or privately owned; but excluding sanitary landfills and incinerators.
72. **Public Use** - A public school, park, administrative, cultural or recreational building, excluding public service facilities.
73. **Quasi-public Use** - Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable, philanthropic or non-profit nature.
74. **Refuse** - Anything thrown away or rejected as worthless or useless, waste (combustible and noncombustible) trash or rubbish. "Refuse" also includes all foreign substances and pollutants in water other than liquid sewage.
75. **Research Activities** - Research, development and testing related to such fields as chemicals, pharmaceutical, medical, electrical, transportation and engineering, all of which are conducted within entirely enclosed buildings.
76. **Residential Garden** - A tract of land, located within the side or rear yard of a residential lot, that is specifically used by the owner for the purpose of the outdoor cultivation of flowers, fruits, vegetables, or small plants, and is unenclosed by any structure other than a fence. Gardens are permitted in any

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residential or agricultural district. Garden fences are subject to the requirements of Section 625 of this Resolution.

77. **Retail Business, Convenience Type** - A small retail business whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Examples of convenience-type businesses are drug stores, food stores, cleaners and barber shops.
78. **Retail Center (Shopping Center)** - A group of retail and other commercial establishments that is planned, owned, and managed as a single property. On-site parking is provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. The two main configurations of shopping centers are indoor malls and open-air strip centers.
79. **Sanitary Landfill** - Means a disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.
80. **Sewers, Central or Group** - A public or private sewage disposal system, approved by the county, which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.
81. **Sewers, On-Site** - A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
82. **Sign** - A sign shall be defined as an outdoor display intended to identify or attract attention to the premises on which it is located; the businesses, organizations, or individuals conducting professional activities on the premises; or the products or services sold, distributed, produced, or repaired on the premises. Signs also include outdoor displays used by businesses, organizations, or individuals conducting professional activities on the premises to convey information, ideas, and opinions to the public. The following definitions apply for signage:
 - a) **Aerial** – means a sign of any material that is principally airborne, whether or not attached, anchored or tethered to the ground directly or indirectly.

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- b) Animated or Moving Sign – a sign or any part thereof, which changes its physical appearance/position by any movement or rotation, or which emits a visual impression of such movement or alteration.
- c) Changeable Copy Sign (manual) - A sign, or portion thereof, on which characters, letters or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a reader board with changeable letters.
- d) Changeable Copy Sign (mechanical or electronic) - A sign, or portion thereof, on which characters, letters or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.
- e) Flag – means any fabric or material or bunting containing distinctive colors, patterns used as a symbol.
- f) Flashing Lights – any device which contains an intermittent or flashing light source or graphics, or which projects the illusion of such by animation or any other internal or external source.
- g) Height – The height of signs shall be determined in accordance with Section 615 of this Resolution and shall conform to all applicable requirements of the underlying zoning district.
- h) Inflatable Sign – means any sign, character or shape constructed of any material in which air or gas is inserted with the intent of vertical lift and/or horizontal spread and inflated to attract attention to a particular use or location.
- i) Joint Identification Sign - a sign intended to provide identity (by name, logo, type, graphics or other symbols) of two or more uses in a building or property.
- j) Monument/Ground Mounted Sign – a freestanding sign (permanent or temporary) placed on the ground and attached to a supporting foundation or supported between or more columns or posts and not attached to any building, but is constructed on the subject property and contains graphics directly related to the specific business(s) on that property.
- k) Pennant, Streamer, and Banner – means any lightweight plastic, fabric or other material, regardless of whether it contains a message that is suspended from a rope, wire, string or similar instrument, usually in a series and designed to move in the wind.

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- l) Permanent Sign – A sign attached to a building, structure, or the ground in some manner that requires a permit from the township and which is made of materials intended for long-term use.
- m) Portable Sign – means a sign designed or constructed in such a manner that it is moveable and can be relocated without involving structural or support changes.
- n) Projecting Sign – a sign which is wholly or partially dependent upon the structure for support and which projects outward more than twelve (12) inches and typically where the display area is perpendicular to the wall on which it is mounted.
- o) Pylon/Pole Sign – a freestanding sign (permanent or temporary) greater than 6 feet in height supported by braces or uprights that is not attached to any building.
- p) Roof Sign – a sign mounted on the roof of a structure or which is wholly dependent upon that structure for its support and which projects above the eave line of the structure.
- q) Temporary Sign – a temporary sign means a sign set or erected on the property, which is designed to provide information for a limited period of time, not to exceed 1 year.
- r) Wall Sign – a sign or mural and all associated graphics, whether painted, drawn or fastened to a building wall, where the wall becomes the supporting structure or forms the background, which does not project outward more than twelve (16) inches and where the display area is mounted flat and parallel to the wall.
- s) Window Sign – A sign, poster, graphic, painting or other similar message or image that contains information about the purpose or use of the premises that is painted or physically affixed to the glass or is within 2 feet of the window and intended to be viewed from the exterior of the premises (This does not include an information window sign of 2 square feet or less bearing information about the business hours, accepted forms of payment and similar basic functional notices).

83. **Solid Wastes** - Means such unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, and slag and other substances which are harmful or inimical to public health, and includes, but is not limited to, garbage,

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combustible and non-combustible material, street dirt, and debris. For purposes of this definition, "material from construction operations" and "material from demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

84. **Story** - The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor above; or if there is no floor above, then the ceiling next above. The floor of a story may have split levels provided that there not be more than four feet difference in elevation between the different levels of the floor. A basement shall not be counted as a story.
85. **Structure** - A combination of materials assembled to give support or shelter, and normally requiring a building permit, such as buildings, towers, masts, sheds, roofed storage areas, mechanical equipment, swimming pools, signs, decks, and fences.. The definition of structure shall not include semi-trailers, buses, box cars, automobiles, trucks, or other similar vehicles, or septic tanks, and septic systems and accessory facilities associated with the provision of utilities such as drains, wells, transformers, and telephone poles.
86. **Toxic or Hazardous Material** - See definition for Hazardous Wastes.
87. **Trailer** - A trailer is any vehicle with an integrated frame, either open or closed to the elements, which has or has had an axle(s) and/or wheels and/or electric brakes and/or a towing device (tongue or hitch), and is designed to be drawn by a motor vehicle.
88. **Trailer, Travel** - A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.
89. **Transitional Plantings** - Plantings that are potted, balled, or otherwise temporarily stored for resale.
90. **Use** - The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
91. **Variance** - A variance is a modification of the zoning Resolution where such variance will not be contrary to the public interest

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and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Resolution would result in unnecessary and undue hardship. As used in the Resolution a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of presence of non-conformities in the zoning district or uses in an adjoining zoning district.

92. **Veterinary Hospital and Clinic** - A place for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodation on the premises for treatment, observation and/or recuperation. (It may also include boarding that is incidental to the primary activity.)
93. **Warehouse, Wholesale and Distribution Facility** - A facility which houses a business which primarily stores, sells and distributes large quantities of goods or commodities to customers throughout a regional territory.
94. **Yard** - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height installations and requirements limiting obstruction of visibility.
95. **Yard, Front Setback** - A yard extending between side lot lines across the front of a lot and from the front property line to the front of the principal building.
- a) In the case of through lots a front yard of the required depth shall be provided on all road frontages.
 - b) In the case of corner lots, a front yard of the required depth shall be provided on both road frontages.
 - c) In the case of existing flag lots, the Front Yard Setback shall be measured from the front property line established where the lot widens to the normal required lot width.
 - d) With the exception of existing flag lots, all required Front Yard Setbacks shall be measured from the Right-of-Way of the public road on which the property fronts. Where a Right-of-way has not been established, the Front Yard Setback shall be measured from the assumed Right-of-Way based upon the Functional Roadway Classification as defined by the Union County Engineer. Where no Right-of-Way has been established the front setback shall be measured from the centerline of the existing road and shall

include the required setback distance as established in the Zoning Resolution, plus half of the distance of the assumed Right-of-Way as detailed in the following chart:

Fig. 300 (99) Assumed Right-of-Way

Road / Street Classification	Total assumed Right-of-Way	Distance from the centerline to the assumed Right-of-Way line.
Local Road	60 feet	30 feet
Minor Collector Road	80 feet	40 feet
Major Collector Road	100 feet	50 feet
Minor Arterial Road	120 feet	60 feet

96. **Yard, Rear Setback** - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
97. **Yard, Side Setback** - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

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400 Adoption of the Zoning District Regulations

Regulations are hereby established and adopted pertaining to the use of land and/or structures and the physical development of such land and structures within each of the zoning Districts and as defined within Chapters 4, 5 and 6 of this Resolution.

405 Application

The standard regulations set forth in Chapter 4 and Chapter 5 of this Resolution shall be interpreted and enforced as follows:

405.01 Identification of Uses

Uses are listed by their customary name or identification, except where they are specifically defined or limited in this Resolution.

When a listed use has a number preceding the name, said number shall indicate the designation provided by the North American Industry Classification System (NAICS), U.S. Department of Commerce, United States Census Bureau, 2012 edition. The NAICS is a 2 through 6 digit hierarchical classification system where each digit in the code is part of a series of progressively narrower categories. In this system the first two digits indicate the economic sector, the third digit indicates the subsector, the fourth digit indicates the industry group, the fifth digit indicates the NAICS industry title, and the sixth digit indicates the national industry title. Where such numbers are listed in this Resolution the following shall apply:

1. Numbers listed by sector and subsector only (2 or 3 digit numbers) shall be deemed to include all industry groups and industry titles (fourth, fifth and sixth digits) listed within the sector and subsector unless those groups and titles are specifically excepted within this Resolution.
2. Numbers listed with industry group, and industry titles (4 and 5 digit numbers) shall include all activities listed under the industry code other than those specifically excepted by this Resolution.

The full text of the listings in the 2012 North American Industry Classification System (NAICS) shall be a part of the definition of the uses listed in this Resolution and is hereby adopted as a part of this Resolution.

405.02 Permitted Uses

Only a use designated as a permitted use shall be allowed as matter of right in any zoning district and any use not so designated shall be prohibited.

405.03 Accessory Uses and Structures

An Accessory Use or Structure is a use or structure which is clearly subordinate to the principal use as defined in Section 300 of this Resolution. Accessory uses or structures may be allowed only in

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accordance with the specific district regulations and the requirements of section 645 of this Resolution.

405.04 Conditional Uses

A use designated as a Conditional Use may, if approved by the Board of Zoning Appeals, be permitted in the zoning district where the designation occurs. The approval of a Conditional Use shall be subject to the requirements of Section 240 of this Resolution and to the additional development standards outlined in each zoning district.

405.05 Development Standards

The development standards as set forth in this Resolution shall be the minimum allowed for uses permitted in a zoning district. If the development standards are in conflict with the requirements of any lawfully adopted rules, regulations, or laws, the more restrictive or higher standard shall govern.

410 Zoning Districts Established

The following zoning districts are hereby established for Jerome Township, Union County Ohio:

410.01 Agricultural Zoning Districts

AG - Agricultural District

410.02 Residential Zoning Districts

RU - Rural Residential District

LDR - Low Density Residential District

MDR - Medium Density Residential District

410.03 Office and Industrial Zoning Districts

ORM - Office / Research / Medical District

COM - Commerce District

410.04 Commercial Zoning Districts

LR - Local Retail District

RR - Regional Retail District

410.05 Recreation Districts

SRE - Special Recreation District

410.06 Special Zoning Districts

PD - Planned Development District

OS - Open Space District

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415 Official Zoning Map

The districts and their boundary lines are indicated upon a map entitled "Zoning Districts Map of Jerome Township, Union County, Ohio", hereinafter called the "Zoning Map", which is hereby made a part of this Resolution. The Zoning Map, together with all notations, references, and other matters shown thereon, are hereby declared a part of this Resolution. The official Zoning Map shall be held and maintained in the Office of Zoning Inspector for Jerome Township.

415.01 Rules for Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such as center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed parallel thereto and at such distance as indicated on the Zoning Map. If no such distance is given, the dimension shall be determined by the use of the scale shown on said Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad lines.
5. Where the boundary of a district follows a stream or other body of water, the centerline of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
6. Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning or annexation of any territory, said metes and bounds description shall have control over all of the foregoing.
7. Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

415.02 Vacation of Public Ways

Whenever any street or public right-of-way is vacated by official action of the County Commissioners, the zoning districts adjoining each side of the street or public right-of-way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended Districts

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420 Agricultural District (AG)

The purpose and intent of the Agricultural District (AG) is to; encourage the continuance of agricultural uses, protect prime farmland and agricultural soils, protect the rights of farmers, preserve rural character, and provide for land which is suitable to be used for agriculture as defined in the Jerome Township Comprehensive Plan. Residential land use in the AG District is related to dwellings owned by the persons farming the property. On-site water and sewer facilities are permitted, provided such facilities comply with all applicable county health regulations.

420.01 Agricultural Uses Defined

"Agricultural Use" is as defined in the Ohio Revised Code Section 519.01, as may be amended, includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

420.02 Permitted Uses

Within the AG District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. Agricultural uses, along with buildings and structures incidental to carrying out the agricultural uses, and / or no more than one single-family detached dwelling per lot.
2. Limited Home Occupation Subject to the requirements of Section 635 of this Resolution.
3. 813110 Church or other places of religious worship

420.03 Accessory Uses and Structures

Within the AG District the following accessory uses and structures, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. Accessory buildings or structures normally associated with single-family residential use including detached garages, tool or garden sheds, playhouses, and swimming pools subject to the requirements of section 645 of this Resolution.

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420.04 Conditional Uses

The following uses may be permitted as Conditional Uses in the Ag District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

1. Agri-tourism businesses primarily engaged in providing a farming experience for customers.
2. 423820 Farm machinery and equipment merchant wholesalers
3. 444220 Farm supply stores
4. 444220 Feed stores (except pet)
5. 541940 Livestock veterinary services
6. 721191 Bed-and-Breakfast Inns
7. 812910 Pet Care (except Veterinary) Services
8. Expanded home occupations subject to the requirements of section 635 of this Resolution.
9. Accessory Apartment (Granny Flat) subject to the requirements of section 645 of this Resolution.
10. Small Wind Projects (less than 5 mw) subject to the requirements of section 650 of this Resolution.
11. Private landing fields for private or agricultural aircraft use.
12. Surface Mining Activities

420.05 Lot Size and Yard Setback Standards

The following lot size and yard setback standards shall apply to all lots in the AG District:

1. Minimum Lot Size

The minimum lot size for parcels in the AG District shall be 10 acres.

2. Minimum Lot Frontage

Lots in the AG District shall have a minimum 300 feet of continuous frontage as defined in Chapter 3 of this Resolution.

3. Flag Lots

Flag lots are permitted within the AG District provided that some portion of the lot meets the minimum continuous frontage requirements stated above.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be measured from the right of way of the Dedicated Public Road. Front Yard Setbacks for the AG District shall be as follows:

- a) **Type 'A'** – The setback for Farm Markets shall be a minimum of 15 feet as defined in section 605.
- b) **Type 'B'** – The setback for Single Family Dwellings shall be a minimum of 50 feet.
- c) **Type 'C'** – The setback for all other buildings or structures, with the exception of agricultural buildings, supporting a permitted, conditional, or accessory use of the property shall be 80 feet.

5. Side Yard Setbacks - The minimum side yard setback for buildings and structures in the AG District shall be 25 feet.

6. Rear Yard Setbacks

The minimum rear yard setback for buildings and structures in the AG District shall be 80 feet.

7. Architectural Projections

Open Structures such as porches, canopies, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered parts of the building or structure to which it is attached and shall not project into the required minimum front, side or rear yard.

8. Driveways and parking areas

Driveways and parking areas for any residential use or any other permitted, accessory, or approved conditional use shall not be permitted within any side or rear yard setback within the AG district. Except as noted herein, parking areas for any permitted use or approved conditional or accessory use shall not be located within the front yard setback of any property within the AG district.

420.06 Building and Site Development Standards

The following standards shall apply to the development of all permitted uses and accessory uses and structures within the AG District:

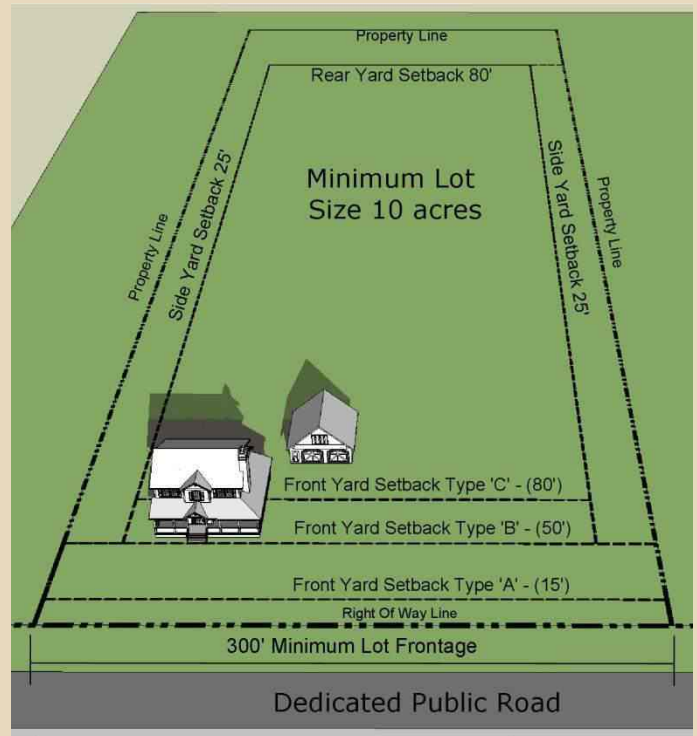


Figure 420.01: Lot size and setback diagram for the AG District

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

1. Minimum and Maximum Square Footages

- a) Residential Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – Single family dwellings in the AG District shall provide a minimum of 1,200 square feet of floor area for a single story dwelling and a minimum of 1,600 square feet of floor area for a split-level or multi-story dwelling. Floor area shall be measured as defined in Chapter 3.

2. Maximum Building Height

The maximum height of buildings and structures shall be measured as defined in Section 300 of this Resolution and shall meet the requirements listed below:

- a) Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – The maximum building height for single family dwellings in the AG District shall be 35 feet.
- c) All other permitted uses and approved Conditional Uses – The maximum building height for all other permitted uses and approved conditional uses shall be 35 feet.

3. Residential Building Standards

The following standards shall apply to all single-family dwellings within the AG District:

- a) Mobile Homes, Travel Trailers, or Park Trailers– The use as a residence of a Mobile Home, Travel Trailer, or Park Trailer, as defined by ORC 4501.01, is prohibited within the AG District.
- b) Manufactured Home – The use of a permanently sited manufactured home, as defined by ORC 3781.06, is permitted within the AG District provided that the home meets all applicable residential building code standards, is installed on a permanent foundation, and meets all minimum floor area requirements.

420.07 Conditional Use Standards

The following additional development standards shall apply to Conditional Uses approved within the AG District.

1. Veterinary Services and Pet Care

Veterinary Services and Pet Care services approved as a Conditional Use in the AG District shall comply with the following standards:

- a) The owner shall provide a Certificate of Approval from the Union County Board of Health for the proposed method of water supply and sanitary waste disposal.
- b) Parking - Parking for vet services and pet care businesses in the agricultural District shall be either paved or gravel and shall be

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

designed in accordance with Section 610. Spaces shall be provided as indicated below:

- (i) Pet care services – 1 parking space per each 400 square feet of floor area of principal structure
- (ii) Livestock Veterinary services – 5 parking spaces per each Veterinarian at the facility
- c) Outdoor Boarding Areas - All outdoor boarding areas associated with a pet care business shall be located to the rear of the principal structure and shall be screened from view on all sides by a continuous fence and evergreen planting meeting the requirements of section 625. Outdoor boarding areas shall be a minimum of 500 feet away from the nearest adjacent residential building.
- d) Livestock and pet containment areas – All animals being held or observed outdoors shall be fully contained on the property by a fence designed specifically for keeping such animals secure and preventing animals from wandering onto adjacent properties or the public right of way. Such fences shall meet all minimum setback requirements.

2. Farm Supply / Feed Store / Farm Equipment Dealer

Farm Supply stores, Feed Stores and Farm Equipment Dealers approved as a Conditional Use in the AG District shall comply with the following standards:

- a) The owner shall provide a Certificate of Approval from the Union County Board of Health for the proposed method of water supply and sanitary waste disposal.
- b) Parking –parking for these uses shall be provided at a rate of 1 space per 200 square feet of floor area. Parking shall be paved and constructed in accordance with section 610 of this Resolution and shall be set back from the right of way a minimum of 50 feet.
- c) The following standards apply to the outdoor sales and outdoor storage of goods or equipment:
 - (i) The outdoor display or storage of goods or equipment shall not be permitted in the front of any business / structure in the agricultural District.
 - (ii) The outdoor storage and display areas shall meet all side and rear yard setbacks for the District.
 - (iii) The outdoor storage and display areas shall be screened from view on all sides by either fencing or a continuous evergreen buffer, similar to buffer type 'C', meeting the requirements of Section 625. Such fence shall meet all side and rear yard setback requirements for the AG District.
 - (iv) The outdoor storage and display areas shall not exceed 150 percent of the area of the principal store or structure.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- d) Loading, delivery, and service areas shall be located to the side or rear of the building and shall be screened from view from all public roads.
- e) Signage – farm supply stores, feed store and equipment dealers approved in the AG District shall be permitted one sign to advertise the business. Such sign shall not exceed 15 square feet per each side or 5 feet in height and shall be set back a minimum of 15 feet from the right of way and shall comply with Section 615 of this Resolution.

3. Private Landing Fields for Aircraft use:

Private Landing Fields approved as a Conditional Use in the AG District shall comply with the following standards:

- a) The applicant shall demonstrate that the design and location of the facility meets all applicable requirements of the Federal Aviation Administration, The Ohio Department of Transportation (ODOT), Division of Aviation, and Union County.
- b) The applicant shall provide proof to the township that all applicable air rights have been secured for all runway paths.
- c) The location of buildings, hangars, and all other structures shall meet the minimum setback requirements established for the district.
- d) All airplanes shall be stored in hangars or garages.
- e) The Private Landing field shall be used for a maximum of 2 planes or helicopters owned by the owner of the property only.
- f) The location of all off-street parking & loading shall be approved by the Board of Zoning Appeals.
- g) The facility shall have water and wastewater facilities that meet the requirements of Union County and the Ohio EPA.
- h) The facility shall be placed a minimum of 500 feet from any existing dwelling or residential district.

420.08 Conditional Use Permits for Surface Mining Activities.

Surface mining activities for the purposes of mineral aggregate extraction that are approved as a Conditional Use in the AG district shall be subject to the requirements in Section 240 of this Resolution and in conformance with Ohio Revised Code Section 1514.02. A copy of the surface mining permit application required by Ohio Revised Code Section 1514.01(A) and any amendments thereto proposed by the state or applicant shall be provided in addition to a site plan for the surface mining operation. In addition the following shall apply to all operations covered under this Section:

1. Surface Mining Activities – Additional Regulations

In addition to the requirements stipulated in Ohio Revised Code 1514.01(A), the following regulations shall apply to all surface mining activities for the purposes of mineral aggregate extraction covered under this Section:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) Setbacks – The setbacks for all mining operations, structures related to such operations, and the parking and storage of equipment related to such operations shall be as follows:
 - (i) Minimum Front Yard Setback – 200 feet
 - (ii) Minimum Side Yard Setbacks – 75 feet
 - (iii) Minimum Rear Yard Setback – 75 feet
- b) Noise - All blasting and quarrying operations (except loading) shall be limited between the hours of 7 o'clock a.m. and 7 o'clock p.m. except in emergencies.
- c) Air Pollution - Control measures shall be implemented on a continuing basis, during times of operation, to control dust on entrance roadways, in equipment operation and throughout the mining site. The Zoning Inspector may require additional control measures during periods of high wind or very dry weather.
- d) Screening from residential uses, Industrial Parkway, State Route 42 and State Route 33 – Any mining operation or parking and storage area for mining equipment visible to adjacent residential lots or uses, Industrial Parkway, State Route 42, and/or State Route 33 shall be entirely screened from view through the use of one of the following:
 - (i) A combination of a continuous 5 foot high earthen mound and completely opaque masonry walls or fences, in accordance with section 625 of this Resolution and deciduous shade trees planted at a maximum of 40' on center similar to buffer type 'A' shown in Appendix 1. Said walls or fences shall be a minimum of 8 feet in height and not exceed 12 feet in height, as measured from the top of mound to the top of wall.
 - (ii) A combination of a continuous 5 foot high earthen mound and a continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting. Evergreen trees shall be planted on top of the mound and staggered or spaced to achieve 100% screening of the mining operation and equipment within 3 years of the time of planting similar to buffer type 'B' shown in Appendix 1.
- e) Transportation
 - (i) Points of ingress and egress associated with extraction and/or processing sites shall be located as approved by the County Engineer or the Ohio Department of Transportation as appropriate.
 - (ii) The applicant shall include with his submittal a map describing the proposed major access roads to be utilized for ingress and egress for the extraction operation.
- f) Surface Water
 - (i) The hydrographs and quality of water leaving the site of an extraction activity meet the Ohio EPA standards.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- (ii) During mining and reclamation, drainage shall be controlled so as to prevent the causing of flooding, landslides and flood hazards to adjoining lands resulting from the mining operations. Upon completion of mining, ponds shall be left in such condition as to avoid their constituting a hazard to adjoining lands.
- g) Groundwater
 - (i) During mining and reclamation, contamination of underground water supplies shall be prevented. Backfilling or grading of any nature up to a level of 10 feet above the water level shall be accomplished with materials approved by the Zoning Inspector and the Ohio Environmental Protection Agency. Materials contaminating to groundwater shall not be used for filling or grading at any time. Upon completion of reclamation, any lake or pond located within the site boundaries shall be of quality equal to that existing for groundwater on adjacent property.
 - (ii) The storage of fuels and chemical and equipment services facilities required by uses permitted in Section 420.08 shall be located where they are least likely to contaminate groundwater as determined by the Zoning Inspector.
- h) Vibration and Blasting
 - (i) The operation of stationary and mobile equipment shall not cause vibration in excess of that permitted by applicable federal and state law.
 - (ii) Blasting shall be done in accordance with the applicable laws of the state of Ohio and shall be carried out by persons certified to be knowledgeable and competent in the sizing and placing of the explosive to be used for blasting.
 - (iii) When the blasting area is within one thousand (1,000) feet of an existing residential structure the maximum hours of blasting operation shall be 7:00 a.m. to 7:00 p.m.
- i) Slope Stability
 - (i) The sides of excavation sites shall be set back a minimum of 50 feet from the property line with a sufficient slope of excavation to insure the lateral support of surrounding property with the following provisions:
 - The reclaimed sides of excavation sites shall be set back a minimum of 50 feet from the right-of-way of all public streets or roads.
 - (ii) Final slopes shall be graded, contoured or terraced, wherever needed, sufficient to achieve soil stability and control landslides, erosion and sedimentation. High walls will be permitted if they are compatible with the future

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

uses specified in the site plan and measures taken to insure public safety. Where ponds, impoundments, or other resulting bodies of water are intended for recreational use, banks and slopes shall be established that will assure safe access to such bodies of water. Where such bodies of water are not intended for recreation, measure to insure public safety shall be included and one egress provided.

j) Soil Erosion Sedimentation Control

- (i) The area of land affected shall be re-soiled, wherever needed, with topsoil or suitable subsoil, fertilizer, lime or soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.
- (ii) A diverse vegetative cover of grass and legumes or trees, grasses and legumes capable of self-regeneration and plant succession wherever required by the site plan shall be established.

k) Other Requirements

- (i) Government boundary, section corner and other government survey monuments that were removed by the operator as a result of the mining shall be replaced where practical.
- (ii) Mining and reclamation shall be carried out in the sequence and manner set forth in the site plan and reclamation measure shall be performed in a timely manner. All reclamation of an area of land affected shall be completed no later than three years following the active mining of such area, unless a showing satisfactory to the Zoning Board of Appeals is made that the future use of such area requires a longer period for completing reclamation.
- (iii) During mining, store topsoil or fill in quantities sufficient to complete the backfilling, grading, contouring, terracing and re-soiling that is specified in the plan. Stabilize the slopes of and plant each soil bank to control soil erosion and sedimentation.

2. **Application for a Conditional Use Permit for Surface Mining Activities.**

In addition to the application requirements for Conditional Use Permits established under section 240 of this Resolution, applications for a Conditional Use Permit for surface mining activities for the purposes of mineral aggregate extraction shall be accompanied by site plans and text providing the following information:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) The location, true shape, topography, contours, dimensions, area and description of the lands proposed as a new area of mineral aggregate extraction or the area proposed for expansion of an existing area of aggregate extraction;
- b) The use of all land and the location and use of all buildings and structures lying within a distance of five hundred (500) feet of any of the boundaries of the lands set aside for the purposes of the operation;
- c) The pattern, quality and estimated quantity of the mineral aggregate resources within the property;
- d) The location, height, dimensions and use of all existing or proposed buildings or structures;
- e) Existing and anticipated final grades of excavation;
- f) Engineering plans showing the proposed drainage system;
- g) Proposed entrances, exits and routes to be used by gravel trucks except as provided in section 519.141 (C) of the Ohio Revised Code;
- h) To the extent possible, plans showing the ultimate area of aggregate extraction, progressive and ultimate road plan, any water diversion or storage facilities, location of stockpiles for stripping and products, tree screening and mounding, progressing and ultimate rehabilitation of the site, and where possible, intended use and ownership of the land after aggregate extraction has ceased;
- i) The extent of adjacent property holdings intended for future mineral aggregate extraction;
- j) Additional information such as hydrology, wildlife, vegetation or soil studies which may be required due to special concerns related to a specific site; and any other information as deemed necessary by the township.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

425 Rural Residential District (RU)

The purpose and intent of the Rural Residential District (RU) is to preserve rural character and provide for land which is suitable or used for very low density residences as defined in the Jerome Township Comprehensive Plan. On-site water and sewer facilities are permitted, provided such facilities comply with all applicable County Health Regulations. This district supersedes the U-1 Rural zoning district in existence prior to the enactment of this Resolution.

425.01 Permitted Uses

Within the RU District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. One single-family detached dwelling per lot
2. Limited Home Occupation subject to requirements of section 635 of this Resolution
3. The use of land for conservation, preservation, or wetland restoration
4. 6111 – Elementary and Secondary Schools
5. 813110 Church or other places of religious worship
6. 922160 – Fire Protection Services
7. Parks, Playgrounds and Playfields

425.02 Accessory Uses and Structures

1. Accessory buildings or structures normally associated with single family residential use including detached garages, tool or garden sheds, playhouses and swimming pools subject to the requirements of section 645 of this Resolution.

425.03 Conditional Uses

The following uses may be permitted as Conditional Uses in the RR District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

1. 721191 Bed-and-Breakfast Inns
- 2.
3. 921140 – Executive and Legislative Offices
4. Telecommunications towers subject to the requirements of section 655 of this resolution
5. Expanded home occupations subject to the requirements of section 635 of this Resolution.
6. Accessory Apartment (Granny Flat) subject to the requirements of section 645 of this Resolution.
7. Small Wind Projects (less than 5 mw) subject to the requirements of section 650 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

425.04 Lot Size and Yard Setback Standards

The following lot size and yard setback standards shall apply to all lots in the RU District:

1. Minimum Lot Size

The minimum lot size for parcels in the RU District shall be 2 acres or as required by the Union County Board of Health for the provision of on-site water and sanitary systems. In addition, the minimum lot size for all permitted and conditional uses shall be adequate to allow for the development of the lot in accordance with the applicable development standards of the RU District and this Resolution.

2. Minimum Lot Frontage

Lots in the RU District shall have a minimum 200 feet of continuous frontage as defined in Chapter 3 of this Resolution.

3. Flag Lots

Flag lots are not permitted within the RU District.

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be measured from the right of way of the Dedicated Public Road. Such Setbacks for the RU District shall be as follows:

- a) **Type 'A'** – The Setback for Farm Markets shall be a minimum of 15 feet as determined by Section 605 of this Resolution.
- b) **Type 'B'** – The Setback for Single Family Dwellings shall be a minimum of 50 feet.
- c) **Type 'C'** – The setback for all other buildings or structures supporting a permitted, conditional, or accessory use of the property shall be 75 feet.

5. Side Yard Setbacks

The minimum side yard setback for all buildings and structures in the RU District shall be 20 feet.

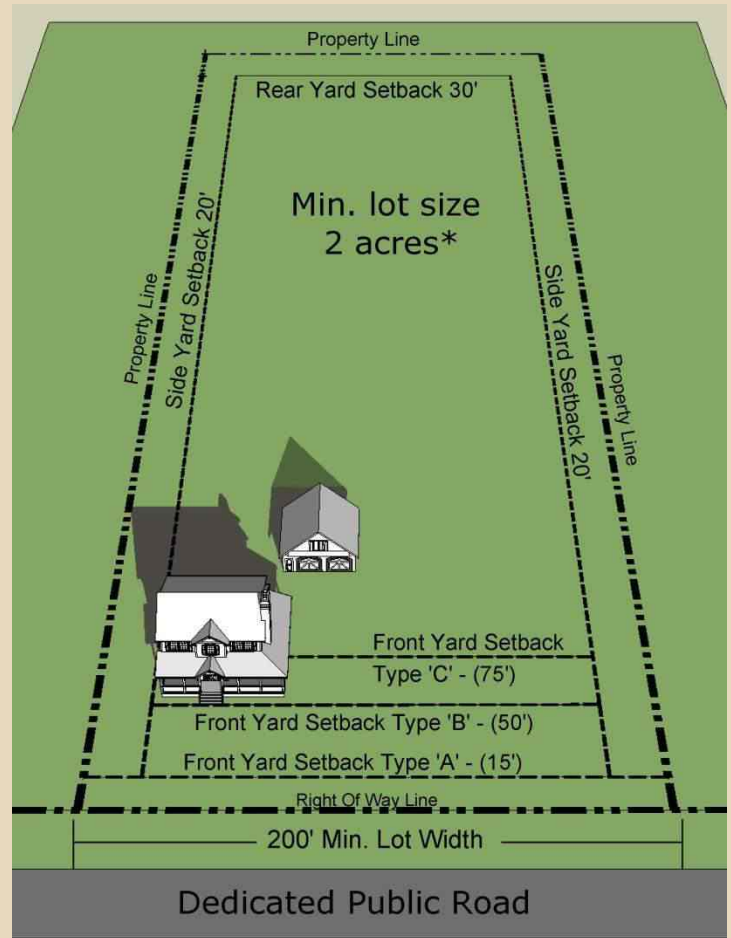


Figure 425.01: Lot size and setback diagram for the RU District

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

6. Rear Yard Setbacks

The minimum rear yard setback for all buildings and structures in the RU District shall be 30 feet.

7. Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered parts of the building or structure to which it is attached and shall not project into the required minimum front, side or rear yard.

8. Driveways and parking areas

Driveways and parking areas for any residential use, or any other permitted, accessory, or approved conditional use, shall not be permitted within any side or rear yard setback within the RU District. Except as noted herein, parking areas for any permitted use or approved conditional or accessory use shall not be located within the front yard setback of any property within the RU district.

425.05 Building and Site Development Standards

The following standards shall apply to the development of all permitted uses and structures, accessory uses and structures, and approved conditional uses and structures within the RU District:

2. Minimum and Maximum Square Footages

- a) Residential Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – Single family dwellings in the RU District shall provide a minimum of 1,200 square feet of floor area for a single story dwelling and a minimum of 1,600 square feet of floor area for a split-level or multi-story dwelling. Floor area shall be measured as defined in Chapter 3.

3. Maximum Building Height

The maximum height of buildings and structures shall be measured as defined in Section 300 of this Resolution and shall meet the requirements listed below:

- a) Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – The maximum building height for single family dwellings in the RU District shall be 35 feet.
- c) All Other Permitted Uses and Approved Conditional Uses – The maximum building height for all other permitted uses and approved Conditional Uses shall be 35 feet.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

4. Residential Building Standards

The following standards apply to all single-family dwellings within the RU District:

- a) Mobile Homes, Travel Trailers, or Park Trailers— The use of a Mobile Home, Travel Trailer, or Park Trailer, as defined by ORC 4501.01, is prohibited within the RU District.
- b) Manufactured Home – The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted within the RU District provided that the home meets all applicable residential building code standards, is installed on a permanent foundation, and meets all minimum floor area requirements.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

430 Low Density Residential District (LDR)

The purpose and Intent of the Low Density Residential (LDR) District is to provide areas for larger lot, lower density residential uses and / or estate lots that may or may not have access to centralized sewer services as outlined in the Jerome Township Comprehensive Plan. The Low Density Residential (LDR) District will provide a transition between Agricultural and Rural Residential uses and more urbanized areas. This district supersedes the R-1 Low Density Residential District in existence prior to the enactment of this Resolution.

430.01 Permitted uses

Within the LDR District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. One single-family detached dwelling per lot
2. Limited Home Occupations subject to the requirements of section 635 of this Resolution.
3. 6111 – Elementary and Secondary Schools
4. 813110 Church or other places of religious worship
5. 922160 – Fire Protection Services
6. Community and Public Parks, playgrounds and sports fields

430.02 Accessory Uses and Structures

Accessory buildings or structures normally associated with single family residential use including detached garages, tool or garden sheds, playhouses and swimming pools subject to the requirements of section 645 of this Resolution.

430.03 Conditional Uses

The following uses may be permitted as Conditional Uses in the LDR District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

1. 921140 – Executive and Legislative Offices
2. Telecommunications towers subject to the requirements of Section 655 of this Resolution.
3. Expanded Home Occupation subject to the requirements of Section 635 of this Resolution.
4. Accessory Apartment (Granny Flat), subject to the requirements of Section 645 of this Resolution.
5. Small Wind Projects (less than 5 mw) subject to the requirements of Section 650 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

430.04 Lot Size and Yard Setback Standards

The following lot size and yard setback standards shall apply to all lots in the LDR District:

1. Minimum Lot Size

The minimum lot size for parcels having access to public sewer and water services shall be one half (½) acre. Without access to public sewer and water the minimum lot size shall be 2 acres, or such larger size as determined necessary by the Union County Health Department. In addition, the minimum lot size for all permitted and conditional uses shall be adequate to allow for the development of the lot in accordance with the applicable development standards of the LDR District and this Resolution.

2. Minimum Lot Frontage

All lots in the LDR District shall provide a minimum of 120 feet of continuous frontage as defined in Chapter 3 of this Resolution. Lot frontage on a curved road or a cul-de-sac may be reduced to 80 feet provided that a minimum width of 120 feet shall be maintained at the front yard setback line.

3. Flag Lots

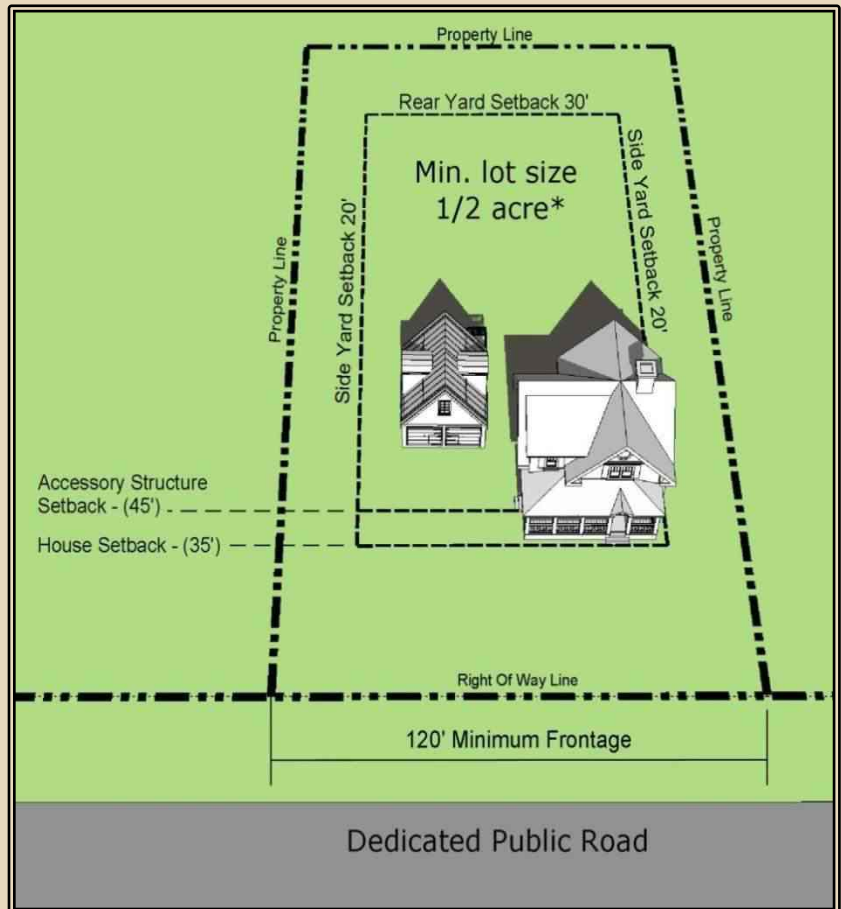
Flag lots are not permitted within the LDR District.

4. Front Yard Setbacks

All front yard setbacks, as defined in Section 300, shall be measured from the right of way of the dedicated public road. Front yard setbacks for the LDR District shall be as follows:

- Single Family Dwellings - The front yard setback for single family dwellings shall be 35 feet.
- The front yard setback for all other buildings or structures supporting a permitted, conditional, or accessory use of the property shall be 45'.

Note: In the LDR District it shall be prohibited to construct any detached garage or residential accessory structure closer to the public road than the principal dwelling.



Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

5. Side yard Setbacks

The minimum side yard setback for all buildings and structures in the LDR District shall be 20 feet.

6. Rear Yard Setbacks

The minimum rear yard setback for all buildings and structures in the LDR District shall be 30 feet.

7. Architectural Projections

Open Structures such as porches, canopies, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered parts of the building or structure to which it is attached and shall not project into the required minimum front, side or rear yard.

8. Driveways and parking areas

Driveways and parking areas for any residential use, or any other permitted, accessory, or approved conditional use, shall not be permitted within any side or rear yard setback within the LDR District. Except as noted herein, parking areas for any permitted use or approved conditional or accessory use shall not be located within the front yard setback of any property within the LDR district.

430.05 Building and Site Development Standards

The following standards shall apply to the development of all permitted uses and structures, accessory uses and structures, and approved conditional uses and structures within the LDR District:

1. Minimum and Maximum Square Footages

- a) Residential Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – Single family dwellings in the LDR District shall provide a minimum of 1,200 square feet of floor area for a single story dwelling and a minimum of 1,600 square feet of floor area for a split-level or multi-story dwelling. Floor area shall be measured as defined in Chapter 3.

2. Maximum Building Height

The maximum height of buildings and structures shall be measured as defined in Section 300 of this Resolution and shall meet the requirements listed below:

- a) Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – The maximum building height for single family dwellings in the LDR District shall be 35 feet.
- c) All Other Permitted Uses and Approved Conditional Uses – The maximum building height for all other permitted and approved conditional uses shall be 35 feet.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

3. Residential Building Standards

The following standards shall apply to all single-family dwellings within the LDR District:

- a) Mobile Homes, Travel Trailers, or Park Trailers– The use of a Mobile Home, Travel Trailer, or Park Trailer, as defined by ORC 4501.01, is prohibited within the LDR District.
- b) Manufactured Home – The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted within the LDR District provided that the home meets all applicable residential building code standards, is installed on a permanent foundation, and meets all minimum floor area requirements.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

435 Medium Density Residential District (MDR)

The Purpose and intent of the Medium Density Residential (MDR) District is to provide opportunity to develop single-family residential lots at more traditional suburban densities where appropriate, as defined by the Jerome Township Comprehensive Plan. Because of the smaller lot sizes allowed these properties are required to be served by centralized sewer and water services and will provide a transition between more intense commercial uses and lower density residential or agricultural uses. This district supersedes the R-2 Medium Density Residential District in existence prior to the enactment of this Resolution.

435.01 Permitted uses

Within the MDR District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. One single-family detached dwelling per lot.
2. Limited Home Occupations subject to the requirements of Section 635 of this Resolution.
3. 6111 – Elementary and Secondary Schools
4. 813110 Church or other places of religious worship
5. 922160 – Fire Protection Services
6. Community and Public Parks, playgrounds and sports fields.

435.02 Accessory Uses and Structures

Accessory buildings or structures normally associated with single family residential use including detached garages, tool or garden sheds, playhouses and swimming pools subject to the requirements of Section 645 of this Resolution.

435.03 Conditional Uses

The following uses may be permitted as Conditional Uses in the MDR District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

1. 623110 Nursing Care Facilities.
2. 623312 Assisted Living Facilities for the Elderly.
3. 921140 – Executive and Legislative Offices
4. Telecommunications towers subject to the requirements of Section 655 of this Resolution.
5. Expanded Home Occupation subject to the requirements of Section 635 of this Resolution.
6. Accessory Apartment (Granny Flat), subject to the requirements of Section 645 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

435.04 Lot Size and Yard Setback Standards

The following lot size and yard setback standards shall apply to all lots in the MDR District:

1. Minimum Lot Size

The minimum lot size for parcels in the MDR District shall be 12,000 Square Feet. In addition, the minimum lot size for all permitted and conditional uses shall be adequate to allow for the development of the lot in accordance with the applicable development standards of the MDR District and this Resolution.

2. Minimum Lot Frontage

All lots within the MDR District shall provide a minimum of 80 feet of continuous frontage as defined within Chapter 3 of this Resolution. Lot frontage on a curved road or a cul-de-sac may be reduced to a minimum of 65 feet provided that a minimum lot width of 80 feet shall be maintained at the front yard setback line. Corner lots having frontage on two public roads shall provide a minimum lot width of 90 feet.

3. Flag Lots

Flag Lots are not permitted within the MDR District.

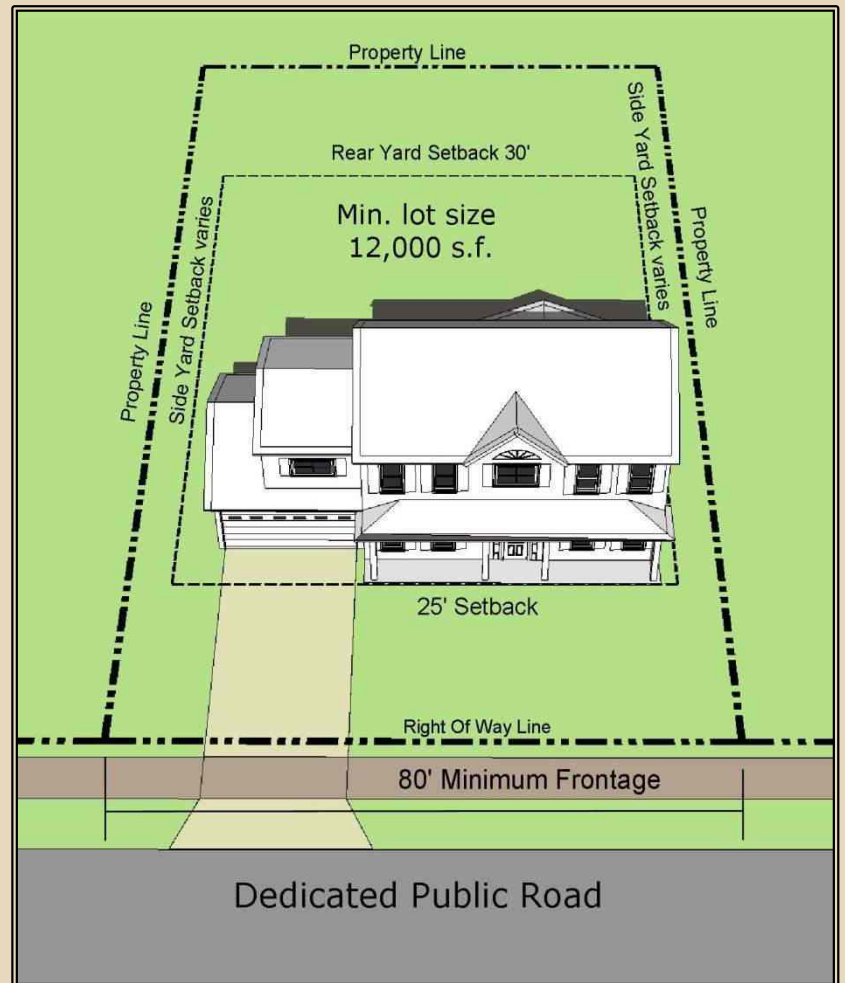
4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be measured from the right of way of the dedicated public road. The minimum front yard setback for all buildings and structures in the MDR District shall be 25 feet.

5. Side yard Setbacks

The minimum side yard setbacks for all buildings and structures in the MDR District shall be as follows:

- For lots having a width of less than 90 feet the minimum side yard setback shall be 6 feet.
- For lots having a width of 90 feet or greater, but less than 100 feet the minimum side yard setback shall be 8 feet.
- For lots having a width of 100 feet or greater the minimum side yard setback shall be 10 feet.



Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- d) For residences with side loaded garages the driveway shall be permitted to extend into the side yard a maximum of 4 feet. For residences with forward facing garages the driveway shall meet all side yard setbacks.

6. Rear Yard Setbacks

The minimum rear yard setback for all buildings and structures in the MDR District shall be 30 feet.

7. Architectural Projections

Open Structures such as porches, canopies, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered parts of the building or structure to which it is attached and shall not project into the required minimum front, side or rear yard.

8. Driveways and parking areas

Driveways and parking areas for any residential use, or any other permitted, accessory, or approved conditional use, shall not be permitted within any side or rear yard setback within the MDR District except as permitted by Section 435.04 (5)(d). Except as noted herein, parking areas for any permitted use or approved conditional or accessory use shall not be located within the front yard setback of any property within the MDR district.

435.05 Building and Site Development Standards

The following standards shall apply to the development of all permitted uses and accessory uses and structures within the MDR District:

1. Minimum and Maximum Square Footages

- a) Residential Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – Single family dwellings in the MDR District shall provide a minimum of 1,200 square feet of floor area for a single story dwelling and a minimum of 1,600 square feet of floor area for a split-level or multi-story dwelling. Floor area shall be measured as defined in Chapter 3 of this Resolution.

2. Maximum Building Height

The maximum height of buildings and structures shall be measured as defined in Section 300 of this Resolution and shall meet the requirements listed below:

- a) Accessory Structures – See Section 645 for regulations concerning accessory structures.
- b) Single Family Dwellings – The maximum building height for single family dwellings in the MDR District shall be 35 feet.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- c) All Other Permitted Uses and Approved Conditional Uses – The maximum building height for all other permitted uses and approved Conditional Uses shall be 35 feet.

3. Residential Building Standards

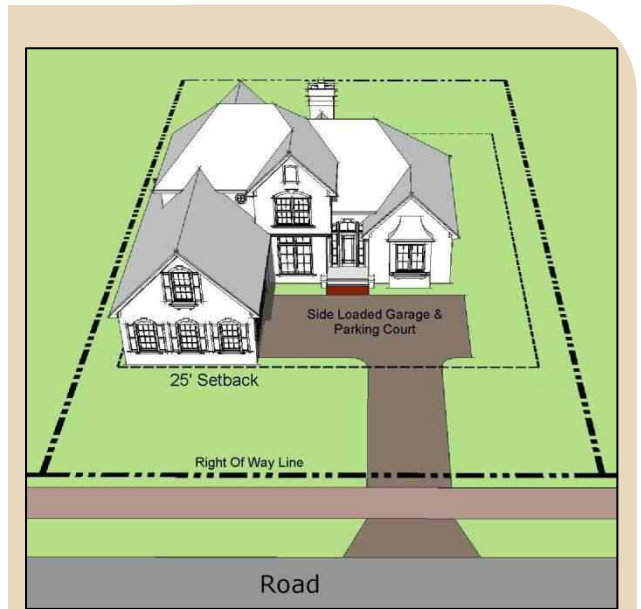
The following standards apply to all single-family dwellings within the MDR District:

- a) Mobile Homes, Travel Trailers, or Park Trailers– The use of a Mobile Home, Travel Trailer, or Park Trailer, as defined by ORC 4501.01, is prohibited within the MDR District.
- b) Manufactured Home – The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted within the MDR District provided that the home meets all applicable residential building code standards, is installed on a permanent foundation, and meets all minimum floor area requirements.
- c) Attached Garages – The follow standards apply to all single family dwellings with attached garages.
 - (i) The face of all front-loaded garages shall be set back from the face of the principal residence a minimum of 2 feet in the case of 1 and 2 car garages. 3 car front-loaded garages are permitted on lots 90 feet and larger provided the third garage bay is set back a minimum of an additional 2 feet from the first two garage bays
 - (ii) Side-loaded garages are permitted to extend past the front of the principal residence to create a front parking court provided that the elevation of the garage facing the street is treated with windows and the garage meets the front yard setback for the District.

4. Platted Residential Subdivisions

The following standards shall apply to all new platted subdivisions having 20 or more lots within the MDR District.

- a) Architectural Diversity – In the Medium Density Residential District a single-family dwelling with the same or similar front elevation shall not be repeated within 4 houses on the same side of the street and within 2 houses in either direction of the house on the opposite side of the street. The builder is permitted to construct homes that use an identical elevation, but use a different main exterior material or main exterior color, provided that the homes shall be separated by at least 2 homes of a different elevation on the same side of the street and by at least 1 home in either direction of the house on the opposite side of the street.



Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- b) Open Space – the developer of any platted subdivision within the Medium Density Residential District shall dedicate a minimum of 10% of the gross acreage of the property to permanent open space to be used by the residents of the development.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

440 Office / Research / Medical District (ORM)

The purpose of the Office/ Research/Medical (ORM) District is to provide opportunities for higher density corporate offices or lower density professional, research and medical uses as identified by the Jerome Township Comprehensive Plan. These uses provide employment, economic development, and community access to professional services and are typically located in areas easily accessed by commuters and close to support type uses. This district supersedes the B-11 Professional Services District in existence prior to the enactment of this resolution.

In this district hours of operation are typically limited to normal business hours and do not include overnight operations.

Developments can be planned with individual buildings on single sites, or as part of a campus development, and provide a good transition between higher intensity retail uses and residential Districts.

Appropriate sites include areas where access to busier streets is available, where higher density retail uses or lower density residential uses are not appropriate and access to services and restaurants is available.

440.01 Permitted Uses

Within the ORM District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 511 – Publishing Industries
2. 517 – Telecommunications
3. 518 - Data Processing, Hosting, and Related Services
4. 519 - Other Information Services
5. 522 – Credit Intermediation and Related Activities
6. 523 – Securities, Commodity Contracts, and other Financial Investments and Related Activities
7. 524 – Insurance Carriers and Related Activities
8. 525 – funds, Trusts, and other Financial Vehicles
9. 531 – Real Estate, all with the exception of the following uses which are prohibited:
 - a) 53113 – Lessors of Mini-warehouses and Self Storage Units
10. 533 – Lessors of Nonfinancial Intangible Assets
11. 54 – Professional, Scientific, and Technical services, all with the exception of the following uses:
 - a) 54185 – Outdoor Advertising
 - b) 54186 – Direct Mail Advertising
 - c) 54187 – Advertising Material Distribution Services
 - d) 54189 – Other Services Relating to Advertising
 - e) 54192 – Photographic Services
 - f) 54194 – Veterinary Services
12. 55 – Management of Companies and Enterprises (all)
13. 5611 – Office Administrative Services
14. 5613 – Employment Services
15. 5614 – Business Support Services with the exception of

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) 561491 – repossession services
- 16. 561492 – Court Reporting and Stenotype Services
- 17. 5615 – Travel Arrangement and Reservation Services
- 18. 621 – Ambulatory Health Care Service, All with the exception of the following:
 - a) 62191 – Ambulance Services
- 19. 622 – Hospitals
- 20. 71132 – Promoters of Performing Arts, Sports, and Similar Events Without Facilities
- 21. 7114 – Agents and Managers for Artists, Athletes, Entertainers, and other Public Figures
- 22. 813110 Church or other places of religious worship
- 23. 8132 – Grant making and Giving Services
- 24. 8133 – Social Advocacy Organizations
- 25. 8134 – Civic and Social Organizations
- 26. 8139 – Business, Professional, Labor, Political, and Similar Organizations
- 27. 92 – Public Administration, all except for the following:
 - a) 92214 – Correctional Institutions
 - b) 92215 – Parole Offices and Probation Offices

440.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the ORM District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

- 1. 51211 – Motion Picture and Video Production
- 2. 51219 – Postproduction Services and Other Motion Picture and Video Industries
- 3. 51222 – Integrated Record Production /Distribution
- 4. 51224 – Sound Recording Studios
- 5. 5151 – Radio and Television Broadcasting
- 6. 5152 – Cable and Other Subscription Programming
- 7. 54192 – Photographic Services
- 8. 54194 – Veterinary Services
- 9. 6112 – Junior Colleges
- 10. 6113 – Colleges, Universities and Professional Schools
- 11. 6114 – Business Schools and Computer and Management Training
- 12. 61161 – Fine Arts Schools
- 13. 61163 – Language Schools
- 14. 611691 – Exam Preparation and Tutoring
- 15. 6117 – Educational Support Services
- 16. 6241 – Individual and Family Services (non-residential facilities only)
- 17. 6243 – Vocational Rehabilitation Services
- 18. 6244 Child Day Care Services

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

19. 922 – Justice, Public Order, and Safety Activities with the exception of:
- a) 92214 – Correctional Institutions
 - b) 92215 – Parole Offices and Probation Offices

440.03 Lot Size and Yard Setback Standards

The following lot size and yard setback standards shall apply to all lots within the ORM District:

1. Minimum Lot Size

All lots and outparcels within the ORM District shall be a minimum of 1.5 acre in size, or such larger size as necessary to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

2. Minimum Lot Frontage

The minimum lot frontage for all lots in the ORM District shall be determined based upon the functional classification of the roadway upon which the property fronts. Functional roadway classifications shall be those determined by the Union County Engineer. All driveway locations and driveway spacing shall meet the current requirements of the Union County Engineer at the time of construction. The following minimum lot frontages shall apply:

Fig. 440.03 Lot Frontage Requirements for the ORM District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA	Lots with SDA
Cul-De-Sac or Loop	150 feet	150 feet
Local Road	200 feet	150 feet
Minor Collector Road	300 feet	200 feet
Major Collector Road	400 feet	250 feet
Minor Arterial Road	600 feet	250 feet
Major Arterial Road	No Access	No Access
* Lots having a Shared Driveway Access (SDA) with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		

3. Maximum Lot Coverage

The total ground area occupied by all buildings and structures shall not exceed a maximum of 35 percent of the total area of the lot.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be determined based upon the functional classification of the public roadway upon which the property fronts and shall be measured from the right of way of said public road. The functional roadway classification shall be those determined by the Union County Engineer. The minimum front yard setbacks for the ORM District shall be as follows:

Fig. 440.031 Front Setback Requirements for the ORM District

Road / Street Classification	Minimum Front Setbacks For:	
	All Buildings / Structures	Parking and Circulation
Cul-De-Sac or Loop	40 feet	20 feet
Local Road	40 feet	20 feet
Minor Collector Road	40 feet	20 feet
Major Collector Road	50 feet	30 feet
Minor Arterial Road	60 feet	40 feet
Major Arterial Road	n/a	n/a

5. Side yard Setbacks

The side yard setbacks in the ORM District shall be as follows:

- a) When any lot in the ORM District adjoins any lot less than 5 acres in size zoned in any residential district, or where the side lot line exists within 100 feet of any residential structure, the minimum side yard setbacks shall be:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 30 feet for any loading, delivery, and service areas.
 - (iii) 50 feet for all buildings and structures.
- b) For all other lots in the ORM District the side yard setbacks shall be:
 - (i) 10 feet for all parking and vehicular circulation areas.
 - (ii) 20 feet for any loading, delivery, and service areas.
 - (iii) 20 feet for all buildings and structures.

6. Rear Yard Setbacks

The minimum rear yard setbacks in the ORM District shall be as follows:

- a) When any lot in the ORM District adjoins any lot less than 5 acres in size zoned in any residential district, or where the rear lot line exists within 100 feet of any residential structure, the minimum rear yard setbacks shall be:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 50 feet for all buildings, structures, loading, delivery, and service areas.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- b) For all other lots in the ORM District the minimum rear yard setbacks shall be 20' for all buildings, structures, parking, vehicular circulation and loading, delivery, and service areas.

440.04 Building and Development Standards

The following standards shall apply to the development of all permitted uses and structures, accessory uses and structures, and approved conditional uses and structures within the ORM District:

1. Building Construction

All uses within the ORM District shall be housed in permanent structures constructed on solid foundations meeting all applicable regulations for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed and clad with conventional building materials of a quality equal to or better than buildings in the surrounding area. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent use shall be prohibited.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the Township Zoning Inspector, which permit shall be valid for a period of 6 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

3. Building Height

The maximum height of all structures in the ORM District shall be 50 feet, measured as defined in Section 300 of this Resolution.

4. Building Design and Orientation on the Lot

The following standards apply to the construction of all buildings within the ORM District:

- a) Main Entries – All buildings within the ORM District shall be designed and located on the lot so that the main entrance to the building is visible from the street on which the lot fronts. In an office park, where more than one building are served by an internal roadway network, the main entry of individual buildings are permitted to front the interior circulation drive. The main entrance of each building, or to individual tenants of a multi-tenant building, shall be clearly delineated from

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

the rest of the building through the use of architectural projections, a change in architectural design, a change in building materials, awnings, canopies or other such architectural features.

- b) Blank Walls – Large expanses of flat, featureless, exterior wall shall not be permitted on any building elevation within the ORM District. Buildings shall be designed so that, at a minimum, exterior walls are varied through the use of windows, changes in building mass, changes in building materials, landscaping, or a combination of the above. For any use where the side or rear of a building is visible to US 33, SR 42, or Industrial Parkway those elevations visible shall be treated in a similar fashion to the main façade and shall not appear as an obvious side or rear elevation.
- c) Loading Docks and Loading areas – Loading Docks and loading areas shall not be permitted on the side of the building that faces the public right-of-way. Buildings shall be designed and located on the lot so that loading docks and loading areas are at the side or rear of the building.
- d) Building materials – Buildings in the ORM District shall be designed and constructed using similar exterior materials on all four sides of the building.
- e) Roofs – Sloped, mansard, and flat roof systems shall be permitted in the ORM district with the following requirements:
 - (i) Flat roof systems shall be selected by the architect or builder to minimize maintenance concerns and for longevity of service.
- f) Rooftop Mechanical Equipment - To minimize the visual impact on adjacent uses and roadways, rooftop mechanical equipment shall be screened from view on all sides through the use of parapet walls, mansard roofs or special enclosures designed to be harmonious with the building. Simple fence enclosures are not permitted on building roofs for any purpose. To avoid the appearance of multiple roof top screens, mechanical units shall be congregated in one location as permissible within the design of an efficient mechanical system. The following exceptions apply to the screening of rooftop mechanical equipment:
 - (i) Wind turbines and solar panels specifically designed for rooftop use may be excluded from the screening requirements provided the owner can demonstrate that the screening of the proposed equipment will interfere with the intended operation or efficiency of the equipment.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

440.05 Loading, Delivery, and Service Areas

Loading, delivery, and service areas within the ORM District shall meet the following standards:

1. Outdoor Storage

With the exception of emergency power generation equipment and heating/cooling equipment, the outdoor storage of materials or equipment shall be prohibited in the ORM District.

2. Screening

All loading, delivery, and service areas in the ORM District shall be screened from view in accordance with the following standards:

- a) Buffering from Non-Residential Uses – Service and delivery areas, overhead doors, and loading docks, if required, shall be buffered from adjacent non-residential uses by a combination of a 2' mound and the installation of evergreen trees and/or shrubbery of a type and variety normally achieving a minimum of 5 feet in height within 3 years of planting. Evergreen trees and/or shrubbery shall be planted in such a way as to provide a minimum of a 75 percent opacity screen between the service area and/or loading dock and the adjacent use similar to buffer type 'F' in appendix 1. Walls and fences may be used for the purposes of buffering service areas and/or loading docks provided that such walls and fences meet the requirements of section XXX and do not contain any advertising.
- b) Screening from Adjacent Residential Uses, Industrial Parkway, State Route 42, and State Route 33 – All sides of any service areas and/or loading docks that are visible to adjacent residential uses or lots, Industrial Parkway, State Route 42, and State Route 33 shall be entirely screened from view through the use of one of the following:
 - (i) A combination of a 2' mound and completely opaque walls or fences, in accordance with section XXX of this Resolution, to a height necessary for screening the proposed use but not less than 6 feet and not exceeding 12 feet in height similar to buffer type 'A' in appendix 1.
 - (ii) Loading docks may be screened from view by an extension of a building wall provided that the wall is constructed of materials similar to and harmonious with the design of the principal structure.
 - (iii) A combination of a 3' mound and evergreen shrubbery to obtain 100 percent screening of the area, to a minimum of 6 feet in height, within 3 years after planting similar to buffer type 'E' in Appendix 1.
 - (iv) A continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting, and staggered or spaced to achieve 100 percent screening of the area

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

within 3 years of planting similar to buffer type 'B' in Appendix 1.

- (v) Any combination of the above.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the ORM District all dumpsters, compactors, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and all other similar building service and mechanical equipment shall be screened from view on all sides by the proposed structure and/or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use and shall meet the requirements of Section 625.
- d) Maintenance of Materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

440.06 Off-Street Parking

Off-street parking for all uses in the ORM District shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of Section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the ORM District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610.

2. Parking Lot Landscaping

All uses in the ORM District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 Shade Tree per every 10 parking spaces. Shade trees shall be installed in the center of the required landscape islands to avoid damage. Shade Trees shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily, and shall be a minimum of two inches in caliper at the time of installation.

440.07 Landscaping

All uses within the ORM District shall be landscaped in accordance with section 620 of this Resolution.

440.08 Signage

Signs identifying or advertising uses within the ORM District shall be in strict compliance with Section 615 of this Resolution and with the following standards:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

1. Number and Type of Signs Permitted in the ORM District

For all uses and lots within the ORM District the total amount of signage permitted shall be as follows:

- a) Single Uses on Individual Lots – Single uses on individual parcels shall be permitted one ground mounted monument sign or one building mounted wall sign. Buildings on corner lots having at least 200 feet of frontage on both public rights-of-way shall be permitted either one monument sign or one wall sign along each right-of-way.
- b) Office Park – Office parks having more than one building constructed along an interior roadway shall be permitted one ground mounted monument sign advertising the name of the development at the entrance to the development and one wall mounted sign at each building with the address of the building and the individual building tenant. Wall mounted signs for individual tenants shall be oriented toward the interior roadway serving the development.
- c) Freeway Oriented Office Buildings – Corporate and professional offices, and hospitals and/or clinics located adjacent to State Route 33, and having 2 or more stories, shall be permitted one building mounted wall sign along the State Route 33 frontage and one ground mounted monument sign along the right-of-way which provides access to the property.

2. Monument Signs

All monument signs within the ORM District shall comply with the requirements of Section 615 and the following standards:

- a) Height – Monument signs in the ORM District shall not exceed a total of 6 feet in height including the sign, sign base or support columns.
- b) Location – Monument signs in the ORM District shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not interfere with the Clear Vision Triangle of intersections or driveways. When two monument signs are permitted in the case of a corner lot, each sign shall be installed on a separate road frontage. There shall be no less than 200 feet between the two signs and no less than 50 feet between any one sign and the intersection of the two rights of ways.
- c) Display Area – The total display area of all signage surfaces shall not exceed 64 square feet as defined by Section 615 of this Resolution.
- d) Landscaped area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

3. Wall signs

All wall signs within the ORM District shall comply with the requirements of Section 615 and the following standards:

- a) Installation – Wall signs shall be installed and mounted in accordance with Section 615.
- b) Display area - The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed 75% of the length of the side of the building to which the sign(s) is/are attached. The total display area (as defined in Section 615) shall not exceed 10% of the total area of the side of the building to which the sign is being attached up to a total sign area of 200 square feet. In no case shall a wall sign in the ORM District exceed 200 square feet.
- c) Location – Wall signs shall be located on or along the wall of the building which faces the public right-of-way or parking lot, and shall not project above the eaves of a sloped roof or the parapets of a flat roof. When a building on a corner lot is permitted to have two wall signs, each sign shall be mounted on a separate building frontage facing the public right-of-way and shall be a minimum of 30 feet apart.

440.09 Lighting

All exterior lighting within the ORM District shall strictly adhere to the requirements of Section 630 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the ORM District shall not exceed a maximum height of 24 feet established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445 Commerce District (COM)

The purpose and intent of the Commerce District is to provide opportunities for business uses consisting of warehouse and distribution, flex offices, commercial services, and light industry as identified in the Flex Office / Light Industrial section of the Jerome Township Comprehensive Plan and to provide standards for the development of such uses that protect the value of adjacent properties and promote the desired character of the area as defined by the Jerome Township Comprehensive plan. This district supersedes the B-15 Wholesale and Heavy Retail District, M-1 Manufacturing District, and M-2 Heavy Manufacturing District in existence prior to the enactment of this resolution.

The uses permitted in this district are appropriate for industrial corridors and major and minor arterials where access to interchanges, well designed roads and trucking or shipping routes are available to move goods and services. Manufacturing and industrial uses in this area will be smaller, more specialized operations which are not intrusive by way of noise, dust, odor, vibration or present a danger to surrounding uses. Commerce District uses are more intense land uses that provide employment opportunities and economic development and should be buffered from residential uses.

445.01 Permitted Uses

Within the COM District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 236 – Construction of buildings
2. 238 – All Specialty Trade Contractors with the exception of:
 - a) 23811 - Poured Concrete Foundation and Structure Contractors
 - b) 23812 - Structural Steel and Precast Concrete Contractors
 - c) 23891 - Site Preparation Contractors
3. 323 – Printing and Related Support Activities
4. 32616 – Plastic bottle manufacturing
5. 327215 - Glass Product Manufacturing made of purchased glass
6. 33243 - Metal Can, Box, and Other Metal Container (Light Gauge) Manufacturing
7. 3325 – Hardware Manufacturing
8. 3326 – Spring and Wire product Manufacturing
9. 3327 – Machine Shops; Turned Product; and Screw, Nut and Bolt Manufacturing.
10. 3329 - Other Fabricated Metal Product Manufacturing with the exception of:
 - a) 332992 Small Arms Ammunition Manufacturing
 - b) 332993 Ammunition (except Small Arms) Manufacturing
 - c) 332994 – Small Arms, Ordnance, and Ordnance Accessories Manufacturing
11. 334 – Computer and Electronic Product Manufacturing

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

12. 335 – Electrical Equipment, Appliance, and Component Manufacturing with the exception of:
 - a) 33591 – Battery Manufacturing
13. 3363 – Motor Vehicle Parts Manufacturing less than 100,000 square feet.
14. 3364 - Aerospace Product and Parts Manufacturing less than less than 100,000 square feet.
15. 336991 - Motorcycle, Bicycle, and Parts Manufacturing less than 100,000 square feet.
16. 339 – Miscellaneous Manufacturing
17. 4232 - Furniture and Home Furnishing Merchant Wholesalers
18. 4234 – Professional and Commercial Equipment and Supplies Merchant Wholesalers
19. 4236 – Electrical and Electronic Goods Merchant Wholesalers
20. 4237 – Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers
21. 42384 – Industrial Supplies Merchant Wholesalers
22. 42385 - Service Establishment Equipment and Supplies Merchant Wholesalers
23. 42386 - Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers
24. 4239 - Miscellaneous Durable Goods Merchant Wholesalers
25. 424 – Merchant Wholesalers, Non-Durable Goods, all with the exception of the following non-permitted uses:
 - a) 42452 – Livestock Merchant Wholesalers
 - b) 4247 – Petroleum and Petroleum Products Merchant Wholesalers
26. 425 – Wholesale Electronic Markets and Agents and Brokers
27. 4413 – Automotive Parts and Accessories Stores
28. 4542 - Vending Machine Operators
29. 484 – Truck Transportation under 25,000 square feet
30. 485 – Transit and Ground Passenger Transportation under 25,000 square feet
31. 487 - Scenic and Sightseeing Transportation
32. 491 – Postal Service
33. 492 – Couriers and Messengers
34. 493 – Warehousing and Storage with the exception of the following uses which are prohibited within the commerce District:
 - a) 493190 Automobile dead storage
 - b) 493190 Bulk petroleum storage
35. 511 – Publishing Industries
36. 512 - Motion Picture and Sound Recording Industries with the exception of:
 - a) 51213 - Motion Picture and Video Exhibition
37. 515 - Broadcasting (except Internet)
38. 517 – Telecommunications
39. 518 – Data Processing, Hosting, and related services

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

40. 519 – Other Information Services
41. 52 – Finance and Insurance
42. 531 – Real Estate with the exception of:
 - a) 53113 - Lessors of Mini-warehouses and Self-Storage Units
43. 532 – Rental and Leasing Services with the exception of:
 - a) 5321 - Automotive Equipment Rental and Leasing
 - b) 5323 – General Rental Centers
 - c) 5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing
44. 533 - Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
45. 54 - Professional, Scientific, and Technical Services
46. 55 - Management of Companies and Enterprises
47. 561 - Administrative and Support Services with the exception of:
 - a) 56173 – Landscaping Services
48. 611 – Educational Services
49. 621 - Ambulatory Health Care Services
50. 622 – Hospitals
51. 624 – Social Assistance with the exception of:
 - a) 62422 – Community Housing Services
 - b) 6244 – Child Day Care Services
52. 711 - Performing Arts, Spectator Sports, and Related Industries with the exception of:
 - a) 711212 – Racetracks
53. 712 - Museums, Historical Sites, and Similar Institutions with the exception of:
 - a) 71213 - Zoos and Botanical Gardens
 - b) 71219 - Nature Parks and Other Similar Institutions
54. 7223 – Special Food Services
55. 811 – Repair and Maintenance
56. 81221 – Funeral Homes and Funeral Services
- 57.
58. 81233 - Linen and Uniform Supply
59. 8129 - Other Personal Services with the exception of:
 - a) 81291 - Pet Care (except Veterinary) Services
60. 81292 – Photofinishing
61. 81293 - Parking Lots and Garages
62. 81299 - All Other Personal Services
63. 813 - Religious, Grantmaking, Civic, Professional, and Similar Organizations
- 92 - Public Administration

445.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the COM District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein:

1. 237 – Heavy and Civil Engineering Construction
2. 23811 - Poured Concrete Foundation and Structure Contractors

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

3. 23812 - Structural Steel and Precast Concrete Contractors
4. 23891 - Site Preparation Contractors
5. 311 – Food Manufacturing less than 25,000 square feet in size with the exception of:
 - a) 3116 – Animal Slaughtering and Processing
 - b) 3117 - Seafood Product Preparation and Packaging
 - c) 311811 – Retail Bakeries
6. 3121 – Beverage manufacturing less than 25,000 square feet in size.
7. 313 – Textile Mills less than 25,000 square feet in size.
8. 314 – Textile Product Mills less than 25,000 square feet in size.
9. 315 – Apparel Manufacturing less than 25,000 square feet in size.
10. 3162 – Footwear Manufacturing less than 25,000 square feet in size.
11. 321911 – Wood Window and Door Manufacturing less than 25,000 square feet in size.
12. 321918 – Other millwork (including flooring) less than 25,000 square feet in size.
13. 3222 – Converted Paper Product Manufacturing less than 25,000 square feet.
14. 3254 - Pharmaceutical and Medicine Manufacturing less than 25,000 square feet.
15. 3261 – Plastics Product Manufacturing less than 25,000 square feet with the exception of:
 - a) 32616 Plastic Bottle Manufacturing.
16. 3271 - Clay Product and Refractory Manufacturing less than 25,000 square feet.
17. 3272 - Glass and Glass Product Manufacturing less than 25,000 square feet.
18. 32733 – Concrete Pipe, Brick, and Block Manufacturing
19. 3274 – Lime and Gypsum Product Manufacturing
20. 3279 – Other Nonmetallic Mineral Product Manufacturing
21. 3312 – Steel Product Manufacturing from Purchased Steel
22. 3321– Forging and Stamping
23. 3322 – Cutlery and Handtool Manufacturing
24. 3323 – Architectural and Structural Metals Manufacturing
25. 3328 – Coating, Engraving, Heat Treating, and Allied Activities
26. 332994 – Small Arms, Ordnance, and Ordnance Accessories Manufacturing except that no live fire and no explosive material is permitted.
27. 333 – Machinery Manufacturing
28. 33621 - Motor Vehicle Body and Trailer Manufacturing
29. 3363 – Motor Vehicle Parts Manufacturing larger than 100,000 square feet.
30. 3364 - Aerospace Product and Parts Manufacturing over 100,000 square feet.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

31. 336991 – Motorcycle, bicycle and parts manufacturing over 100,000 square feet.
32. 337 – Furniture and Related Product Manufacturing less than 25,000 square feet.
33. 42311 - Automobile and Other Motor Vehicle Merchant Wholesalers
34. 42313 - Motor Vehicle Supplies and New Parts Merchant Wholesalers
35. 42313 - Tire and Tube Merchant Wholesalers
36. 4233 – Lumber and Other Construction Materials Merchant Wholesalers
37. 42351 - Metal Service Centers and Other Metal Merchant Wholesalers
38. 42381 - Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers
39. 42382 - Farm and Garden Machinery and Equipment Merchant Wholesalers
40. 4411 - Automobile Dealers
41. 4412 - Other Motor Vehicle Dealers
42. 44419 - Other Building Material Dealers
43. 4442 - Lawn and Garden Equipment and Supplies Stores
44. 44512 - Convenience Stores
45. 447 - Gasoline Stations
46. 4541 - Electronic Shopping and Mail-Order Houses
47. 484 – Truck Transportation over 25,000 square feet
48. 485 – Transit and Ground Passenger Transportation over 25,000 square feet
49. 4884 - Support Activities for Road Transportation except for Motor Vehicle Towing with On-Site storage or impounding of motor vehicles.
50. 4885 - Freight Transportation Arrangement
51. 4889 - Other Support Activities for Transportation
52. 53113 – Lessors of Mini-Warehouses and Self Storage Units
53. 5321 - Automotive Equipment Rental and Leasing
54. 5323 – General Rental Centers
55. 5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing
56. 56173 – Landscaping Services
57. 6244 – Child Day Care Services
58. 71394 - Fitness and Recreational Sports Centers
59. 71395 - Bowling Centers
60. 71399 - All Other Amusement and Recreation Industries
61. 72111 - Hotels (except Casino Hotels) and Motels
62. 7225 - Restaurants and Other Eating Places
63. 81291 Pet Care (except Veterinary) Services (with the exception of outdoor kennels)

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445.03 Lot Size and Yard Setback Standards

The following lot size, frontage requirements, and yard setback standards shall apply to all lots within the COM District:

1. Minimum Lot Size

The minimum lot size for parcels within the COM District shall be as follows:

- a) Lots having access to centralized sewer and water services shall be a minimum of 3/4 acre.
- b) For lots using on-site water and sewer the minimum lot size shall be a minimum of 1 and 1/2 acres, or as required by the Union County Health Department for the proposed use.
- c) All lots within the COM District shall be adequate in size to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

2. Minimum Lot Frontage

The minimum frontage for all lots in the COM District shall be determined based upon the functional classification of the roadway upon which the property fronts. Functional roadway classifications shall be those determined by the Union County Engineer. All driveway locations and driveway spacing shall meet the current requirements of the Union County Engineer at the time of construction. The following minimum requirements shall apply:

Fig. 445.03 Lot Frontage Requirements for the COM District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA	Lots with SDA
Loop or cul-de-sac	150 feet	150 feet
Local Road	200 feet	150 feet
Minor Collector Road	300 feet	200 feet
Major Collector Road	400 feet	250 feet
Minor Arterial Road	600 feet	250 feet
Major Arterial Road	No Access	No Access
* Lots having a Shared Driveway Access (SDA) with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		

3. Maximum Lot Coverage

The total ground area occupied by all buildings and structures shall not exceed a maximum of 45% of the total area of the lot.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be determined based upon the functional classification of the public roadway upon which the property fronts and shall be measured from the right of way of said public road. The functional roadway classification shall be those determined by the Union County Engineer. The minimum front yard setbacks for the

Fig. 445.031 Front Setback Requirements for the COM District

Road / Street Classification	Minimum Front Setbacks For:	
	Principal Buildings / Structures	Parking and Circulation
Cul-De-Sac or Loop	40 feet	20 feet
Local Road	50 feet	20 feet
Minor Collector Road	50 feet	20 feet
Major Collector Road	60 feet	30 feet
Minor Arterial Road	70 feet	40 feet
Major Arterial Road	n/a	n/a

COM District shall be as follows:

5. Side yard Setbacks

The side yard setbacks in the COM District shall be as follows:

- a) When any lot in the COM District adjoins any lot less than 5 acres in size zoned in any residential district the minimum side yard setbacks shall be:
 - (i) 20 feet for all parking and pavement areas.
 - (ii) 40 feet for any outdoor storage or loading and delivery areas.
 - (iii) 40 feet for all buildings and structures.
- b) When any lot in the COM District adjoins any lot in any non-residential district the minimum side yard setbacks shall be:
 - (i) 10 feet for all parking and pavement areas.
 - (ii) 20 feet for any outdoor storage or loading and delivery areas.
 - (iii) 20 feet for all buildings and structures.

6. Rear Yard Setbacks

The minimum rear yard setbacks in the COM District shall be as follows:

- a) When the rear lot line of any lot in the COM District adjoins any lot less than 5 acres in size zoned in any residential district the minimum rear yard setbacks shall be as follows:
 - (i) 60 feet for all buildings and structures, loading and delivery, and outdoor storage areas.
 - (ii) 40 feet for all parking and vehicular circulation areas.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

b) When the rear lot line of any lot in the COM District adjoins any lot in any non-residential district the minimum rear yard setbacks shall be as follows:

- (i) 30 feet for all buildings and structures, loading and delivery, and outdoor storage areas.
- (ii) 20 feet for all parking and vehicular circulation areas.

7. Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

Where a non-residential use abuts any lot line of a residential district the minimum side and rear yard requirements for buildings, loading and delivery areas, and outdoor storage areas may be reduced, at the discretion of the Zoning Inspector, by a maximum of 50% of the total requirement provided that additional landscaping and screening is installed by the owner. Such landscaping shall be designed to completely screen the proposed use from view within a period of 5 years and shall be maintained in good condition for the life of the non-residential use.

445.04 Building and Development Standards

The following standards shall apply to the development of all permitted uses and structures, accessory uses and structures, and approved conditional uses and structures within the COM District:

1. Building construction

All uses within the COM District shall be housed in permanent structures constructed on solid foundations meeting all applicable requirements for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed of conventional building materials of a quality equal to or better than buildings in the immediately surrounding area. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent uses shall be prohibited.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the Township Zoning Inspector, which permit shall be valid for a period of 12 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

3. Building Height

The maximum height of all structures in the COM District shall be 45 feet, measured as defined in Section 300 of this Resolution.

4. Building Design and Orientation on the Lot

The following standards apply to the construction of all buildings within the COM District:

- a) Main Entries – All buildings within the COM District shall be designed and located on the lot so that the main entrance to the building is visible from the street on which the lot fronts. The main entrance to each building shall be clearly delineated from the rest of the building through the use of architectural projections, a change in building materials, awnings, canopies or other such architectural treatments.
- b) Loading Docks and Loading areas – Loading Docks and loading areas shall not be permitted on the sides of the building that fronts the street. Buildings shall be designed and located on the lot so that Loading Docks and loading areas are at the side or rear of the building.
- c) Blank Walls not permitted – For all buildings in the COM District, blank, featureless exterior walls having a length greater than 2 times the height of the wall shall not be permitted. Buildings shall be designed to break up long expanses of exterior wall through the use of windows, doors, architectural projections, changes in materials, landscaping, or a combination of the above.
- d) Building materials – Buildings in the COM District shall be designed and constructed using similar exterior materials on all four sides of the building (except as noted in 445.04 (4)(a) above).
- e) Rooftop Mechanical Equipment - To minimize the visual impact on adjacent uses and roadways, rooftop mechanical equipment shall be screened from view on all sides through the use of parapet walls, mansard roofs or special enclosures designed to be harmonious with the building. Simple fence enclosures are not permitted on building roofs for any purpose. To avoid the appearance of multiple roof top screens, mechanical units shall be congregated in one location as permissible within the design of an efficient mechanical system. The following exceptions apply to the screening of rooftop mechanical equipment:
 - (i) Wind turbines and solar panels specifically designed for rooftop use may be excluded from the screening requirements provided the owner can demonstrate that the screening of the proposed equipment will interfere with the intended operation or efficiency of the equipment.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445.05 Standards for Outdoor Storage Areas

The outdoor storage of materials, equipment and merchandise in the COM District shall meet the following standards:

1. Location

Areas used for the outdoor storage of materials, equipment, and merchandise shall not encroach into any required front, side or rear building setback for the COM District. Outdoor storage and the required perimeter screening shall not be permitted to extend closer to the right-of-way, or both rights-of-ways in the case of corner lots, than the front 1/3 of the side of the primary building perpendicular to the right of way. as shown in Appendix 2.

2. Maximum Lot Area

The maximum lot area devoted to the outdoor storage of materials, equipment and merchandise for all uses shall not exceed 35% of the size of the lot on which the use is located.

3. Height

Materials, equipment and merchandise being stored outdoors shall not exceed a maximum height of 14' from the existing grade to the top of the materials being stored. For the purposes of this definition existing grade shall be defined as the general grade of the lot or area where the materials are being stored and shall not be construed to permit a total of 14' or storage from the top of a mound, ramp or other structure within that lot or area.

4. Materials

The outdoor storage of hazardous, dangerous, flammable or chemical materials or any other materials or equipment that could present a hazard to the health, safety and welfare of the public or provide an attractive nuisance shall be stored according to the following:

- Such materials shall be stored in a secure location within a lockable area.
- Chemicals being stored outdoors shall be in approved containers in good condition and shall meet all applicable requirements of OSHA, OEPA and all other governmental authorities having jurisdiction over such materials.

5. Screening and Buffering

Areas used for the outdoor storage of materials, equipment, and merchandise shall be screened from view in accordance with the following standards:

- Perimeter Screening– Outdoor storage areas shall be entirely screened from view on all sides through the use of the following:

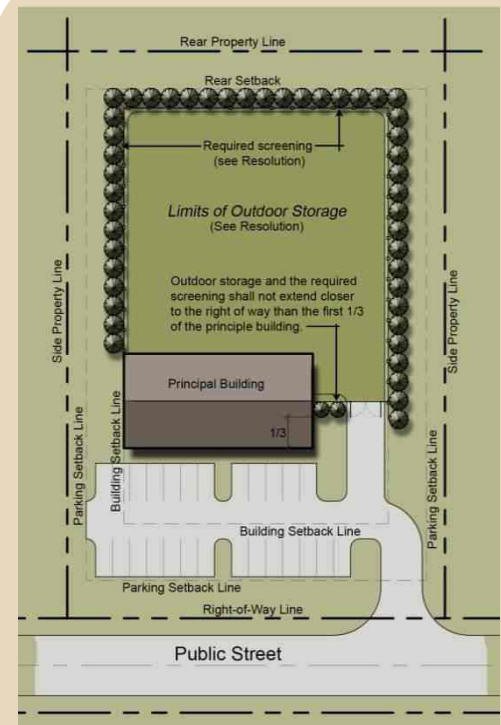


Figure xx – Outdoor storage diagrams
(see section 710 for larger images)

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- (i) A combination of a continuous minimum 3 foot high earthen mound and completely opaque masonry walls, in accordance with section 625 of this Resolution and deciduous shade trees planted at a maximum of 40' on center similar to buffer type 'A' shown in Appendix 1. Said walls shall be a minimum of 7 feet in height and not exceed 12 feet in height, as measured from the top of mound to the top of wall.
- (ii) A combination of a continuous minimum 3 foot high earthen mound and a continuous planting of evergreen trees and deciduous shade trees planted on top of the mound and staggered or spaced to achieve 100% screening of the outdoor storage within 5 years of the time of planting similar to buffer type 'B' shown in Appendix 1. Evergreen trees shall be a minimum of 6 feet in height at the time of planting.

445.06 Outdoor Loading, Delivery and Service Areas

Outdoor loading, delivery, and service areas shall be permitted within the COM District in accordance with the following standards:

1. Size Standards

The following size standards shall apply to all outdoor loading, delivery, and service areas within the COM District:

- a) Loading, Delivery and Service Areas for Warehousing and Distribution uses - For warehousing and distribution uses only, the size of areas dedicated to loading docks, truck circulation, and the loading and delivery of goods and materials shall not exceed 35 percent of the total lot area.
- b) Loading, Delivery and Service areas for all other uses – For all other uses the size of areas dedicated to the loading and delivery of goods and materials and service uses such as dumpsters and compactors shall not exceed 10% of the total lot area.

2. Screening

All outdoor loading, delivery, and service areas shall be screened from view in accordance with the following standards:

- a) Buffering from adjacent COM District uses –Service areas and loading docks shall be buffered from adjacent uses in the COM District by the use of evergreen trees or shrubbery of a type and variety normally achieving a minimum of 5 feet in height within 3 years of planting and deciduous shade trees planted at a minimum 40' on center. Trees or shrubbery shall be planted in such a way as to achieve a minimum of 75 percent screening of the area being screened similar to buffer type 'F' in Appendix 1. Walls may be used for the purposes of buffering adjacent COM District uses provided

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

that such walls and fences meet the requirements of section 625.

- b) Screening from residential uses, Industrial Parkway, State Route 42, and State Route 33 – Any side of any service areas, and loading docks that are visible to adjacent residential lots or uses, Industrial Parkway, and/or State Route 33 shall be entirely screened from view through the use of one or more of the following:
 - (i) Completely opaque walls, in accordance with section 625 of this Resolution, to a height necessary for screening the proposed use but not less than 6 feet and not exceeding 12 feet in height similar to buffer type 'A' in Appendix 1.
 - (ii) Loading docks may be screened from view by an extension of building walls provided that the wall is constructed of materials similar to and harmonious with the design of the principal structure.
 - (iii) A combination of a minimum 3 foot high mound and a continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting. Evergreen trees shall be planted on top of the mound and staggered or spaced to achieve 100% screening of the area within 5 years of planting similar to buffer type 'B' in appendix 1.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the COM District all dumpsters, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and other building mechanical equipment shall be screened from view on all sides by the proposed structure and / or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use and shall meet the requirements of section XXX.
- d) Maintenance of materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

445.07 Off-Street Parking

Off street parking for all uses in the COM District shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of Section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the COM District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

2. Parking Lot Landscaping

All uses in the COM District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 Shade Tree per every 10 dedicated parking spaces. Shade trees shall be installed in the center of the required landscape islands to avoid damage. Shade Trees shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily, and shall be a minimum of two inches in caliper at the time of installation.

445.08 Landscaping

All uses within the COM District shall be landscaped in accordance with Section 620 of this Resolution.

445.09 Signage

Signs identifying or advertising uses within the COM District shall be in strict compliance with Section 615 of this Resolution and with the standards as follows:

1. Number and Type of Signs Permitted in the COM District

All uses within the COM District shall be permitted to have one ground mounted monument sign or one wall sign. Uses on lots having frontage on more than one public right of way, provided that at least 250 feet of frontage exists along each rights of way, shall be entitled one ground sign or one wall sign along each right of way unless otherwise prohibited below. Multi-tenant buildings are permitted one wall or canopy sign per tenant.

2. Monument Signs

All monument signs within the COM District shall comply with the requirements of Section 615 and the following standards:

- a) Height – Monument signs in the COM District shall not exceed a total of 8 feet in height including the sign, sign base or support columns.
- b) Location – Monument signs in the COM District shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not impede the view of traffic from driveways or intersections. When two monument signs are permitted on a corner lot each sign shall be installed on a separate road frontage. There shall be no less than 200 feet between the two signs and no less than 50 feet between any one sign and the intersection of the rights of ways.
- c) Display Area – The total display area of all signage surfaces for a single sided sign shall not exceed 32 square feet and the display area for double sided signs shall not exceed 64 square feet, as defined by Section 615 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- d) Landscaped Area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

3. Wall signs

All wall signs within the COM District shall comply with the requirements of Section 615 and the following standards:

- a) Installation – Wall signs shall be installed and mounted in accordance with Section 615.
- b) Display area - The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed 65% of the length of the side of the building to which the sign(s) is/are attached. The total area of the sign shall not exceed 10 percent of the total area of the wall to which the sign is to be attached up to a total sign area of 125 square feet. In no case shall a wall sign in the COM District exceed 125 square feet.
- c) Location – Wall signs shall be located on or along the wall of the building which faces the street or parking lot and shall not project above the roof line or the cap of parapets of such building whichever is higher. When a building on a corner lot is permitted to have two wall signs, each sign shall be mounted on a separate building frontage and shall be a minimum of 30 feet apart.
- d) Multi-tenant buildings – Multi-tenant buildings are permitted to have one wall sign per tenant mounted above the entry to the space occupied by the tenant and not exceeding 30 square feet of display area per tenant. For all wall signs in a multi-tenant building there shall be uniformity in height between the signs for each tenant and all signs shall be installed at the same height along the face of the building.

445.10 Lighting

All exterior lighting within the COM District shall strictly adhere to the requirements of Section 630 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the COM District shall not exceed a maximum height of 30' established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

445.11 Existing Structures, Existing Uses, Existing Outdoor Storage And Other Existing Conditions

1. Existing Structures and Other Existing Conditions

- a) Where a lawful structure exists at the effective date of this amendment (Dated XXXXXXXX) that does not comply with the requirements of this Resolution because of restrictions such as minimum lot size, minimum lot frontage, front yard setback, side yard setbacks, rear yard setback, height, building design, screening (except for the screening requirements of subsection 3 of this Section), buffering, landscaping, signage and lighting or other requirements related to the structure and other existing conditions, that structure and other existing conditions may be continued as a conforming existing structure as long as it meets the requirements of this Section.
- b) Existing Structures may be extended, enlarged, altered, remodeled or modernized upon finding of the Township Zoning Officer that all of the following conditions are met:
 - (i) That the existing structure meets all height, area, and/or parking and loading provisions that were applicable immediately prior to the rezoning of the property on which it is located and that the new construction meet all the development standards for the Commerce District.
 - (ii) That the enlargement or extension is limited to the same parcel on which the existing structure(s) is located and is owned by the same owner. The enlargement or extension may not exceed 50% of the ground floor area of the existing structure at the time of the adoption of the Resolution.
 - (iii) That the improvement does not interfere with the use of other properties in the vicinity.
- c) Any existing structure that does not have the minimum number of parking or loading areas required by this Resolution, and which thereafter provides additional parking and/or loading spaces in conjunction with an improvement as permitted under the Resolution, shall be required to meet the minimum number of parking spaces or loading areas as required by the Commerce District.
- d) Reconstruction or Movement
 - (i) Should less than 60% of the value of an existing structure exclusive of foundation be destroyed by an act of God, or other action outside the control of the owner/lessee, that existing structure may be reconstructed as it existed prior to the action causing its destruction. The value of the structure shall be based upon its fair market value as defined herein, which may be determined by the Union

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

County Auditors valuation, or an appraisal prepared by a licensed appraiser, on the date the destruction occurred.

- (ii) Any permitted reconstruction shall be started within 12 months of destruction and be continued until completed or the applicant shall comply with the applicable use and development standards of this Resolution.
- (iii) Should the property/building owner or lessee demolish more than 50% of the gross square footage of an existing structure, then all of the improvements on the property must be constructed and/or brought into conformance with the requirements of this Resolution.

2. Existing Uses

The long range implementation of this Resolution requires sensitive treatment of existing uses currently located in the Commerce District and previously located in the M-1 & M-2 Districts. Those businesses/uses represent significant investments in the Township. It is the intent of this section to permit existing uses to continue and to be considered conforming or non-conforming to this Resolution, even if the use is not otherwise permitted in this District, provided that the following requirements are met:

- a) Subject to the provision of paragraph (c) below, a property that is in use immediately prior to the rezoning caused by this Resolution shall continue to be allowed as permitted on the property in addition to the permitted uses applicable in this district, provided that the permitted use under the prior zoning has been operated in an Existing Structure on the property within 24 months prior to the effective date of this Resolution. Such uses shall be known as an "Existing Use." A property with a valid Conditional Use permit issued prior to the effective date of this Resolution shall remain a legal Conditional Use provided that the use continues to meet all of the terms and conditions required with the issuance of the Conditional Use Permit.
- b) In addition to the provisions of paragraph (a), above, any permitted use may be extended throughout any building or parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this Resolution, but the use shall not be extended to occupy any land outside the building except as permitted under the Existing Structures section 1(b) above. Conditional Uses, existing at the effective date of this Resolution, may only be extended in compliance with the terms and conditions outlined in the Conditional Use Permit.
- c) Any use which existed in the Township at the time in October 16, 2008 when the Township repealed Section 549

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

shall be considered an Existing Use and shall be permitted under this District.

d) Abandonment of an Existing Use

(i) If an Existing Use is abandoned for any reason for a period of more than 24 months, any subsequent use shall conform to the requirements of this Resolution. With regard to a multi-tenant building, the term "Existing Use" shall mean all of the existing uses in that building.

(ii) An existing use shall be determined by the Zoning Officer to be abandoned if one or more of the following conditions exist: utilities, such as water, gas and electricity to the property, have been disconnected; the property, buildings, and grounds, have fallen into disrepair; signs or other indications of the presence of the use have been removed; equipment of fixtures necessary for the operation of the use have been removed; other actions, which in the opinion of the Zoning Officer constitute an intention on the part of the property owner or lessee to abandon the use.

e) Existing residential uses at the time of the approval of this resolution shall be permitted.

3. Existing Outdoor Storage

The long range implementation of this resolution requires sensitive treatment of Existing Outdoor Storage facilities in the Commerce District, and previously located in the M-1 & M-2 Districts, that represents significant investments in the Township and restrictions would significantly impact the operations of the businesses. It is the intent of this section to permit Existing Outdoor Storage to continue and to be considered conforming to this Resolution, provided that all of the following requirements are met:

- a) Any property that is actively using Existing Outdoor Storage immediately prior to the effective date of this amendment shall continue to be allowed as permitted so that the lessee/owner can comply with the requirements of Section 445.11(3)(b).
- b) All Outdoor Storage Areas shall comply with the Screening and Buffering requirements of Section 445.05 of this district within 1 year of the effective date of this amendment. Compliance shall be evidenced by the issuance of a Certificate of Zoning Compliance for outdoor storage.

450 Not Used

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

455 Local Retail District (LR)

The purpose and intent of the Local Retail District is to allow retail uses that would draw from residents within a three (3) mile radius of the site and typically include grocery stores, smaller retail uses, and restaurants as identified in the Jerome Township Comprehensive Plan. Local retail uses are typically more oriented to the automobile than the pedestrian and should be adjacent to local thoroughfares and have access to public sewer and water. Local retail anchors are no larger than 75,000 square feet in floor area and are often grouped with smaller “in-line” retail tenants and outparcels. This district supersedes the B-13 Retail Store district in existence prior to the enactment of this resolution.

455.01 Permitted Uses

Within the LR District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 4451 Grocery Stores
2. 4452 Specialty Food Stores
3. 4453 Beer, Wine, and Liquor Stores
4. 44611 Pharmacies and Drug Stores
5. 44612 Cosmetics, Beauty Supplies, and Perfume Stores
6. 446191 Food (Health) Supplement Stores
7. 447 Gasoline Stations
8. 4512 Book Stores and News Dealers
9. 4531 Florists
10. 453220 Gift, Novelty, and Souvenir Stores
11. 453910 Pet and Pet Supplies Stores
12. 453991 Tobacco Stores
13. 5221 Depository Credit Intermediation (commercial and private banks and lending institutions)
14. 53223 Video Tape and Disc Rental
15. 722511 Full-Service Restaurants
16. 722513 Limited-Service Restaurants
17. 8121 – Personal Care Services with the exception of the following uses which are prohibited in the Local Retail District:
 - a) 812199 Baths, steam or Turkish
 - b) 812199 Massage parlors
 - c) 812199 Steam baths
 - d) 812199 Tattoo parlors
 - e) 812199 Turkish bathhouses
18. Drive thru windows
19. 813110 Church or other places of religious worship

455.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the LR District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein:

1. 44131 Automotive Parts and Accessories Stores

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

2. 444120 Paint and Wallpaper Stores
3. 44613 Optical Goods Stores
4. 5242 Agencies, Brokerages, and Other Insurance Related Activities
5. 541213 Tax Preparation Services
6. 541921 Photography Studios, Portrait
7. 811191 Automotive Oil Change and Lubrication Shops
8. 811192 Car Washes

455.03 Lot Size and Yard Setback Standards

The following lot size, frontage requirements, and yard setback standards shall apply to all lots within the LR District:

1. Minimum Lot Size

All lots and outparcels within the LR District shall be a minimum of 1 acre in size or such larger size as necessary to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

2. Maximum square footage

Within the LR District no single use structure, and no individual tenant in a multi-tenant structure, shall exceed a maximum of 75,000 square feet. No single development shall exceed a maximum of 150,000 square feet inclusive of all tenants.

3. Minimum Lot Frontage

The minimum lot frontage for all lots in the LR District shall be determined based upon the functional classification of the roadway upon which the property fronts. Functional roadway classifications shall be those determined by the Union County Engineer. All driveway locations and driveway spacing shall meet the current requirements of the Union County Engineer at the time of construction. The following minimum lot frontages shall apply

Fig. 455.03 Lot Frontage Requirements for the LR District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA	Lots with SDA
Local Road	200 feet	150 feet
Minor Collector Road	300 feet	200 feet
Major Collector Road	400 feet	250 feet
Minor Arterial Road	600 feet	250 feet
Major Arterial Road	No Access	No Access
* Lots sharing a Shared Driveway Access (SDA) with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) **Outparcels** – Where two or more outparcels share a Shared Driveway Access, or where outparcels are accessed from a larger retail center and not the public right of way, the minimum lot frontage of the outparcels may be reduced as shown in Figure 455.03.

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be determined based upon the functional classification of the public roadway upon which the property fronts and shall be measured from the right of way of said dedicated Public Road. The functional roadway classification shall be as determined by the Union County Engineer. The minimum front yard setbacks for the LR District shall be as follows:

Fig. 455.031 Front Setback Requirements for the LR District

Road / Street Classification	Minimum Front Setbacks For:	
	Principal Buildings / Structures	Parking and Circulation
Local Road	40 feet	20 feet
Minor Collector Road	40 feet	20 feet
Major Collector Road	50 feet	30 feet
Minor Arterial Road	60 feet	40 feet
Major Arterial Road	n/a	n/a

5. Side yard Setbacks

The side yard setbacks in the LR District shall be as follows:

- a) When any lot in the LR District adjoins any lot less than 5 acres in size zoned in any residential district, or where the side lot line exists within 250 feet of any residential structure, the minimum side yard setbacks shall be:
- (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 40 feet for any loading, delivery, and service areas.
 - (iii) 40 feet for all buildings and structures.
- b) For all other lots in the LR District the side yard setbacks shall be:
- (i) 10 feet for all parking and vehicular circulation areas. In the case of joint or collective parking lots the setbacks may be reduced to 0 feet as defined in Section 610.
 - (ii) 20 feet for any loading, delivery, and service areas.
 - (iii) 20 feet for all buildings and structures.

6. Rear Yard Setbacks

The minimum rear yard setbacks in the LR District shall be as follows:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) When any lot in the LR District adjoins any lot less than 5 acres in size zoned in any residential district, or where the rear lot line exists within 250 feet of any residential structure, the minimum rear yard setbacks shall be:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 40 feet for all loading, delivery and service areas.
 - (iii) 60 feet for all buildings and structures.
- b) For all other lots in the LR District the rear yard setbacks shall be:
 - (i) 10 feet for all parking and vehicular circulation areas.
 - (ii) 20 feet for all loading, delivery and service areas.
 - (iii) 30 feet for all structures.

7. Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

Where a non-residential use abuts any lot line of a residential district the minimum side and rear yard requirements for buildings, loading and delivery areas, and outdoor storage areas may be reduced, at the discretion of the Zoning Inspector, by a maximum of 50% of the total requirement provided that additional landscaping and screening is installed by the owner. Such landscaping shall be designed to completely screen the proposed use from view within a period of 5 years and shall be maintained in good condition for the life of the non-residential use.

455.04 Building and Development Standards

The following building and development standards shall apply to all uses and lots in the LR District:

1. Building construction

All uses within the LR District shall be housed in permanent structures constructed on solid foundations meeting all applicable regulations for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed and clad with conventional building materials of a quality equal to or better than buildings in the surrounding area. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent use shall be prohibited.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the Township Zoning Inspector, which permit shall be valid for a period of 6 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

3. Building Height

The maximum height of all structures in the LR District shall be 30 feet, measured as defined in Section 300 of this Resolution.

4. Building design and orientation on the Lot

The following standards apply to the construction of all buildings within the LR District:

- a) Blank Walls – Large expanses of flat, featureless, exterior wall shall not be permitted on any front or side building elevation within the LR District. Buildings shall be designed so that, at a minimum, front and side exterior walls are varied through the use of windows, changes in building mass, changes in building materials, or a combination of the above.
- b) Loading Docks and Loading areas – Loading docks and loading areas shall not be permitted on the front of any building or on the side of any building which faces a public right of way.

455.05 Loading, Delivery, and Service Areas

Loading, delivery, and service areas within the LR District shall meet the following standards:

1. Screening

All loading, delivery, and service areas in the LR District shall be screened from view in accordance with the following standards:

- a) Screening from Non-Residential Uses – Service and delivery areas, overhead doors, and loading docks shall be screened from view of adjacent non-residential uses by a combination of a 2' mound and a continuous planting of evergreen trees similar to buffer type 'C' in Appendix 1. Evergreen trees shall be a minimum of 6 feet tall at time of planting and shall be planted in such a way as to provide a minimum of 75 percent opacity screen between the service areas and/or loading docks and the adjacent use at the time of planting. Walls and fences may be used for the purposes of screening service areas and/or loading docks similar to buffer type 'A' in Appendix 1 and shall meet the requirements of Section 625. Walls and screens shall not contain any advertising.
- b) Screening from Adjacent Residential Uses – All sides of any service areas and/or loading docks that are visible to adjacent residential uses shall be entirely screened from view through the use of one of the following:
 - (i) A combination of a 2' mound and completely opaque walls or fences, in accordance with section 625 of this Resolution, to a height necessary for screening the

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

proposed use but not less than 6' and not exceeding 10' in height similar to buffer type 'A' in Appendix 1.

- (ii) A combination of a 2' mound and continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting, and staggered or spaced to achieve 100% screening of the area within 3 years of planting similar to buffer type 'B' in Appendix 1.
- (iii) A combination of the above.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the LR District all dumpsters, compactors, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and all other similar building service and mechanical equipment shall be screened from view on all sides by the proposed structure and/or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use, shall be constructed of materials harmonious to the building, and shall meet the requirements of section 625.
- e) Maintenance of Materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

455.06 Off-Street Parking

Off street parking for all uses in the LR District shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of Section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the LR District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610.

2. Joint or Common Parking

In the LR District outparcels, tenants, and adjacent commercial uses within a retail development are permitted to share a common parking area provided that cross access easements and shared parking agreements are in place. Where such easements and agreements are in place between uses, the parking and pavement setback between those uses may be reduced to 0 feet to accommodate the joint parking use as defined in Section 610.

3. Parking Lot Landscaping

All uses in the LR District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 shade tree per every 10 parking spaces. Shade trees shall be installed in the center of

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

the required landscape islands to avoid damage. Shade trees shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily and shall be a minimum of two inches in caliper at the time of installation. To increase the visibility of multi-tenant “strip” retail tenants in the LR District, the owner or developer may provide 1 shade tree per 20 parking spaces provided that the remaining landscape islands are landscaped with shrubs at a minimum.

455.07 Landscaping

All uses within the LR District shall be landscaped in accordance with section 620 of this Resolution.

455.08 Signage

Signs identifying or advertising uses within the LR District shall be in strict compliance with section 615 of this Resolution and with the standards as follows:

1. Number and Type of Signs Permitted in the LR District

For all uses and lots within the LR District the total amount of signage permitted shall be as follows:

Single Uses on Individual Lots – All single uses within the LR District shall be permitted to have one ground mounted monument sign or one building mounted wall sign. Uses on lots having frontage on more than one public right of way, provided that at least 250 feet of frontage exists along each right of way, shall be entitled one ground sign or one wall sign along each right of way unless otherwise prohibited below.

- a) Multi-tenant Retail Developments – Retail developments having more than one retail tenant shall be permitted one joint identification monument sign advertising the name of the development and one building mounted sign per each retail tenant. Outparcels in such developments shall be permitted one ground mounted monument sign or one building mounted sign.
- b) Gasoline Stations – Gasoline Stations may display signs in addition to the signs allotted for single uses or for outparcels. Such additional signage shall be limited to the following:
 - (i) Price and Grade information – Monument signs for Gasoline Stations may be permitted to display gasoline price and grade information in changeable copy. The total area dedicated to the display of price and grade information may not exceed 50 percent of the total sign area allowed for a Gasoline Station. Price and grade information may be displayed electronically provided such electronic information does not flash, move, rotate, change color, or change copy more than once per day to update the price of fuel.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

2. Monument Signs

All monument signs within the LR District shall comply with the requirements of Section 615 and the following requirements:

- a) Construction – Monument signs shall be permanently installed on a solid base constructed of durable natural materials or between two posts or columns constructed of durable natural materials.
- b) Location – Monument signs shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not impede the view of traffic from driveways or intersections. When two monument signs are permitted, in the case of a corner lot, each sign shall be installed on a separate road frontage. There shall be no less than 200 feet between the two signs and no less than 50 feet between any one sign and the intersection of the two rights of ways.
- c) Height and Area – The height and area of all monument signs in the LR District shall be as follows:
 - (i) Outparcels – monument signs for retail and restaurant outparcels in the LR District shall not exceed 4 feet in height and 16 square feet of display area per side as defined in Section 615.
 - (ii) Single uses – monument signs for single retail uses in the LR District shall not exceed 4 feet in height and 20 square feet per of display area per side as defined in Section 615.
 - (iii) Joint Identification signs – Monument signs advertising a multi-tenant retail development in the LR District shall not exceed 6 feet in height and 30 square feet of display area per side as defined in Section 615. Monument signs used for this purpose may include the name of only 1 principle tenant in addition to the name of the retail center or development.
 - (iv) Gasoline Stations – Monument signs for Gasoline Stations in the LR District shall not exceed 6 feet in height and 50 square feet of display area for all sides as defined in Section 615.
- d) Landscaped area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

3. Wall signs

All wall signs in the LR District shall meet the following requirements:

- a) Installation – Wall signs shall be installed and mounted in accordance with Section 615.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- b) Construction - Wall signs may be constructed of individual letters attached to the building or constructed as a solid sign or sign cabinet.
- c) Display area - The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed 65% of the length of the side of the building or of the storefront to which the sign(s) is/are attached and shall meet the following requirements:
 - (i) For single buildings on individual lots, and for retail tenants larger than 30,000 square feet in floor area in a multitenant retail structure, the total area of the sign shall not exceed 10 percent of the total area of the wall to which the sign is being attached up to a total of 125 square feet in display area as defined in Section 615.
 - (ii) For retail tenants less than 30,000 square feet of floor area in a multitenant building the total area of the sign shall not exceed 60 square feet in display area as defined in Section 615. For all wall signs in a multi-tenant building there shall be uniformity in height between the signs for each tenant and all signs shall be installed at the same height along the face of the building.
- d) Location – Wall signs shall be located on or along the wall of the building which faces the street or parking lot and shall not project above the eaves of a sloped roof or the parapets of a flat roof. When a building on a corner lot is permitted to have two wall signs, each sign shall be mounted on a separate building frontage and shall be a minimum of 30 feet apart.

455.09 Lighting

All exterior lighting within the LR District shall strictly adhere to the requirements of Section 630 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the LR District shall not exceed a maximum height of 24 feet established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

460 Regional Retail District (RR)

The purpose and intent of the Regional Retail District is to provide areas for major retail sites that serve areas larger than 5 miles in radius and are located near freeways and freeway interchanges as identified in the Jerome Township Comprehensive Plan. Regional retail uses are characterized by large retail uses having 75,000 square feet or more in floor area, and associated smaller retailers, and require high visibility and accommodation of high traffic volumes. This district supersedes the B-14 Heavy Retail district in existence prior to the enactment of this resolution.

460.01 Permitted Uses

Within the RR District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 4411 Automobile Dealers
2. 4413 Automotive Parts, Accessories, and Tire Stores
3. 442 Furniture and Home Furnishings Stores
4. 443 Electronics and Appliance Stores
5. 4441 Building Material and Supplies Dealers
6. 4451 Grocery Stores
7. 4452 Specialty Food Stores
8. 4453 Beer, Wine, and Liquor Stores
9. 4461 Health and Personal Care Stores
10. 4471 Gasoline Stations
11. 448 Clothing and Clothing Accessories Stores
12. 451 Sporting Goods, Hobby, Book, and Music Stores
13. 452 General Merchandise Stores
14. 4531 Florists
15. 4532 Office Supplies, Stationery, and Gift Stores
16. 4533 Used Merchandise Stores
17. 4539 Other Miscellaneous Store Retailers except for the following uses which are prohibited in the regional retail District:
 - a) 45393 Manufactured (Mobile) Home Dealers
 - b) 453998 All Other Miscellaneous Store Retailers (except Tobacco Stores)
18. 491 Postal Service
19. 5221 Depository Credit Intermediation (commercial banks and credit unions)
20. 53222 Formal Wear and Costume Rental
21. 53223 Video Tape and Disc Rental
22. 713940 Fitness centers
23. 72111 Hotels (except casino hotels) including convention hotels
24. 7224 Drinking Places
25. 722511 Full-Service Restaurants
26. 722513 Limited-Service Eating Places

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

27. 8121 Personal Care Services with the exception of the following uses which are prohibited in the Regional Retail District:
 - a) 812199 Baths, steam or Turkish
 - b) 812199 Massage parlors
 - c) 812199 Steam baths
 - d) 812199 Tattoo parlors
 - e) 812199 Turkish bathhouses
28. 81292 Photofinishing
29. 813110 Church or other places of religious worship
30. Drive Thru Windows

460.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the RR District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein:

1. 811192 Car Washes
2. 811191 Automotive Oil Change and Lubrication Shops
3. 811111 General Automotive Repair
4. Outside display of products for sale, not including boats, recreational vehicles, farm equipment, mobile or manufactured homes, or storage buildings.

460.03 Lot Size and Yard Setback Standards

The following lot size, frontage requirements, and yard setback standards shall apply to all lots within the RR District:

1. Minimum Lot Size

All lots and outparcels within the RR District shall be a minimum of 1 acre in size, or such larger size as necessary to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

2. Maximum square footage

Within the RR District there shall be no maximum building square footage.

3. Minimum Lot Frontage

The minimum lot frontage for all lots in the RR District shall be determined based upon the functional classification of the roadway upon which the property fronts. Functional roadway classifications shall be those determined by the Union County Engineer. All driveway locations and driveway spacing shall meet the current requirements of the Union County Engineer at the time of construction. The following minimum lot frontages shall apply:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

Fig. 460.03 Lot Frontage Requirements for the RR District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA.*	Lots with SDA
Local Road	200 feet	150 feet
Minor Collector Road	300 feet	200 feet
Major Collector Road	400 feet	250 feet
Minor Arterial Road	600 feet	250 feet
Major Arterial Road	No Access	No Access
* Lots sharing a Shared Driveway Access (SDA) with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		

- a) Outparcels – where three or more outparcels share a Shared Driveway Access, or where outparcels are accessed from a larger retail center and not the public right of way, the minimum lot frontage of the outparcels may be reduced as shown in Figure 460.03.

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be determined based upon the functional classification of the public roadway upon which the property fronts and shall be measured from the right of way of said dedicated Public Road. The functional roadway classification shall be as determined by the Union County Engineer. The minimum front yard setbacks for the RR District shall be as follows:

Fig. 460.031 Front Setback Requirements for the RR District

Road / Street Classification	Minimum Front Setbacks For:	
	Principal Buildings / Structures	Parking and Circulation
Local Road	50 feet	20 feet
Minor Collector Road	50 feet	20 feet
Major Collector Road	60 feet	30 feet
Minor Arterial Road	60 feet	30 feet
Major Arterial Road	n/a	n/a

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

5. Side yard Setbacks

The side yard setbacks in the RR District shall be as follows:

- a) When any lot in the RR District adjoins any lot less than 5 acres in size zoned in any residential district, or where the side lot line exists within 250 feet of any residential structure, the minimum side yard setbacks shall be:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 40 feet for any loading, delivery, and service areas.
 - (iii) 40 feet for all buildings and structures.
- b) For all other lots in the RR District the side yard setbacks shall be:
 - (i) 10 feet for all parking and vehicular circulation areas. In the case of shared parking the setbacks may be reduced to 0 feet see Section 610.
 - (ii) 20 feet for any loading, delivery, and service areas.
 - (iii) 20 feet for all buildings and structures.

6. Rear Yard Setbacks

The minimum rear yard setbacks in the RR District shall be as follows:

- a) When any lot in the RR District adjoins any lot less than 5 acres in size zoned in any residential district, or where the rear lot line exists within 250 feet of any residential structure, the minimum rear yard setbacks shall be:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 40 feet for all loading, delivery and service areas.
 - (iii) 60 feet for all structures.
- b) For all other lots in the RR District the rear yard setbacks shall be:
 - (i) 10 feet for all parking and vehicular circulation areas.
 - (ii) 20 feet for all loading, delivery and service areas.
 - (iii) 30 feet for all structures.

7. Side and Rear Yard Requirements for Non-Residential Uses

Abutting Residential Districts

Where a non-residential use abuts any lot line of a residential district the minimum side and rear yard requirements for buildings, loading and delivery areas, and outdoor storage areas may be reduced, at the discretion of the Zoning Inspector, by a maximum of 50% of the total requirement provided that additional landscaping and screening is installed by the owner. Such landscaping shall be designed to completely screen the proposed use from view within a period of 5 years and shall be maintained in good condition for the life of the non-residential use.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

460.04 Building and Development Standards

The following building and development standards shall apply to all uses and lots in the RR District:

1. Building construction

All uses within the RR District shall be housed in permanent structures constructed on solid foundations meeting all applicable regulations for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed and clad with conventional building materials of a quality equal to or better than buildings in the surrounding area. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent use shall be prohibited.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the Township Zoning Inspector, which permit shall be valid for a period of 6 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

3. Building Height

The maximum height of all structures in the LR District shall be 40 feet, measured as defined in Section 300 of this Resolution.

4. Building design and orientation on the Lot

The following standards apply to the construction of all buildings within the RR District:

- a) Large retail buildings – Large expanses of flat, featureless, exterior wall shall not be permitted on any front or side building elevation on large retail buildings within the RR District. Large retail buildings shall be designed so that, at a minimum, front and side exterior walls are varied through the use of windows, changes in building mass, changes in building materials, or a combination of the above.
- a) Outparcels and small retail buildings – The exterior of all outparcel buildings and free-standing small retail buildings within the RR District shall be designed and constructed with similar materials and level of architectural detail on all sides of the building.
- b) Loading Docks and Loading areas – Loading Docks and loading areas shall not be permitted on the front of any

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

building or on the side of any building which faces a public right of way.

460.05 Loading, Delivery and Service Areas

Loading, delivery and service areas within the RR District shall meet the following standards:

1. Screening

All loading, delivery, and service areas in the RR District shall be screened from view in accordance with the following standards:

- a) Screening from Non-Residential Uses – Service and delivery areas, overhead doors, and loading docks shall be screened from view of adjacent non-residential uses by a combination of a 2' mound and a continuous planting of evergreen trees similar to buffer type 'C' in Appendix 1. Evergreen trees shall be a minimum of 6 feet tall at time of planting and shall be planted in such a way as to provide a minimum of 75 percent opacity screen between the service areas and/or loading docks and the adjacent use at the time of planting. Walls and fences may be used for the purposes of screening service areas and/or loading docks similar to buffer type 'A' in Appendix 1 and shall meet the requirements of section 625. Walls and screens shall not contain any advertising.
- b) Screening from Adjacent Residential Uses, State Route 33, State Route 42 and Industrial Parkway – In the RR District all sides of any service areas and/or loading docks that are visible to adjacent residential uses, State Route 33, State Route 42 or Industrial Parkway shall be entirely screened from view through the use of the following:
 - (i) A combination of a 3' high mound and completely opaque walls or fences, in accordance with section 625 of this Resolution, to a height necessary for screening the proposed use but not less than 6 feet and not exceeding 10 feet in height similar to buffer type 'A' in Appendix 1.
 - (ii) Loading docks may be screened from view by an extension of building walls provided that the wall is constructed of materials similar to and harmonious with the design of the principal structure.
 - (iii) A combination of a minimum 3' high mound and a continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting. Evergreen trees shall be planted on top of the mound and staggered or spaced to achieve 100% screening of the area within 5 years of planting similar to buffer type 'B' in Appendix 1.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the RR District all dumpsters, compactors, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and all other similar building service and mechanical equipment shall be

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

screened from view on all sides by the proposed structure and/or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use, shall be constructed of materials harmonious to the building, and shall meet the requirements of section 625.

- d) Maintenance of Materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

460.06 Off-Street Parking

Off street parking for all uses in the RR District shall be provided at the time of construction of the main structure or buildings with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of Section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the RR District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610.

2. Joint or Common Parking

In the RR District outparcels, tenants, and adjacent commercial uses within a retail development are permitted to share a common parking area provided that cross access easements and shared parking agreements are in place. Where such easements and agreements are in place between uses, the parking and pavement setback between those uses may be reduced to 0 feet to accommodate the joint parking use as defined in Section 610.

3. Parking Lot Landscaping

All uses in the RR District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 shade tree per every 10 parking spaces. Shade trees shall be installed in the center of the required landscape islands to avoid damage. Shade trees shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily and shall be a minimum of two inches in caliper at the time of installation. To increase visibility of multi-tenant "strip" retail the owner or developer may provide 1 shade tree per 20 parking spaces provided that the remaining landscape islands are landscaped with shrubs at a minimum.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

460.07 Landscaping

All uses within the RR District shall be landscaped in accordance with section 620 of this Resolution.

460.08 Signage

Signs identifying or advertising uses within the RR District shall be in strict compliance with Section 615 of this Resolution and with the standards as follows:

1. Number and Type of Signs Permitted in the RR District

For all uses and lots within the RR District the total amount of signage permitted shall be as follows:

Single Uses on Individual Lots – All uses within the RR District shall be permitted to have one ground mounted monument sign or one building mounted wall sign. Uses on lots having frontage on more than one public right of way, provided that at least 250 feet of frontage exists along each rights of way, shall be entitled one ground sign or one wall sign along each right of way unless otherwise prohibited below.

- a) Multi-tenant Retail Developments – Retail developments in the RR District having more than one retail tenant shall be permitted one joint identification monument sign advertising the name of the development and one building mounted sign per each retail tenant. Outparcels in such a development shall be permitted one ground mounted monument sign or one building mounted sign.
- b) Gasoline Stations – Gasoline Stations in the RR District may display signs in addition to the signs allotted for single uses or for outparcels. Such additional signage shall be limited to the following:
 - (i) Price and Grade information – Monument signs for Gasoline Stations may be permitted to display gasoline price and grade information in changeable copy. The total area dedicated to the display of price and grade information may not exceed 50 percent of the total sign area allowed for a Gasoline Station. Price and grade information may be displayed electronically provided such electronic information does not flash, move, rotate, change color, or change copy more than four times per day to update the price of fuel.

2. Monument Signs and Joint Identification Signs

All monument signs within the RR District shall comply with the requirements of Section 615 and the following requirements:

- a) Construction - Monument signs and Joint Identification signs shall be permanently installed on a solid base constructed of durable natural materials or between two posts or columns constructed of durable natural materials.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- b) Location – Monument signs and Joint Identification Signs shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not impede the view of traffic from driveways or intersections. When two monument signs are permitted, in the case of a corner lot, each sign shall be installed on a separate road frontage. There shall be no less than 200 feet between the two signs, as measured along the right-of-way and no less than 50 feet between any one sign and the intersection of the two rights of ways.
- c) Height and Area – The height and area of all monument signs in the RR District shall be as follows:
 - (i) Outparcels – Monument signs for retail and restaurant outparcels in the RR District shall not exceed 5 feet in height and 20 square feet of display area per side as defined in Section 615.
 - (ii) Single uses – Monument signs for single retail uses on single lots in the RR District shall not exceed 5 feet in height and 25 square feet of display area per side as defined in Section 615.
 - (iii) Joint Identification signs – Monument signs advertising a multi-tenant retail development in the RR District may include the names of only 4 principal tenants in addition to the name of the retail center or development. Joint Identification Signs shall not be permitted along the US 33 frontage. In addition Joint Identification Signs shall meet the following size requirements:
 - a Retail centers larger than 300,000 square feet in floor area – Joint Identification signs shall not exceed 18 feet in height and 100 square feet of display area for all sides.
 - b Retail centers larger than 150,000 square feet but not more than 300,000 square feet in floor area – Joint Identification signs shall not exceed 15 feet in height and 75 square feet of display area for all sides.
 - c Retail centers larger than 50,000 square feet but not more than 150,000 square feet in floor area – Joint Identification signs shall not exceed 10 feet in height and 64 square feet of display area for all sides.
 - d Retail centers 50,000 square feet or less in floor area – Joint Identification Signs shall not exceed 6 feet in height and 40 square feet of display area for all sides.
 - (iv) Gasoline Stations – monument signs for Gasoline Stations in the RR District shall not exceed 8 feet in height and 64 square feet of display area for all sides.
- d) Landscaped area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be

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comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

3. Wall signs

All wall signs in the RR District shall meet the following requirements:

- a) Installation – Wall signs shall be installed and mounted in accordance with Section 615.
- b) Construction - Wall signs may be constructed of individual letters attached to the building or constructed as a solid sign or sign cabinet.
- c) Display area - The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed 65% of the length of the side of the building or of the storefront to which the sign(s) is/are attached and shall meet the following requirements:
 - (i) For single buildings on individual lots, and for retail tenants larger than 30,000 square feet in floor area in a multi-tenant retail structure, the total area of the sign shall not exceed 10 percent of the total area of the wall to which the sign is being attached up to a total of 125 square feet in display area as defined in Section 615.
 - (ii) For retail tenants less than 30,000 square feet in floor area in a multi-tenant building the total area of the sign shall not exceed 60 square feet in display area as defined in Section 615. For all wall signs in a multi-tenant building there shall be uniformity in height between the signs for each tenant and all signs shall be installed at the same height along the face of the building.
- d) Location – Wall signs shall be located on or along the wall of the building which faces the street or parking lot and shall not project above the eaves of a sloped roof or the parapets of a flat roof. When a building on a corner lot is permitted to have two wall signs, each sign shall be mounted on a separate building frontage and shall be a minimum of 30 feet apart.

460.09 Lighting

All exterior lighting within the RR District shall strictly adhere to the requirements of Section 630 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the RR District shall not exceed a maximum height of 32 feet established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

470 Special Recreation District (SRE)

The purpose and intent of the Special Recreation District (SRE) is to provide opportunities for a variety of active recreational and entertainment uses not otherwise permitted in the standard zoning districts. These uses provide limited employment opportunities, opportunities for recreation, promote healthy and desirable communities, and based upon design can fit into a variety of settings and land use patterns. Appropriate locations for these uses may vary by use and each application for rezoning to the Special Recreation District shall be required to demonstrate the compatibility of the proposed use with the surrounding land uses. This district supersedes the SR-1 and SR-2 Special Recreation Districts in existence prior to the enactment of this Resolution.

470.01 Permitted Uses

Within the SRE District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 611620 - Sports and Recreation Instruction
2. 712 – Museums, Historical Sites, and Similar Institutions
3. 71391 – Golf Courses and Country Clubs
4. 71394 – Fitness and Recreational Sports Centers
5. 71395 – Bowling centers
6. 713990 – Amateur Sports Teams
7. 713990 – Ballrooms
8. 713990 – Recreational Sports Clubs including baseball, soccer, basketball, softball, lacrosse, hockey, volleyball, football and tennis.
9. 713990 – Billiard Parlors
10. 713990 – Bocce courts
11. 713990 – Day camps
12. 713990 – Driving Ranges
13. 713990 – Fishing clubs
14. 713990 – Miniature Golf Courses
15. 713990 – Golf Driving Ranges
16. 713990 – Recreational Horse Rental Services
17. 713990 – Recreational Horseback Riding
18. 713990 – Recreational sports teams and leagues both youth and adult
19. 713990 – Riding clubs & stables
20. 813110 Church or other places of religious worship

470.02 Conditional Uses

The following uses may be permitted as Conditional Uses in the SRE District by the Board of Zoning Appeals in accordance with the requirements of Section 240 of this Resolution and subject to the development standards for such uses as established herein.

2. 71121 – Spectator Sports

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

3. 713990 – Archery Ranges
4. 713990 – Hunting and Gun clubs
5. 713990 – Shooting Ranges indoor or outdoor
6. 713990 – Trap and skeet shooting facilities

470.03 Conditional Use Standards

In addition to the standards defined in Section 2XX of this zoning resolution the following standards shall apply to all conditional uses within Special Recreation District;

1. Spectator Sports

To be considered for approval as a conditional use in the Special Recreation District, 71121 Spectator Sports, as defined by the NAICS, shall meet the following requirements

- a) Traffic – Prior to the approval of the conditional use permit the applicant shall provide to the township a study prepared by a registered traffic engineer detailing any potential adverse impacts caused by spectator events and mitigation strategies to deal with those impacts
- b) Noise – Prior to the approval of the conditional use permit the applicant shall provide to the township a study that demonstrates the impact that noise levels from typical events will have on the nearest residential areas to the proposed venue. The study will present proposed noise levels in the A-Weighted Decibel Scale (dBA) for the noise to be exceeded 10% of the duration of the event, or the L₁₀ noise level. Proposed noise levels documented in the study shall be substantiated by noise levels physically measured at similar events.

2. Shooting Sports

The purpose of the following requirements is to promote and protect the public health, safety and welfare by regulating shooting ranges. These requirements are intended to prevent adverse effects on adjoining properties relating to shot containment and noise mitigation. Each shooting range shall be designed to contain the bullets, shot, and arrows discharged on or within the range facility and minimize noise impacts. This section does not otherwise apply to the general legal discharge of firearms or bows and arrows in accordance with other applicable laws and regulations. To be approved for a conditional use permit within the Special Recreation District any such facility shall meet the following requirements.

- a) Performance
 - (i) Shooting range facilities shall be designed to contain all of the bullets, shot, arrows or other projectiles or any other debris on the range facility
 - (ii) Noise levels measured at the property line shall not exceed sixty-five (65) dBA when located adjacent to

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

residential or commercial property or (75) dBA when adjacent to industrial property.

b) Development Requirements:

- (i) Technical Advisors – All shooting range facilities shall apply for and have a Range Technical Team Advisor from the National Rifle Association (NRA) or an equivalent organization inspect and evaluate the design and construction of the range according to the guidelines specified by the NRA's Range Source Book: A Guide To Planning and Construction, current addition, and follow the suggestions made by the advisor.
- (ii) Setbacks – all shooting stations and targets in an outdoor facility shall be located a minimum of 300 feet from any property line and the surface danger zone shall be contained within the property boundary line of the range facility.
- (iii) Distance separation – for all outdoor facilities the distance between the range facility and any occupied residential or non-residential building along any target line shall not be less than ½ mile.
- (iv) Warning signs – Warning signs meeting National Rifle Association (NRA) guidelines for shooting ranges shall be posted at 100 feet intervals along the perimeter of the shooting range facility.
- (v) All other local, state, and federal laws and regulations shall be adhered to in the construction and operation of proposed range facilities.

470.04 Lot Size and Yard Setback Standards

The following lot size and yard setback standards shall apply to all lots within the SRE District:

1. Minimum Lot Size

All lots and outparcels within the SRE District shall be a minimum of 1 acre in size, or such larger size as necessary to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

- 2. Minimum Lot Frontage** The minimum lot frontage for all lots in the SRE District shall be determined based upon the functional classification of the roadway upon which the property fronts. Functional roadway classifications shall be those determined by the Union County Engineer. All driveway locations and driveway spacing shall meet the current requirements of the Union County Engineer at the time of construction. The following minimum lot frontages shall apply:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

Fig. 470.04 Lot Frontage Requirements for the SRE District

Road / Street Classification	Minimum Lot Frontage	
	Lots without SDA	Lots with SDA.*
Local Road	200 feet	100 feet
Minor Collector Road	300 feet	150 feet
Major Collector Road	400 feet	200 feet
Minor Arterial Road	600 feet	200 feet
Major Arterial Road	No Access	No Access
* Lots sharing a Shared Driveway Access with an adjacent lot(s) shall be permitted to have a reduced Lot Frontage as shown in the above table.		

3. Maximum Lot Coverage

The total ground area occupied by all buildings and structures shall not exceed a maximum of 35 percent of the total area of the lot or tract.

4. Front Yard Setbacks

All Front Yard Setbacks, as defined in Section 300, shall be determined based upon the functional classification of the public roadway upon which the property fronts and shall be measured from the right of way of said public road. The functional roadway classification shall be as determined by the Union County Engineer. The minimum front yard setbacks for the SRE District shall be as follows:

Fig. 470.041 Front Setback Requirements for the SRE District

Road / Street Classification	Minimum Front Setbacks For:		
	Principal Buildings / Structures	Parking and Circulation	Sports Fields
Local Road	40 feet	20 feet	40 feet
Minor Collector Road	40 feet	20 feet	80 feet
Major Collector Road	50 feet	30 feet	100 feet
Minor Arterial Road	60 feet	40 feet	120 feet
Major Arterial Road	n/a	n/a	150 feet

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5. Side yard Setbacks

The side yard setbacks in the SRE District shall be as follows:

- a) When any lot in the SRE District adjoins any lot zoned in any Residential District the minimum side yard setbacks shall be:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 30 feet for any loading, delivery, and service areas.
 - (iii) 50 feet for all buildings and structures.
 - (iv) 50 feet for any outdoor sports field or court including any required outfield areas and perimeter buffers required to prevent stray equipment from entering private residential lots.
- b) When any lot in the SRE District adjoins any lot zoned in any non-residential District the minimum side yard setbacks shall be:
 - (i) 10 feet for all parking and vehicular circulation areas.
 - (ii) 20 feet for any loading, delivery, and service areas.
 - (iii) 30 feet for all buildings and structures.
 - (iv) 30 feet for any outdoor sports field or court including any required outfield areas and perimeter buffers required to prevent stray equipment from entering adjacent property

6. Rear Yard Setbacks

The minimum rear yard setbacks in the SRE District shall be as follows:

- a) When the rear lot line of any lot in the SRE District adjoins any lot zoned in any Residential District the minimum rear yard setbacks shall be as follows:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 50 feet for all structures, loading, delivery and service areas.
 - (iii) 50 feet for any outdoor sports field or court including any required outfield areas and perimeter buffers required to prevent stray equipment from entering private residential lots.
- b) When the rear lot line of any lot in the SRE District adjoins a lot in any non-residential district the minimum rear yard setbacks shall be as follows:
 - (i) 30 feet for all buildings, parking, vehicular circulation and loading, delivery, and service areas.
 - (ii) 30 feet for any outdoor sports field or court including any required outfield areas and perimeter buffers required to prevent stray equipment from entering private residential lots.

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7. Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

Where a non-residential use abuts any lot line of a residential district the minimum side and rear yard requirements for buildings, loading and delivery areas, and outdoor storage areas may be reduced, at the discretion of the Zoning Inspector, by a maximum of 50% of the total requirement provided that additional landscaping and screening is installed by the owner. Such landscaping shall be designed to completely screen the proposed use from view within a period of 5 years and shall be maintained in good condition for the life of the non-residential use.

470.05 Building and Development Standards

The following building and development standards shall apply to all uses and lots in the SRE District:

1. Building Construction

All uses within the SRE District shall be housed in permanent structures constructed on solid foundations meeting all applicable regulations for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed and clad with conventional building materials of a quality equal to or better than buildings in the surrounding area. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent use shall be prohibited.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the Township Zoning Inspector, which permit shall be valid for a period of 6 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

3. Building Height

The maximum height of all structures in the ORM District shall be 24 feet, measured as defined in Section 300 of this Resolution.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

4. Building Design and Orientation on the Lot

The following standards apply to the construction of all buildings within the SRE District:

- a) Main Entries – All buildings within the SRE District shall be designed and located on the lot so that the main entrance to the building is visible from the street on which the lot fronts. The main entrance of each building shall be clearly delineated from the rest of the building through the use of architectural projections, a change in architectural design, a change in building materials, awnings, canopies or other such architectural features.
- b) Blank Walls – Large expanses of flat, featureless, exterior wall shall not be permitted on any building elevation within the SRE District. Buildings shall be designed so that, at a minimum, exterior walls are varied through the use of windows, changes in building mass, changes in building materials, or a combination of the above.
- c) Loading Docks and Loading areas – Loading docks and loading areas shall not be permitted on the side of the building that faces the street. Buildings shall be designed and located on the lot so that loading docks and loading areas are at the side or rear of the building.

470.06 Loading, Delivery and Service Areas

Loading, delivery and service areas within the SRE District shall meet the following standards:

1. Screening

All loading, delivery, and service areas in the SRE District shall be screened from view in accordance with the following standards:

- a) Buffering from Non-Residential Uses – Service and delivery areas, overhead doors, and loading docks, if required, shall be buffered from adjacent non-residential uses by the installation of evergreen trees and/or shrubbery of a type and variety normally achieving a minimum of 5 feet in height within 3 years of planting. Evergreen trees and/or shrubbery shall be planted in such a way as to provide a minimum of a 75 percent opacity screen between the service area and/or loading dock and the adjacent use. Walls and fences may be used for the purposes of buffering service areas and/or loading docks provided that such walls and fences meet the requirements of section 625 and do not contain any advertising.
- b) Screening from Adjacent Residential Uses, Industrial Parkway, State Route 42, and State Route 33 – All sides of any service areas and/or loading docks that are visible to adjacent residential uses or lots, Industrial Parkway, State Route 42, and State Route 33 shall be entirely screened from view through the use of one of the following:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- (i) Completely opaque walls or fences, in accordance with section 625 of this Resolution, to a height necessary for screening the proposed use but not less than 6 feet and not exceeding 12 feet in height.
- (ii) Loading docks may be screened from view by an extension of a building wall provided that the wall is constructed of materials similar to and harmonious with the design of the principal structure.
- (iii) A combination of mounding and evergreen shrubbery to obtain 100 percent screening of the area, to a minimum of 6 feet in height, within 3 years after planting.
- (iv) A continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting, and staggered or spaced to achieve 100 percent screening of the area within 3 years of planting.
- (v) Any combination of the above.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the SRE District all dumpsters, compactors, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and all other similar building service and mechanical equipment shall be screened from view on all sides by the proposed structure and/or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use and shall meet the requirements of Section 625.
- d) Maintenance of Materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

470.07 Off-Street Parking

Off-street parking for all uses in the SRE District shall be provided at the time of construction of the main structure, building, or outdoor sports facility with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the SRE District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610.

2. Parking Lot Landscaping

All uses in the SRE District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 shade tree per every 10 parking spaces. Shade trees shall be installed in the center of the required landscape islands to avoid damage. Shade trees

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shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily and shall be a minimum of two inches in caliper at the time of installation.

470.08 Landscaping

All uses within the SRE District shall be landscaped in accordance with section 620 of this Resolution.

470.09 Signage

Signs identifying or advertising uses within the SRE District shall be in strict compliance with section 615 of this Resolution and with the standards as follows:

1. Number and Type of Signs Permitted in the SRE District

For all uses and lots within the SRE District the total amount of signage permitted shall be as follows:

- a) Single Uses on Individual Lots – Single uses on individual parcels shall be permitted one ground mounted monument sign or one building mounted wall sign. Buildings on corner lots having at least 200 feet of frontage on two public rights-of-way shall be permitted either one monument sign or one wall sign along each right-of-way.

2. Monument Signs

All monument signs within the SRE District shall comply with the requirements of Section 615 and the following requirements:

- a) Construction - Monument signs shall be permanently installed on a solid base constructed of durable natural materials or between two posts or columns constructed of durable natural materials.
- b) Height – Monument signs in the SRE District shall not exceed a total of 6 feet in height including the sign, sign base and support columns.
- c) Location – Monument signs in the SRE District shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not impede the view of traffic from driveways or intersections. When two monument signs are permitted, in the case of a corner lot, each sign shall be installed on a separate road frontage. There shall be no less than 200 feet between the two signs and no less than 50 feet between any one sign and the intersection of the two rights of ways.
- d) Display Area – The total display area of all signage surfaces shall not exceed 40 square feet as defined by Section 620 of this Resolution.
- e) Landscaped area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

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3. Wall signs

All wall signs within the SRE District shall comply with the requirements of Section 620 and the following standards:

- a) Installation – Wall signs shall be installed and mounted in accordance with Section 620.
- b) Construction - Wall signs may be constructed of individual letters attached to the building or constructed as a solid sign or sign cabinet.
- c) Display area - The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed 75% of the length of the side of the building to which the sign(s) is/are attached. The total display area shall not exceed 10% of the total area of the side of the building (as defined in Section 620) to which the sign is being attached up to a total sign area of 100 square feet. In no case shall a wall sign in the SRE District exceed 100 square feet.
- d) Location – Wall signs shall be located on or along the wall of the building which faces the street or parking lot and shall not project above the eaves of a sloped roof or the parapets of a flat roof. When a building on a corner lot is permitted to have two wall signs, each sign shall be mounted on a separate building frontage and shall be a minimum of 30 feet apart.

470.10 Lighting

All exterior lighting within the SRE District shall strictly adhere to the requirements of Section 630 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the SRE District shall not exceed a maximum height of 24 feet established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

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500 Planned Development District (PD)

The Planned Development (PD) District is established under the provisions of Ohio Revised Code 519.021(B) to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in planning and building of all types of development in accordance with the Jerome Township Comprehensive Plan. The regulations set forth herein are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the general classification of land uses, but also by the specific way in which such land uses are executed. In many cases, the subdivision regulations and standard zoning district classifications do not adequately regulate the design of buildings, the mix of uses, and the general character of development that are desirable in the Township. In accordance with the comprehensive plan and the above statements it is the intent of the Planned Development (PD) district to promote development that:

1. Provides an opportunity for a mix of open space and other uses not otherwise permitted within the standard zoning district classifications; and
2. Allows the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protects the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas; and
3. Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development; and
4. Assures compatibility between proposed land uses within and around the PD through appropriate development controls; and
5. Enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services; and
6. Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

500.01 Residential Development Purpose and Intent

Along with the general purpose and intent of this District, the following additional purposes relative to residential development are applicable:

1. A clustered neighborhood design is encouraged with a gross density which is in keeping with the comprehensive plan and the physical development potential of the area.

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2. The utilization of Conservation Design principles and preservation of a substantial amount of permanent open space is encouraged, integrated into the development and providing for a pedestrian friendly environment.
3. In larger developments, a variety of different lot sizes are encouraged to create an integrated and imaginative residential environment.
4. In larger developments a variety in architectural elevations are required as follows:
 - a) Architectural Diversity –A single-family dwelling with the same or similar front elevation shall not be repeated within 4 houses on the same side of the street and within 2 houses in either direction of the house on the opposite side of the street. The builder is permitted to construct homes that use an identical elevation, but use a different main exterior material or main exterior color, provided that the homes shall be separated by at least 2 homes of a different elevation on the same side of the street and by at least 1 home in either direction of the house on the opposite side of the street.
5. The provision of supporting facilities is encouraged, such as schools, churches and parks to create well-designed and functional neighborhoods. These facilities should be supported with pedestrian connections to neighborhoods.
6. Master planning is encouraged that focuses on a much broader scale than a single development site, taking into account the larger physical context within which the proposed development is to occur.
7. In areas identified on the comprehensive plan as “Higher Density Residential” it may be appropriate to consider single family or multi-family development at densities higher than those appropriate in other areas of the township and where the Planned Development district will allow more creative site planning to accommodate these densities and provide appropriate transitions between adjoining higher intensity uses and lower intensity uses.

500.02 Commercial and Office Development Purpose and Intent

Along with the general purpose and intent of this District, the following additional purposes relative to commercial and office development are applicable:

1. Commercial and office development shall be properly managed and the development standards of the PD clearly specified so that

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Township officials completely understand the design and impact of a development proposal.

2. A flexible and creative approach to commercial development is encouraged. This flexibility is intended to minimize potential negative impacts and conflicts with rural agriculture and residential development.
3. A pedestrian friendly environment is encouraged, interconnecting with adjacent neighborhoods.
4. Master planning is encouraged that focuses on a much broader scale than a single development site, taking into account the larger physical context within which the proposed development is to occur

500.03 Industrial Development Purpose and Intent

Along with the general purpose and intent of this District, the following additional purposes relative to industrial development are applicable:

1. The clustering of industrial uses is encouraged, along with flexibility and creativity in site design, in order to ensure that development is sensitive to and compatible with the Township's rural environment.
2. Industrial development shall be properly managed and the development standards of the PD clearly specified so that Township officials completely understand the design and impact of a development proposal.
3. Master planning of an extended area is encouraged, which ensures a stable, unified industrial development having all necessary services and facilities.
4. A unified design is encouraged which allows for greater design flexibility and better integration into the Township's rural environment. This flexibility is intended to minimize potential negative impacts and conflicts with rural agriculture and residential development.

500.04 General Provisions

1. Zoning Plan and Development Plan

For purposes of this Section, plans including all supporting documentation adopted by the Township at the time of rezoning shall be referred to as the "Zoning Plan," and plans including all supporting documentation approved subsequent to such rezoning but prior to the initiation of any development activities are referred to as the "Development Plan."

2. Effect of PD Approval

Each PD is considered a separate and unique zoning district

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wherein a Zoning Plan, including associated text describing the allowable uses and specific development standards, is adopted simultaneously with the application requesting amendment of the zoning map to apply the PD designation. The Zoning Plan, as approved by the Township and as provided under Ohio Revised Code Section 519.021(B), shall constitute the zoning regulations for and shall apply only to the property included within that particular PD. Whenever there is a conflict or difference between the provisions of this Section and those of other provisions of this Zoning Resolution, the provisions of this Section shall prevail for the development of land within the PD. Subjects not expressly covered by this Section or the applicable Zoning Plan shall be governed by the respective provisions found elsewhere in this Zoning Resolution that are most similar to the proposed use.

3. Sub Areas

Depending upon the size and complexity of the proposed development different Sub Areas may be established within a PD. Each Sub Area may, if requested, be treated as a separate district with individual standards. However, only one PD Zoning Plan approval shall be issued for the entire development. For each Sub Area, the applicant shall indicate gross density, dwelling type, minimum development standards, and all other uses by type, size and location.

4. Type of Action

The action of the Township upon an application to approve a Zoning Plan pursuant to this Section and Section 230 of the Zoning Resolution shall be considered a legislative act, and subject to a referendum. After property has been rezoned to the PD, any action related to the subsequent use or development of such property, as being in compliance with the regulations authorized to be established by this Section including any action taken on a Development Plan, shall not be considered to be an amendment to the Township Zoning Resolution for the purpose of Section 519.12 of the Ohio Revised Code, but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

5. Zoning Amendment

A change to an adopted Zoning Plan shall be considered to be a zoning amendment and shall be processed according to the procedures set forth in Section 519.12 of the Ohio Revised Code and Section 230 of this Zoning Resolution. For Zoning Plans which are divided up into separate Sub Areas, as noted above, the applicant may file for an amendment to a specific Sub Area provided the requested change has no effect on the remaining Sub Areas.

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6. Development Plan

A Development Plan shall be required to be submitted to the Township for approval prior to the initiation of construction and development in each phase of the PD. Such Development Plan shall be in substantial compliance with and consistent with the approved Zoning Plan for the Property with respect to land uses, densities, architectural and landscape commitments, and open space. Minor deviations from the approved Zoning Plans may be considered for approval during the Development Plan Process by the trustees without requiring an applicant file for an amendment to the Zoning Plan. Changes that may be considered minor, but do not limit the trustee's discretion in such matters, include:

- a) Adjustments to the layout or alignment of new roads or to the site layout that does not affect lot count, density, setbacks, or open space and does not increase curb cuts or connections to existing roadways unless required by the county engineer during final engineering.
- b) Increases in residential lot sizes or reductions in residential density provided such changes do not reduce the required setbacks, decrease the required open space, or change the required architectural or development standards.

500.05 Previously Approved Planned Developments

Section 500 of the Zoning Resolution was amended on and the amendment in effect from and after **Date**. Planned Developments and all associated detailed development plans and supporting documentation adopted and in effect prior to **Date** shall continue in effect and be considered legally conforming under this Zoning Resolution. These previously approved Planned Developments shall continue to be governed, administered and modified pursuant to the substantive and procedural regulations then in effect for such Planned Developments as contained in the Zoning Resolution immediately prior to **Date**.

500.06 General PD Standards

In order to achieve the purpose and intent of the Planned Development District (PD) and the Jerome Township Comprehensive Plan the following general standards are hereby established for all Planned Developments within Jerome Township.

1. Uses

Within the PD district a creative mix of uses is encouraged provided it will establish an efficient and sustainable use of the land and infrastructure, and result in a well-integrated, pedestrian friendly development. Single use PD's may also be established by the applicant to encourage development that is more responsive to the land and environment than may be permitted through a standard zoning district. The following

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standards are established for uses in the PD:

- a) Permitted Uses - Permitted uses within each PD shall be clearly identified in the zoning plan submitted with the application to establish a PD. Uses not specified in the approved zoning plan will be prohibited.

2. Densities

Densities within a PD should be in conformance with the recommendations of the comprehensive plan and shall promote the efficient use of land and infrastructure. Proposed densities shall be clearly identified in the zoning plan submitted with the application for PD.

3. Setbacks and Yard Areas

All Proposed setbacks and yard areas within the PD shall be identified in the zoning plan submitted with the application for PD. Setbacks and yard areas within PD developments shall be established to meet the following requirements:

- a) Setbacks within a PD zoning shall support the goals of the comprehensive plan for development that respects the rural character of the township while promoting efficient use of the land and its resources.
- b) Setbacks shall be configured to appropriately balance open space and provide safe separation between buildings and uses.
- c) When a proposed commercial or industrial PD is to be located contiguous to residential uses perimeter setbacks and/or appropriate screening from the contiguous property line should be established within the PD.
- d) To maintain the rural character of the township the setbacks from existing state, county and township roads should be larger than those established for new public roads established within the PD.
- e) To the greatest extent possible new residential subdivisions should be designed to minimize the number of homes where the back yards and the backs of homes face existing and proposed roads. Where such conditions are to exist along existing state, county, and township roads a minimum setback of 50' between the Right of Way of the public street and the rear lot lines, and a minimum of 80' between the Right of Way of the public street and the rear setback line of the lot. An increased landscape buffer shall be established for the entire length of road affected.

4. Public Improvements

The PD should be developed at a minimum with the following improvements meeting the design standards of the Union County Engineer:

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- a) Public roads shall be designed and constructed to the standards established by the Union County Engineer's Office.
- b) Means for safe pedestrian and bicycle access and circulation shall be provided. Pedestrian paths should be integrated into open space where applicable or allowed, with ownership and maintenance dedicated to the entity holding title to the open space.
- c) Storm water management facilities shall be provided as required by the County Engineer and State of Ohio.

5. Access

The zoning plan should require direct access, not through easement, to one or more dedicated and improved public roads. Provisions for future connections to other public roads or adjacent land shall be required if recommended by the township, county engineer or regional planning commission.

6. Buildings

To promote the purpose and intent of the Planned Development District and the goals of the comprehensive plan all applications for PD shall detail the proposed design and development standards for all residential and non-residential buildings within the PD. The following standards apply to all residential and non-residential buildings within the PD.

- a) The physical relationship of buildings and other site improvements to one another and the surrounding area, as created by building mass, size, height, shape, location on the site, and setback, shall result in a harmonious development both within the PD and in relation to its surroundings.
- b) The bulk and height of buildings within the proposed development shall be compatible with the surrounding area.
- c) Buildings, structures and parking areas shall be designed and located in such a way to conserve environmentally sensitive or unique natural, historic or cultural features.
- d) The zoning plan and application shall specify for all buildings and residences, at a minimum, the proposed exterior materials, size, height, roof shape and pitch.

7. Lighting

Any application for a PD shall include the type and description of all proposed street and parking lot lighting. Street lighting shall conform to the standards of the Union County Engineer and all lighting within the proposed PD shall conform to the following:

- a) The lighting plan submitted with the zoning plan and the application for PD shall specify the proposed pole and lantern design, maximum height, lighting source, wattage, shielding

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and any other information necessary to evaluate the lighting as proposed.

- b) The lighting plan submitted with the zoning plan and application for PD shall be designed to promote an overall cohesiveness in the development of the plan and to minimize the amount of light pollution affecting the neighboring properties and the rural character of the township.
- c) Parking lot lighting specified within the PD shall be limited in height to the minimum required to effectively illuminate the parking areas to all applicable standards and shall incorporate a "cut-off" type shielding to prevent light pollution on adjacent properties.

8. Signage

All applications for a PD shall include a signage plan and or standards to be approved by the zoning commission for all uses and areas within the PD. Signage design and standards shall ensure a constant and comprehensive character throughout the project and compatible with the character of the township and shall meet the following:

- a) All signs and graphics within the PD shall be compatible in size, location, material, height, shape, color, and illumination.
- b) A detailed sign plan and standards shall be submitted with the application for PD and shall include the design, layout and dimensions of all proposed ground, window and wall signs as well as the setbacks from the right-of-ways and the type and intensity of illumination.
- c) Signs shall contribute to an overall cohesive design, reflect simplicity, reduce visual clutter and compliment the rural character of the township.
- d) Wall signs shall be controlled and designed in a manner to compliment the architecture of the buildings and the PD. Ground signs shall be designed to relate to and share common elements with the proposed architecture.

9. Parking and Loading Areas

For all non-residential uses off street parking and loading shall be provided for in the design of the PD. Parking and access requirements and standards shall be as defined in the approved zoning plan and shall meet the requirements of the Union County Engineer, the township fire department and the following standards:

- a) Off street parking and loading shall be provided for all non-residential buildings with adequate provisions for ingress and egress.
- b) Parking areas shall be designed to discourage large single expanses of parking and shall encourage smaller defined

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parking areas within the total parking system. Such parking areas shall be delineated and accentuated by landscaped areas.

- c) The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area as well as those areas adjacent to the PD.
- d) To minimize the environmental impacts of large parking areas shared parking between uses shall be encouraged and supported within the PD. Where shared parking is desired the applicant shall submit a statement identifying how the parking is to be shared between the uses, and the percentage of parking and hours of parking allocated for each use.
- e) All service and delivery and loading areas for all uses shall be arranged and located to minimize the impacts and view of such uses throughout the development.

10. Landscaping

All zoning plans and application for PD shall include a detailed landscape plan and standards for all areas, sub areas, open spaces and uses with the proposed development. The following standards shall apply:

- a) All yards and open space not covered by structure, paving and the like shall be landscaped with lawn as a minimum.
- b) A detailed landscape plan and standards shall be submitted with the zoning plan and PD application for approval by the zoning commission. All landscaping shall be maintained and kept in accordance with the approved landscape plan.
- c) All vacant and undeveloped areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjoining land.
- d) Landscaping shall be designed to enhance architectural features, screen incompatible uses, emphasize pedestrian environments, provide shade for streets and parking lots and strengthen views and vistas.
- e) The landscape plan shall be designed to preserve and capitalize on the existing natural characteristics of the site and to promote overall unity in design.
- f) Landscape design and the specification and use of trees and plant materials shall discourage monoculture. For the purpose of this section monoculture is defined as the dominance or overabundance of any one species that may expose the development to a substantial loss of plant material should said plant material be affected by pest or disease (ex. Emerald Ash Borer)

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- g) Plant material specified in the PD shall be indigenous and hearty to the area and shall be harmonious to the design and consistent with adjacent land uses.
- h) Street tree species native to the area shall be provided by the developer for all existing and proposed public streets and placed outside the public right-of-way in a maintenance easement. Size, shape, type and location of street trees shall be specified in the Zoning Plan. Street trees shall not be placed over utility lines and shall not interfere with the function or maintenance of roadways and drainage areas.
- i) Landscape buffers between lots and the County or Township road serving the PD and buffers between lots and adjacent land should be placed in landscape easements on the plat and dedicated to the Homeowners Association or such other person or entity as may be approved in the Zoning Plan. Landscape buffer design shall be specified in the Zoning Plan.

11. Flood Plains and Environmentally Sensitive Areas

Floodplains within the PD shall be protected from building or pavement encroachment through the following standards:

- a) A riparian buffer, having a width of not less than 50' as measured from the centerline of the stream, shall be provided along the entire length and on both sides of a river or perennial stream channel.
- b) Buffer areas shall be restricted from development and managed to promote the growth of vegetation indigenous to the stream area capable of maintaining the structural integrity of the stream bank.
- c) A wetlands buffer should be provided for all wetlands required to be retained by the Army Corps of Engineers or the Ohio EPA. The buffer area should have a width of not less than 25' measured from the edge of the designated wetland. The buffer areas should not be disturbed other than necessary to establish and natural landscape and existing trees should be preserved and protected to the extent practicable.

12. Open Space

A PD should have an open space component which is compatible with the size, nature and design of the development. A recommended minimum of 20 percent of the gross land area of a PD containing a residential component, except as outlined in section 500.07 (4), should be set aside as open space for common use, preferably interconnected with other similar spaces within this or adjacent developments. (For a PD without a residential component, a minimum of 10 percent open space set aside is recommended.) Open space shall be prohibited from further subdivision or development by deed restriction, conservation easement or other agreement, in a form satisfactory to the

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Township. This restriction from further subdivision or development shall also be noted in the Zoning Plan and the recorded plat.

- a) Design Standards - The following design standards for open space should be followed:
- (i) Open space shall be fully integrated into the overall design and should, absent unique and special circumstances, meet all standards and guidelines contained herein. The types of uses, buildings and structures proposed to be permitted in the open space shall be specified in the Zoning Plan.
 - (ii) For the purposes of the PD, public uses may be proposed for natural areas and preserves, parks and other active recreational areas, and public facilities such as public schools, libraries and community centers may likewise be proposed. Access to all public uses shall be specified.
 - (iii) In identifying the location of open space, the developer shall consider as priorities existing natural features such as natural woodlands, wetlands, identified species habitat, tree lines, stream and creek corridors, and FEMA designated 100-year floodplains.
 - (iv) Retention ponds (wet basins) may be permitted in an open space reserve provided such ponds are designed and maintained as natural features that blend into the landscape. A landscape design for each retention pond shall be submitted with the Zoning Plan. Detention ponds (dry basins) should ordinarily not be permitted in the designated open space unless a part of a bioswale corridor.
 - (v) Except for bike paths and pedestrians trails, open space should be unified and massed so that no open space is narrower in any direction than the development's average lot width. Open space should be platted as an open space reserve, including appropriate conservation easements.
 - (vi) Open space should, when practicable, be interconnected with open space areas on abutting parcels.
 - (vii) In order to encourage the creation of large areas of contiguous open space, areas that should not be considered as open space include:
 - Private road and public road rights-of-way;
 - Parking areas, access ways, and driveways;
 - Required setbacks between buildings, parking areas, and project boundaries;
 - Required setbacks between buildings and streets;

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- Easements for overhead power transmission lines unless containing bike paths as part of an overall coordinated trail network;
 - Minimum spacing between buildings, and between buildings and parking areas;
 - Private yards;
 - Areas of fee simple lots to be conveyed for residential dwelling uses;
 - Other small fragmented or isolated open space areas that have a dimension less than 75 feet in any direction. (Excessive gaps and non-usable spaces between buildings are discouraged, or pedestrian walkways should be established.)
- (viii) Any open space intended to be devoted to active recreational activities should be of usable size and shape for the intended purposes.
- (ix) Any area within the open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state, other than required setback areas, should be noted on the Zoning Plan and the method and timing of any restoration shall be set forth in the Zoning Plan.
- (x) The open space, including any recreational structures and public facilities proposed to be constructed in such space, shall be clearly shown on the Zoning Plan.
- b) Open Space Ownership - Open space may be proposed to be owned by an association, the Township or other governmental entity, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership if appropriately restricted. The ownership of the open space shall be specified in the Zoning Plan and shall be subject to the approval of the Township. The methods of ownership, if approved as part of the Zoning Plan, may be as follows:
- (i) Offer of Dedication - The Township or other governmental entity may, but shall not be required to, accept conveyance in the form of fee simple ownership of the open space.
 - (ii) Associations - Open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity. Documents shall be submitted with the Zoning Plan which will ensure compliance with the following requirements:

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- Membership in the association shall be mandatory for all purchasers of lots in the development or units in the condominium.
 - The association shall be capable of and responsible for maintenance, control, and insurance of common areas, including the open space.
 - The association shall have the right and obligation to impose assessments upon its members, enforceable by liens, in order to ensure that it will have sufficient financial resources to provide for proper care and maintenance of the open space.
- (iii) Transfer of Easements to a Private Conservation Organization - With the approval of the Township, an owner may transfer conservation easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
- The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
 - The conveyance contains appropriate provisions for the property reverter or retransfer in the event that organization becomes unwilling or unable to continue carrying out its function; and
 - A maintenance agreement approved by the Township is entered into by the developer and the organization.
- c) Open Space Management and Maintenance - The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, and valid and enforceable collection methods. The owner shall be authorized, under appropriate restrictions and covenants, to place liens on the property of residents within the PD who fall delinquent in payment of such dues and assessments. In the event that the organization established to own, operate and maintain the open space shall at any time after the establishment of the PD fail to maintain the open space in reasonable order and condition in accordance with the Zoning Plan, such failure shall constitute a violation of both the Zoning Plan and this Zoning Resolution.
- d) Transfer of Title of Open Space - Title to any open space required by the PD zoning which is included within any recorded subdivision plat of any section of the land zoned PD shall be transferred to the entity approved for ownership of the open space prior to the sale of more than 75% of the lots or units within that subdivision section.

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500.07 Use-Specific Development Standards

In addition to the General PD Development Standards the following use specific development standards are hereby established to further fulfill the purpose and intent of the District through the application of flexible land development techniques in the arrangement, design and construction of structures and their intended uses and the integration of open space within the development. These standards, as well as applicable plans for the area, are intended as general standards as circumstances dictate. The development standards filed and approved as part of the Zoning Plan and PD application shall establish the final requirements. The development policies include the following:

1. Low and Medium Density Residential Land Use

Future development of clustered subdivisions is anticipated to occur in those areas with centralized public utilities and shall be managed to protect the area's unique quality of life and semi-rural character. The density of these developments will be based upon several factors, including, without limitation, the availability of centralized utilities, the recommendations of the comprehensive plan, and whether the proposed development will be compatible in use and appearance with surrounding or planned land uses. The following shall apply when calculating suburban residential density within a PD:

- a) Calculating Residential Density – While the densities of individual residential areas may vary within a large PD the calculation of density for the entire PD shall be based upon the total number of dwelling units proposed for the total area devoted exclusively to residential use, including open space. Where open space is included within the calculation for residential density, such open space shall permanently remain as open space within the PD unless a future rezoning of the open space is approved by the zoning commission.
- b) Additional Density Considerations - Additional density for residential developments to be serviced by centralized utilities may be permitted by the zoning commission in certain unique and special instances such as those where: the open space set-aside far exceeds the minimum recommended ; additional and substantial site amenities are provided; the development incorporates rural design characteristics into the overall design of the site and maintains compatibility with the surrounding or planned land uses; the design of the development preserves, protects and enhances the natural and historic resources located on the site; and storm water and other environmental impacts are minimized and mitigated and natural features are enhanced.

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- c) Lower Density Considerations – In addition to the consideration for additional density as mentioned above the zoning commission may require lower densities for a residential development in certain unique and special instances such as those where: a large portion of the site is undevelopable due to its physical features such as existing bodies of water, steep slopes and similar characteristics, and where proposed residential development is not compatible with adjacent residential development patterns.

2. Higher Density Residential land Use

Future development of higher density land uses is expected to occur in areas so designated in the Jerome Township Comprehensive Plan as being suitable for such uses. These areas provide an opportunity to serve differing housing needs within the community and establish an effective transition between more intense commercial and office land uses, and lower density residential uses. The density of these developments will be based upon several factors, including, without limitation, the availability of centralized utilities, the recommendations of the comprehensive plan, and whether the proposed development will be compatible in use and appearance with surrounding or planned land uses. In addition increases in density should be supported for increased architectural and landscape standards and creative site planning that contributes to the desirability of the community.

3. Agriculture and Rural Residential Land Use

It is anticipated that portions of the Township will remain principally agricultural in nature, especially in those areas where centralized utilities are not anticipated to be provided. PD development standards within these areas should encourage a development pattern that minimizes impacts and intrusions to agriculture, such as clustering homes on new streets and not along existing road frontage and designating agricultural-exclusive areas.

4. Residential Conservation Development

Within the Jerome Township Comprehensive plan there exists recommendations for residential development that adheres to conservation development principles. These principles promote more compact development patterns in exchange for the preservation of important existing environmental and natural features and the set aside of significant amounts of open space. These types of developments reduce infrastructure costs for the developer, help to maintain a more open, rural feel for the township, promote a more efficient use of land, and provide a vehicle to preserve important natural features and incorporate them into a development strategy. Land developed under a

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Conservation Development PD (CDPD) shall adhere to the following standards:

- a) Uses - Conservation developments may be permitted to contain a mix of uses provided that all proposed uses are identified in the zoning plan and application as specified in section 500.08.
- b) Density - The overall residential density of the Conservation Development PD should conform to the recommendations and intent of the Comprehensive Plan and shall be identified in the zoning plan and application per section 500.08.
- c) Lot size – The intent of a Conservation Development PD is to allow smaller lot sizes and more compact development patterns in exchange for a higher percentage of dedicated open space and natural lands. To accomplish this goal lot sizes are flexible within the CDPD and shall be established by the approved zoning plan and PD application. All lots less than two acres in size shall be serviced by public sewer and water systems. Proposed lots of 2 acres or more shall be served by either public sewer and water services or on site treatment and well systems subject to the approval of the Union County Engineer and Union County Health Department.
- d) Dedicated Open Space – All CDPD developments shall comply with the following minimum requirements regarding open space.
 - (i) The minimum amount of open space to be provided with a CDPD is recommended to be 40% of the total acreage of the property being included in the PD. Development of smaller parcels may be considered for a reduction in the open space requirements provided that the recommendations of (ii), (iii), and (iv) below still apply.
 - (ii) All CDPD developments shall strive to utilize open space to preserve natural features including but not limited to floodplains, waterways, stream buffers, steep slopes, woodlands, wetlands and natural habitats or shall be designed to preserve significant amounts of agricultural lands.
 - (iii) Prohibition of further Subdivision of Open Space – Open space provided for the purposes of achieving the requirements of the CDPD shall be prohibited from further subdivision or development through deed restriction, conservation easement, or other such agreement acceptable to the townships legal advisor.
 - (iv) Open spaces within the CDPD shall meet all other requirements of section 500.06 herein.

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5. Commercial and Office Land Use

Commercial and office development should be clustered in areas serviced by centralized utilities and adequate roadway systems. The density of general commercial development should not exceed 10,000 square feet per acre, absent special circumstances. This density calculation will ordinarily be based upon the total square footage proposed for the entire area devoted exclusively to commercial and office development. However, a lower density may be mandated due to the nature of the project, the physical features of the site or the compatibility of the project with surrounding or planned land uses. In addition a higher density may be approved by the zoning commission to accommodate mixed use projects and other innovative and sustainable planning features. Design standards should be incorporated into the Zoning Plan which will improve the aesthetic quality of this type of development.

6. Industrial Land Use

Light industry, research and development, and related office uses should be clustered in areas serviced by centralized utilities and adequate highway accessibility. Absent special circumstances, density should not exceed 10,000 square feet per acre. This density calculation will ordinarily be based upon the total square footage proposed for the entire area devoted exclusively to industrial development. However, a lower density may be mandated due to the nature of the project, the physical features of the site or the compatibility of the project with surrounding or planned land uses. The industrial areas should only develop in conjunction with centralized utilities. These areas should be master planned and well-coordinated, and not developed in a piecemeal (lot by lot) way. Access should be shared. Design standards should be incorporated into the Zoning Plan which will improve the aesthetic quality of this development type. In addition all industrial uses developed under the PD shall conform to the following standards:

- a) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- b) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- c) Glare, Heat, and Exterior Light - Any operation producing intense light or heat, such as high temperature processing,

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combustion, welding, or other shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.

- d) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- e) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.
- g) Odors - No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

500.08 Procedure for Amending to the PD

In addition to the procedure set forth in Section 230 of this Resolution, all applications for amendments to the zoning map to rezone property to the PD shall follow the procedures hereinafter set forth in Section 500.08, hereof.

1. Pre-application Meeting

The applicant is encouraged to engage in informal consultations with staff from the Zoning Commission and the Union County subdivision authorities (e.g. Planning Commission, County Engineer, Board of Health, etc.) prior to formal submission of an application for an amendment of the Zoning Resolution. No statement or action by Township or County officials in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township or County statutes or rules.

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2. Application

The owner(s) of land may request that the Zoning Resolution be amended to include such land in the PD by filing fifteen (15) copies of an application for such amendment with the Jerome Township Zoning Commission, which application shall contain:

- a) name, address and telephone number of the owner and applicant;
- b) name, address and telephone number of the urban planner, architect, landscape architect, surveyor and/or engineer assisting in the preparation of the Zoning Plan;
- c) legal description of the property and the address of the property;
- d) description of existing uses;
- e) present zoning district;
- f) a vicinity map at a scale approved by the Zoning Commission showing the relationship of the PD to the adjacent properties, existing streets and public service facilities in the area;
- g) a list of the names and addresses of all owners of property which are within, contiguous to and directly across the street from the subject property as such addresses appear on the County Auditor's current tax list; and
- h) any other matter or information deemed necessary or relevant by the Zoning Commission for the proposed amendment.

3. Proposed Zoning Plan

In addition to the application required herein, fifteen (15) copies of the proposed Zoning Plan shall be submitted with the application. The proposed Zoning Plan shall be prepared and endorsed by a certified or licensed planner, architect, landscape architect, engineer and/or surveyor, with all mapping to be at a scale of at least 1" = 100', and shall include, in text and map form, the following:

- a) Proposed location and size of the proposed planned district. This includes a survey map of the boundaries of the site and a legal description.
- b) A list and description of the precise uses proposed for the development. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in the Zoning Plan or this Zoning Resolution. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan.
- c) Concept site plan of the proposed planned district, and proposed layout of all subareas.
- d) Proposed densities, number of lots and dimension parameters, and building intensities.

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- e) Proposed parks, playgrounds, schools and other public facilities or open spaces including woodland preservation and natural topography preservation areas with their suggested ownership.
- f) Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown.
- g) Relation to existing and future land use in surrounding area.
- h) Proposed provision of water, sanitary sewers, surface drainage, and street lighting.
- i) Proposed traffic and pedestrian circulation pattern, indicating both public and private streets and highways, access points to public rights-of-ways, bike paths and trails, sidewalks and any off-site street improvements.
- j) An anticipated schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed phase for various uses, the number of housing units proposed by type; building heights; open space; building intensity; parking areas; density and public improvements proposed.
- k) Engineering feasibility studies and schematic plans showing, as necessary, water, sewer and other utility installations, waste disposal facilities, surface drainage, and street improvements.
- l) Site plan, showing approximate nonresidential building locations(s), various functional use areas, circulation, and their relationship.
- m) General architectural design criteria for proposed buildings, structures, signs and exterior lighting with proposed control features.
- n) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.
- o) Projected schedule of site development.
- p) Evidence that the applicant has sufficient control over the land to carry out the proposed development.
- q) Regulation Text for development in the proposed Planned Development District. That text shall set forth and define the uses to be permitted in the proposed Planned Development District and the development standards applicable to the proposed District. The Regulation Text is intended to guide all development of the property proposed to be designated as a PD.
- r) This Regulation Text shall only apply to the PD in question and all development within that PD. All appropriate regulatory

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areas should be addressed by the applicant in the Regulation Text including, without limitation, the following:

- (i) All required setbacks including, but not limited to, buildings, service areas, off-street parking lots and signage, including rear, front and side yard areas.
- (ii) All maximum height and size requirements of buildings, mechanical areas and other structures.
- (iii) All parking and loading space standards per building square footage or dwelling unit type, including dimensions of all parking stalls, aisles and loading spaces.
- (iv) All street and road right-of-way and pavement width dimensions, curb cut spacing and other related circulation standards.
- (v) All pedestrian and bicycle walkway, trail and sidewalk dimensional standards, including rights-of-way and pavement width, and pavement standards.
- (vi) All screening and landscaping standards, including buffer dimensions, height, landscape material, maintenance standards, and screening standards for off-street parking areas, loading docks, trash receptacles and dumpsters, ground- and roof-mounted mechanical units and adjoining areas.
- (vii) All proposed signage and graphic standards, including height, setback, square footage, colors, corporate logos and type.
- (viii) All exterior lighting standards, including light intensity, placement, height and materials for parking lots, walkways, sidewalks and accent lighting.
- (ix) All exterior architectural design standards, including material, color and styles.
- (x) A list and description of the precise uses proposed for the development. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited elsewhere in the Zoning Plan or this Zoning Resolution. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan;
- (xi) Frontage requirements, minimum lot area requirements, yard areas, lot coverage restrictions and perimeter setback requirements.
- (xii) Accessory structure standards and limitations.
- (xiii) Open space area, uses and structures, including proposed ownership and sample controlling instruments.
- (xiv) Any other regulatory area or matter deemed necessary

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or relevant by the Zoning Commission.

- (xv) The Regulation Text should contain the following provision: All development standards not specifically addressed by the Regulation Text shall be regulated by those general development standards set forth in the Zoning Resolution.

4. Basis of Approval

In determining whether or not to approve an application for a PD, the reviewing authorities shall consider all relevant factors and circumstances including, without limitation, the following:

- a) Whether the proposed development is consistent in all aspects with the purpose, policies, criteria, intent, and standards of this Zoning Resolution;
- b) Whether the proposed development is in conformity with the applicable plans for the area or such portion thereof as may apply, or whether the benefits, improved arrangement and design of the development justify any deviation there from;
- c) Whether the proposed development promotes the public health, safety and general welfare of the Township and the immediate vicinity;
- d) Whether the proposed plan meets the design features contained in this Resolution;
- e) Whether the proposed development is in keeping with the existing or planned land use character and physical development potential of the area;
- f) Whether the proposed development will be compatible in use and appearance with surrounding or planned land uses;
- g) Whether the development will have a beneficial or an adverse effect upon the Township and other governmental services.
- h) Whether the area surrounding the development can be planned, zoned and developed in coordination and substantial compatibility with the proposed development.
- i) Whether the existing and proposed utility and governmental services are adequate for the population densities and nonresidential uses proposed.
- j) Whether the development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development;
- k) Whether the development can be made accessible through existing or future Township roadways without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township;
- l) Whether the development is located and designed in such a

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way as to minimize any unreasonable adverse impact on existing residential or agricultural areas of the Township; and

- m) Whether the benefits, improved arrangement and design of the property to be developed justify rezoning the property to the PD.

5. Effect of Approval

- a) The Zoning Plan, as approved by the Township Trustees, shall constitute a rezoning of the subject tract to the PD permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Zoning Plan. However, in a PD, no use shall be established and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Township a Development Plan for said part of said tract, and until the Development Plan is approved by the Township Trustees.
- b) The approval of the Zoning Plan shall be for a period of five (5) years, or for such other period as set forth in the approved Zoning Plan, to allow for the preparation of a required Development Plan(s). Unless the Board of Trustees approves such an extension of this time limit, upon the expiration of such period, no use shall be established and no building, structure or improvement shall be constructed until an application accompanied by a new Zoning Plan has been filed with and approved by the Township, and such application for approval shall be subject to the same procedures and conditions as an original application for the Zoning Plan approval. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PD. In addition, the Township Board of Trustees or Zoning Commission may initiate a zoning amendment to rezone the property or any portion thereof to its former (or another similar) classification upon expiration of the Zoning Plan approval period.

6. Extension of Time for Zoning Plan

Upon application by the owner(s), the Board of Trustees may extend the time limit provided by Section 500.08 5(b), above. Such extension may be given after application by the applicant showing the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Zoning Plan, and that such extension is not in conflict with the general health, safety and welfare of the public.

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500.09 Development Plan

1. Application

In the PD, no use shall be established and no structure shall be constructed or altered until a Development Plan for each such use and/or structure has been approved by the Township Trustees. An application, in a form approved by the Board of Trustees, shall be completed by the property owner and submitted with the Development Plan. A total of 15 copies of the application and supporting material shall be submitted. The application form shall be provided by the Zoning Inspector. All mapping shall be prepared using the County's graphic standards.

2. Development Plan

In addition to the application required herein, 15 copies of the Development Plan shall be submitted with the application. The Development Plan, which may be submitted for the entire development or an individual phase, shall contain, in text and map form, the following information at a minimum:

- a) Proposed name of the development and its location;
- b) Names and addresses of owners and developers;
- c) Date, north arrow and Plan scale. Scale shall be one-inch equals 100 feet or larger scale;
- d) Boundary lines of the proposed development and the total acreage encompassed therein;
- e) Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and section and corporation lines within or adjacent to the tract;
- f) Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
- g) The adjoining lines of adjacent tracts, parcels or lots;
- h) Residential density, dwelling types, nonresidential building intensity and specific uses to be included within the proposed development, specified according to area or specific building location;
- i) Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features;
- j) Layout of proposed streets, including their names and rights of way, easements, sewers, water lines, culverts, street lighting and other major improvements;
- k) Layout, numbering and dimensions of lots if more than one;

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- l) Anticipated building envelope and general architectural style and character of proposed structures;
- m) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant and for the dedications;
- n) Building setback lines with dimensions;
- o) Tentative street grades and sewer size slope;
- p) Traffic circulation, parking areas, curb cuts and pedestrian walks;
- q) Landscaping plans, including site grading and landscape design;
- r) Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission;
- s) For other than detached single-family structures, provide:
 - (i) Drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;
 - (ii) Color rendering of buildings(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with sample, and materials, with samples to be used;
 - (iii) Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development;
 - (iv) Intended measures to screen rooftop mechanical equipment from view;
- t) A detailed signage and exterior lighting plan;
- u) Accommodations and access for emergency and firefighting apparatus;
- v) The management plan or mechanism to provide for the perpetual maintenance of all open space, landscaping, buffers and shared parking areas by the ultimate owner and/or user and the controlling instruments;
- w) Location of open space area and designation of intended uses; and
- x) Any additional information as may be required by the Zoning Commission.

3. Process For Development Plan(s) Approval

The application and supporting materials for the Development Plan approval shall be submitted to the Zoning Commission for hearing and recommendation. The Zoning Commission shall

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establish a date for the hearing within a reasonable period of time following its receipt of the application and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Zoning Commission shall make a recommendation for the approval, modification or denial of the application within a reasonable period of time after it is submitted. The recommendation shall be forwarded to the Board of Trustees. The Board of Trustees shall hold a hearing on the application within a reasonable period of time after its receipt of the recommendation and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Board of Trustees shall render a decision on the application within a reasonable period of time after the recommendation and application have been submitted to the Board of Trustees for its action. In determination of its decision for approval or denial of the development plan the trustees shall consider whether or not the Development Plan is in substantial compliance with and consistent with the Zoning Plan for the property based upon the requirements in section 500.04.

4. Commencement of Development

Upon the approval of the Development Plan, the tract which is the subject of said Development Plan may be used and developed consistent with the approved Zoning Plan and the Development Plan. The approval of the Development Plan shall be for a period of three (3) years in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of certificate of zoning compliance. If no plat has been filed within this approval period (or, if platting is not required, if construction has not commenced) and unless the Board of Trustees approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.

5. Extension of Time for Development Plan

Upon application by the owner(s), the Board of Trustees may extend the time limit provided by Section 500.09 4, above. Such extension may be given upon a showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Zoning Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the PD.

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6. Modification of Development Plan

An applicant seeking to modify an approved Development Plan shall file an application for Development Plan Modification utilizing the same procedures and criteria as established for the approval of the initial Development Plan. Modifications of a Development plan, not modifying the underlying zoning, shall be subject to the review and approval of the Zoning Commission only.

500.10 Fees

A fee as established by the Board of Trustees shall accompany an application requesting approval of the Zoning Plan or Development Plan. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Jerome Township in using professional consulting services to review the Zoning Plan and/or Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Zoning Plan or Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Zoning Plan or Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Zoning Commission shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Zoning Commission shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Township Fiscal Officer or the Fiscal Officer's designee, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission shall consider the reasonable commercial rates of qualified professionals and reasonable estimates of time to complete the review. Any unused portion of the estimated amount received to cover the professional consulting fees and charges shall be returned to the applicant as soon as practicable following the final disposition of the application, along with a summary of the fees and charges expended for such services.

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500.11 Phases

A project which is the subject of the Zoning Plan may be approved for development in phases. Each phase shall require approval of a Development Plan for that phase pursuant to the procedures set forth herein. Unless otherwise specified in the Zoning Plan or absent an extension approved by the Board of Trustees, all phases shall be submitted for and receive Development Plan approval within the time frame set forth in Section 500.09 (4). An application for Development Plan approval for each phase of a project shall be annotated as to the as built conditions and shall be supplemented with an updated construction schedule. The phasing schedule shall be fully described in the Zoning Plan in a manner sufficient to give Township officials guidelines for the timing of future phases.

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510 Open Space District

The purpose and intent of the Open Space District (OS) is to preserve and enhance public and private open space, natural areas, and improved park and recreation areas primarily for more passive recreational uses and preservation. These uses contribute to the open and rural character of the township and the quality of life for its residents and visitors. The establishment of this district promotes the Environmentally Sensitive areas & Open space objectives of the Jerome Township Comprehensive Plan. This district may be applied to lands owned by public and private entities that have been reserved for open space uses such as landscape corridors, habitat migration, wetlands, wildlife, lakes trails, parks, nature preserves, and similar uses. This district supersedes the SR-3 Special Recreation District in existence prior to the enactment of this Resolution.

510.01 Permitted Uses

Within the OS District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

1. 712130 – Arboreta, Arboretums, Aviaries, Botanical Gardens, and Botanical Conservatories
2. 712190 – Nature Parks and Other similar Institutions
3. 713990 – Day camps
4. 713990 – Fishing clubs
5. 713990 – Recreational Horse Rental Services
6. 713990 – Recreational Horseback Riding
7. 713990 – Picnic Grounds
8. 713990 – Recreational camps
9. 713990 – Riding clubs & stables
10. 713990 – Trail riding
11. 812220 – Cemeteries, Mausoleums, and Memorial Gardens

510.02 Lot Size and Yard Setback Standards

The following lot size and yard setback standards shall apply to all lots within the OS District:

1. Minimum Lot Size

All lots within the OS District shall be a minimum of 1.5 acres in size, or such larger size as necessary to allow for the development of the lot in accordance with the applicable development standards of this Resolution and all other state and local requirements.

2. Minimum Lot Frontage

The minimum lot frontage for all lots in the OS District shall be determined based upon the functional classification of the roadway upon which the property fronts. Functional roadway classifications shall be those determined by the Union County Engineer. All driveway locations and driveway spacing shall meet

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the current requirements of the Union County Engineer at the time of construction. The following minimum lot frontages shall apply:

Fig. 510.02 Lot Frontage Requirements for the OS District

Road / Street Classification	Minimum Lot Frontage
Local Road	100 feet
Minor Collector Road	100 feet
Major Collector Road	200 feet
Minor Arterial Road	300 feet
Major Arterial Road	No Access

3. Maximum Lot Coverage

The total ground area occupied by all buildings and structures shall not exceed a maximum of 15 percent of the total area of the lot or tract.

4. Front Yard Setbacks

All Front Yard Setbacks shall be determined based upon the functional classification of the public roadway upon which the property fronts and shall be measured from the right of way of said public road. The functional roadway classification shall be as determined by the Union County Engineer. The minimum front yard setbacks for the OS District shall be as follows:

Fig. 510.021 Front Setback Requirements for the OS District

Road / Street Classification	Minimum Front Setbacks For:	
	Principal Buildings / Structures	Parking and Circulation
Local Road	30 feet	20 feet
Minor Collector Road	30 feet	20 feet
Major Collector Road	40 feet	30 feet
Minor Arterial Road	50 feet	30 feet
Major Arterial Road	n/a	n/a

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5. Side yard Setbacks

The side yard setbacks in the OS District shall be as follows:

- a) When any lot in the OS District adjoins any lot less than 5 acres in size zoned in any residential district, or where the side lot line exists within 250 feet of any residential structure, the minimum side yard setbacks shall be:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 30 feet for any loading, delivery, and service/maintenance areas.
 - (iii) 50 feet for all buildings and structures.
- b) For all other lots in the OS District the side yard setbacks shall be:
 - (i) 10 feet for all parking and vehicular circulation areas.
 - (ii) 20 feet for any loading, delivery, and service/maintenance areas.
 - (iii) 30 feet for all buildings and structures.

6. Rear Yard Setbacks

The minimum rear yard setbacks in the OS District shall be as follows:

- a) When any lot in the OS District adjoins any lot less than 5 acres in size zoned in any residential district, or where the rear lot line exists within 250 feet of any residential structure, the minimum rear yard setbacks shall be:
 - (i) 20 feet for all parking and vehicular circulation areas.
 - (ii) 50 feet for all structures, loading, delivery and service / maintenance areas.
- b) For all other lots in the OS District the rear yard setbacks shall be:
 - (i) 30 feet for all buildings, parking, vehicular circulation and loading, delivery, and service/maintenance areas.

510.03 Building and Development Standards

The following building and development standards shall apply to all uses and lots in the OS District:

1. Building Construction

Uses within the OS District that include structures shall have those structures permanently constructed on solid foundations meeting all applicable regulations for the construction of such structures within the State of Ohio and Union County. Buildings shall be constructed and clad with conventional building materials of a quality equal to or better than buildings in the surrounding area. Greenhouses as a permanent structure in conjunction with a Botanical Garden or Conservatory use and open shelter houses shall be permitted in this district. The use of tents, inflatable buildings, fabric buildings and other such structures for permanent use shall be prohibited. Nothing in this section shall prohibit the use of tents, pavilions, awnings or

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canopies for temporary use meeting the requirements of section 640 of this zoning resolution.

2. Temporary Structures

Temporary non-residential structures, such as construction trailers, may be used incidental to construction work on the premises, on adjacent public projects, or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use from the Township Zoning Inspector, which permit shall be valid for a period of 6 months. Such permit may be renewed by the Zoning Inspector upon a determination of reasonable progress toward the completion of the permanent structure or project. Said temporary structure shall be removed within 10 days of the earlier of; the completion of the construction project, the issuance of an occupancy permit, or the expiration of the temporary use permit.

3. Building Height

The maximum height of all structures in the MU District shall be 24 feet, measured as defined in Section 300 of this Resolution.

4. Building Design and Orientation on the Lot

The following standards apply to the construction of all buildings within the OS District:

- a) Main Entries – All buildings within the OS District shall be designed and located on the lot so that the main entrance to the building is visible from the street on which the lot fronts. The main entrance of each building shall be clearly delineated from the rest of the building through the use of architectural projections, a change in architectural design, a change in building materials, awnings, canopies or other such architectural features.
- b) Blank Walls – Large expanses of flat, featureless, exterior wall shall not be permitted on any building elevation within the OS District. Buildings shall be designed so that, at a minimum, exterior walls are varied through the use of windows, changes in building mass, changes in building materials, or a combination of the above.
- c) Loading Docks and Loading areas – Loading docks and loading areas shall not be permitted on the side of the building that faces the street. Buildings shall be designed and located on the lot so that loading docks and loading areas are at the side or rear of the building.

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510.04 Loading, Delivery and Service Areas

Loading, delivery and service/maintenance areas within the OS District shall meet the following standards:

1. Screening

All loading, delivery, and service/maintenance areas in the OS District shall be screened from view in accordance with the following standards:

- a) Buffering from Non-Residential Uses – Service and delivery areas, overhead doors, and loading docks, if required, shall be buffered from adjacent non-residential uses by the installation of evergreen trees and/or shrubbery of a type and variety normally achieving a minimum of 5 feet in height within 3 years of planting. Evergreen trees and/or shrubbery shall be planted in such a way as to provide a minimum of a 75 percent opacity screen between the service area and/or loading dock and the adjacent use. Walls and fences may be used for the purposes of buffering service areas and/or loading docks provided that such walls and fences meet the requirements of section 625 and do not contain any advertising.
- b) Screening from Adjacent Residential Uses, Industrial Parkway, State Route 42, and State Route 33 – All sides of any service areas and/or loading docks that are visible to adjacent residential uses or lots, Industrial Parkway, State Route 42, and State Route 33 shall be entirely screened from view through the use of one of the following:
 - (i) Completely opaque walls or fences, in accordance with section 625 of this Resolution, to a height necessary for screening the proposed use but not less than 6 feet and not exceeding 12 feet in height.
 - (ii) Loading docks may be screened from view by an extension of a building wall provided that the wall is constructed of materials similar to and harmonious with the design of the principal structure.
 - (iii) A combination of mounding and evergreen shrubbery to obtain 100 percent screening of the area, to a minimum of 6 feet in height, within 3 years after planting.
 - (iv) A continuous planting of evergreen trees, a minimum of 6 feet in height at the time of planting, and staggered or spaced to achieve 100 percent screening of the area within 3 years of planting.
 - (v) Any combination of the above.
- c) Screening of Dumpsters, Storage Tanks, and Mechanical Equipment – within the OS District all dumpsters, compactors, trash receptacles, storage and fuel tanks, generators, heating and cooling equipment, and all other similar building service and mechanical equipment shall be screened from view on all sides by the proposed structure

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and/or free standing walls or fences. Free standing walls or fences shall be at a minimum height necessary to screen the proposed use and shall meet the requirements of section 625.

- d) Maintenance of Materials - All planting and landscape materials used for the purpose of screening shall be maintained in good condition in accordance with Section 620 of this Resolution.

510.05 Off-Street Parking

Off-street parking for all uses in the OS District shall be provided at the time of construction of the main structure, building, or outdoor facility with adequate provisions for ingress and egress. All parking spaces and vehicular circulation areas shall meet the requirements of section 610 and the following standards:

1. Number of Parking Spaces Required

All uses in the OS District shall provide a minimum number of off-street parking spaces in accordance with the type of use as defined in Section 610.

2. Parking Lot Landscaping

All uses in the OS District shall provide parking lot landscaping in accordance with Section 610 and the following standards:

- a) Parking Lot Trees - The owner or developer of the proposed use shall install a minimum of 1 shade tree per every 10 parking spaces. Shade trees shall be installed in the center of the required landscape islands to avoid damage. Shade trees shall be of a species and variety that is typically known for urban tolerance, does not fruit heavily and shall be a minimum of two inches in caliper at the time of installation.

510.06 Landscaping

All uses within the OS District shall be landscaped in accordance with section 620 of this Resolution.

510.07 Signage

Signs identifying or advertising uses within the OS District shall be in strict compliance with section 620 of this Resolution and with the standards as follows:

1. Number and Type of Signs Permitted in the OS District

For all uses and lots within the OS District the total amount of signage permitted shall be as follows:

- a) One ground mounted monument sign shall be permitted per parcel.

2. Monument Signs

All monument signs within the OS District shall comply with the requirements of Section 620 and the following requirements:

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- a) Construction - Monument signs shall be permanently installed on a solid base constructed of durable natural materials or between two posts or columns constructed of durable natural materials.
- b) Height – Monument signs in the OS District shall not exceed a total of 5 feet in height including the sign, sign base and support columns.
- c) Location – Monument signs in the OS District shall be set back at least 15 feet from any right of way or lot line and shall be installed in a location that will not impede the view of traffic from driveways or intersections.
- d) Display Area – The total display area of all signage surfaces shall not exceed 30 square feet as defined in Section 300 of this Resolution.
- e) Landscaped area – Each monument sign shall be surrounded by landscaping around the base of the sign totaling a minimum of 50 square feet. Landscaped areas shall be comprised of a variety of plant materials such as annual or perennial flowers, ground covers, and shrubs.

510.08 Lighting

All exterior lighting within the OS District shall strictly adhere to the requirements of Section 620 and the following standards:

1. Maximum Height Requirements

The total height of exterior light fixtures used for parking lot and site lighting within the OS District shall not exceed a maximum height of 24 feet established from the average finished grade of the area intended to be illuminated surrounding the light fixture.

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600 General Regulation of the Arrangement and Development of Land and Structures

Regulations are hereby established and adopted pertaining generally and uniformly to the arrangement of land and structures throughout the township. It is the purpose of these development standards to set forth certain rules to be adhered to regardless of the type or classification of development. If a conflict arises between these standards and the more specific standards prescribed in any individual zoning district then the specific provisions of the zoning district shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning or variance.

605 Agriculture

For the purposes of this Resolution the definition of Agriculture shall be that prescribed by Section 519.01 of the Ohio Revised Code. As used herein, agriculture generally includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

605.01 Agriculture Exempted Herein

Agriculture shall not be prohibited on lots greater than five acres. The use of any land for agricultural purposes or the construction or use of building or structure incidental to the use for agricultural purposes of the land on which such buildings or structures are located shall not be prohibited on lots greater than five acres and no zoning certificate shall be required for any such building or structure. (Ohio Revised Code 519.21)

605.02 Agriculture Subject to Regulation

In any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate;, agriculture shall be regulated as follows:

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1. Agriculture is prohibited on lots of one (1) acre or less. This does not prohibit gardening related to a residence.
2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall conform to setbacks, size and height requirements for the underlying zoning district.
3. Dairying and animal and poultry husbandry are permitted on lots greater than 1 acre but not greater than 5 acres until 35% of the lots in the subdivision are developed with at least 1 building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code. After 35% of the lots in the subdivision are so developed, ongoing dairying and animal and poultry husbandry shall be considered a non-conforming use pursuant to section 519.19 of the Ohio Revised Code. No new dairying, animal or poultry husbandry shall commence on such lots after 35% of the lots are developed with structures.

605.03 Farm Markets

In accordance with Section 519.21 of the Ohio Revised Code Farm markets which derive at least fifty percent (50%) of their gross income from produce raised on farms owned or operated by the market owner in a normal crop year shall be permitted in any zoning district, subject to the following regulations:

1. Buildings less than one hundred and forty-four (144) square feet of floor area shall be placed at least fifteen (15) feet outside the road right-of-way so as to safely allow for adequate customer off street parking. Seasonal farm markets may use grassed areas for parking. Permanent farm markets shall provide paved or graveled parking.
2. For buildings larger than one hundred and forty-four (144) square feet of floor area, off-street parking shall be provided at the ratio of 1 parking space for each 250 square feet of farm market. Seasonal parking may be grassed areas, but permanent parking shall be graveled or paved and provided egress in accordance with the recommendation of the Union County Engineer. Setbacks shall be the same as for any structure in the underlying zoning district.

610 Off Street Parking and Loading

Wherever off street vehicular parking areas are to be provided as required by the provisions of this Zoning Resolution the requirements of the Zoning Districts and the following standards shall apply.

610.01 Application

1. The off-street parking and loading requirements of this Resolution shall apply to the following:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- a) All new buildings and uses constructed after the effective date of this Resolution.
 - b) Whenever a use, existing prior to the effective date of this Resolution, is changed or enlarged in floor area, seating capacity, or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a use, existing prior to the effective date of this Resolution, is enlarged to the extent of 50 percent or more in floor area, said use shall then and thereafter comply with all of the parking requirements set forth herein.
2. Whenever the number of off-street parking spaces required is to be determined from the floor area of a specified use, it shall mean the floor area of such use as defined in Section 3.
 3. Whenever the calculations regarding the requirement for off street parking spaces yield a fractional number the required number of parking spaces shall be increased to the next whole number.

610.02 Required Off Street Parking Spaces

The user of any lot or tract in Jerome Township shall provide off-street parking for all residents, employees, customers, visitors, and invitees. The following table shall specify the minimum number of parking spaces to be provided

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

Figure 610.02 – Required Parking Spaces by Use

Proposed Land Use	Required Parking Spaces
Single Family Residential	3 per dwelling unit (garages and driveways included).
All other residential	2 per dwelling unit (garages and driveways included).
Hotels, Motels, Lodges (without Public meeting facilities)	1 per rental unit plus 1 per employee on the largest shift plus 1 for each 4 seats in the dining room or restaurant area.
Hotels, Motels, Lodges (with public meeting facilities)	1 per rental unit plus 1 per each 75 square feet of floor area used for public meeting or assembly purposes plus one per each 4 seats in any restaurant therein.
Public Meeting, Exhibition Halls, and private assembly areas (except churches)	1 for each 3 seats or 1 for each 45 square feet of assembly area whichever is greater.
Churches or places of public assembly	1 for each 3 seats or 1 for each 45 square feet of assembly area whichever is greater.
Hospitals and clinics	1 ½ for each bed or exam room plus 1 for each employee on the largest shift
Nursing Homes	1 for each 2 beds plus 1 for each employee on the largest shift
Museums, libraries, etc.	1 for each 400 square feet of floor area open to public plus 1 for each

	employee on the largest shift
Child care services (not including home occupations)	1 space for each employee on the largest shift plus 1 space for each 5 children.
Primary or elementary schools	4 for each classroom
Secondary schools, colleges, trade schools, etc.	4 for each classroom plus 1 for each 4 students
Restaurants - fast food with drive thru	1 for each 3 seats plus 1 for each employee on the largest shift.
Restaurants – sit down with no drive thru	1 per each 2 seats plus 1 for each employee on the largest shift
Professional and business offices and multi-tenant offices	1 for each 300 square feet of floor area
Research and testing offices	1 per each 350 square feet of floor area
Funeral Homes	1 for each 25 square feet of floor area open to the public
Retail Stores	1 per 250 square feet of floor area
Personal care services	2 spaces per each Barber, Beautician, or Technician.
Fitness centers	1 per each 175 square feet of floor area
All industrial warehousing	20 plus 1 for each 2 employees plus 1 for each vehicle maintained on the premises.
Industrial manufacturing	1 space for every employee on the maximum shift plus 1 per each 10,000 square feet of floor area.
Golf courses	6 per hole
Athletic fields	12 spaces per field
Miniature golf	2 spaces per hole
Tennis courts / Clubs	4 spaces per court
Bowling alleys	3 spaces per lane
Driving range	1.5 spaces per tee
Riding stables	1 space per stall
Spectator sports	1 space per each 2 seats
Recreational camp	1 space per each 2 campers plus 1 space per counselor or staff
Picnic grounds	2 spaces per each picnic table plus 10 spaces per each open shelter

Note: The parking space requirements for any use not specifically mentioned in figure 610.02 shall match those required for uses of a similar nature provided in figure 610.02.

610.03 Design and Location

All parking and circulation areas shall, at a minimum, be designed to meet the following standards:

1. **Size** - All parking spaces shall be a rectangular area not less than 9 feet in width by 19 feet in length with the exception of compact vehicle parking spaces.
2. **Compact Vehicle Parking Spaces** - In parking areas where more than 25 parking spaces are required the owner may provide compact vehicle parking spaces in lieu of standard vehicle parking spaces for a maximum of 10 percent of the total number of parking spaces required subject to the following requirements:
 - a) Compact vehicle parking spaces shall be a minimum of 8 feet in width and 16 feet in length.
 - b) Compact vehicle parking spaces shall be clearly marked with an aluminum sign measuring a minimum of 12 inches by 18 inches and permanently affixed to a building or sign post at the end of each space. Such sign shall be mounted at a minimum of 3 feet and a maximum of 4 feet in height as viewed from the center of the parking space.
3. **Location** - Required off-street parking facilities shall be located on the same lot as the structure or use served, except where joint or combined parking areas are permitted elsewhere by this Resolution.
4. **Joint or Combined Parking** - Joint or combined parking areas are defined as a condition where two or more adjoining lots or outparcels, or individual tenants in a multi-tenant retail center, share areas of parking and circulation. Where joint or combined parking between lots or uses is permitted a cross access agreement / easement shall be executed and recorded between the individual properties.
5. **Construction** - Except in the Agricultural District (AG) all parking areas, circulation aisles, and driveways shall be paved with concrete, asphalt, porous concrete or asphalt, brick or concrete pavers, or a combination of the above.
6. **Striping** - All parking spaces shall be clearly marked and striped.
7. **Curb or Wheel Stops** - Continuous curbs or wheel stops shall be provided in all parking areas, where adjacent to landscape areas, to prevent vehicles from driving into the landscape areas. Wheel stops, if provided, shall be made of concrete, cut stone, recycled rubber or polymer in white, black or grey, or other similar material and maintained in good condition.
8. **Landscape Islands** - To reduce the effect of heat absorption and provide improved visual character in off street parking areas landscape islands shall be provided within all parking areas

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having 10 or more parking spaces in accordance with the following:

- a) Landscape islands shall be a minimum of 8 feet in width and 19 feet in length and shall have a minimum of 2 foot radius at the outside corners.
 - b) Islands shall be provided at a rate of 1 island per each 12 parking spaces. Landscape areas located in the corners of parking areas shall count as $\frac{1}{2}$ of a required landscape island.
 - c) Within double rows of parking, islands shall be combined end to end and placed at the end of parking rows as a cap or between the sides of parking spaces in a row.
 - d) Landscape islands shall be planted with trees or shrubs according to the requirements of the underlying zoning district.
9. **Headlight Screening** – All off-street parking spaces shall have headlight screening installed between the parking and circulation aisles and adjacent public rights-of-way in accordance with the following:
- a) Headlight screening shall be in the form of a continuous evergreen hedge planting, earthen mound, or a combination of the two and shall provide a continuous screen from the ground up to a minimum of 3 feet 6 inches in height above the surface of the parking lot.
 - b) Headlight screening shall be installed parallel and adjacent to the parking lot and circulation aisles being screened.
 - c) Shrubs used for the purposes of headlight screening shall be installed a minimum of 2 feet from the back of curb or wheel stop of head in parking spaces to avoid damage from the overhang of vehicles.
10. **Driveways and Circulation** - All parking areas for 5 or more vehicles shall be served by a driveway or circulation aisle of not less than 22 feet in width and not more than 25 feet in width to permit access to all required parking spaces. All driveways serving said parking areas shall have access either to an approved private street or a public right of way.
11. **Access** - All driveway access to a public right of way shall meet the access management standards, minimum visibility standards, and all other applicable standards of the Union County Engineers office.
12. **Setbacks** - All driveway access and circulation aisles, exclusive of curb returns, shall meet the standards of the zoning district for pavement setback from the side lot lines and shall meet the requirements of the Union County Engineer for distance from existing access drives on adjacent property.

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13. **Compliance with other Regulations** - All off-street parking and loading areas shall meet all applicable requirements of the Union County engineer's office and shall comply with the requirements of any applicable fire code.
14. **Provision for Disabled Persons** - All off-street parking areas, other than for single-family dwellings, shall meet the requirements of the State Building Code and the Americans with Disabilities Act for the provision of parking spaces for the physically disabled and shall include all necessary markings, striping and signage.
15. **Sidewalks** - All uses shall provide a minimum 4' sidewalk or otherwise paved access from the main and secondary building entries to the parking areas.

610.04 Minimum Distance and Setbacks

The setback of parking and circulation areas from adjacent streets and properties shall be as defined by the standards of the zoning district in which they are provided. In no event shall any parking or circulation area for more than 10 vehicles be closer than 20 feet to any housing unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen.

610.05 Buffering from Adjacent Residential Land Uses

All off street parking areas for more than 5 vehicles, shall be buffered from view from any adjacent residential land use, except for Rural Residential, through the use of either landscaping, or a 6' privacy fence, or a combination thereof. A Landscape buffer shall consist of a minimum of 6' height evergreen trees planted at 15' on center within the required parking area setback.

610.06 Off-Street Loading and Delivery

Where any use or building in any district requires the receipt or distribution of material or merchandise by vehicle, there shall be provided and maintained, on the same lot with such use or building, a minimum of one off-street loading space. The size and circulation area of loading spaces shall be adequately designed to accommodate the maximum size vehicle to be used in the delivery or distribution, and shall be located in such a way that a parked delivery vehicle shall not project into, or interfere with, any circulation area, alley, or public right of way.

610.07 Limitations on Parking and Storage of Certain Vehicles

The parking and / or storage of commercial vehicles, construction vehicles and equipment, recreational vehicles, boats, camping trailers or other trailers, mobile homes, inoperable vehicles, and other vehicles shall meet the following regulations.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

1. **Commercial Vehicles and Construction Equipment** - Commercial vehicles including vehicles and equipment used for construction shall be regulated as follows.
 - a) Not more than 1 commercial truck, limited to a two-axle, four-tired pickup or light truck typically classified as Class 1, or 2 by the Federal Highway Administration Vehicle Inventory and Use Survey, and which has operating characteristics similar to those of a passenger car, shall be allowed per 1 dwelling unit in any Residential Zoning District, or any residential component within a Planned District. This Resolution shall not apply to the personal ownership and use of more than one light truck or passenger van provided said vehicle does not bear any advertisements and is registered as a non-commercial vehicle.
 - b) Trucks having dual tires on 1 or more axles, or having more than 2 axles, typically classified as Class 3, 4, 5, 6, 7, or 8 by the Federal Highway Administration Vehicle Inventory and Use Survey, designed for the transportation of cargo and including tractor-trucks, trailers, and semitrailers shall not be allowed in any Residential or Planned Residential Zoning District. Commercial vehicles making a temporary house calls or deliveries shall not be prohibited under the terms of this section.
 - c) The parking or storage of commercial motor vehicles, as defined above in Section 610.07 (1)(a), including those vehicles having commercial signage, commercial equipment, or structures for commercial equipment attached to the motor vehicle permanently or temporarily, shall not be permitted within any residential district, for periods exceeding three days, except when parked or stored in an enclosed garage. Commercial vehicles making temporary house calls or deliveries shall not be prohibited under the terms of this section.
 - d) Backhoes, road graders, bulldozers, trailers used to haul commercial vehicles or goods, well rigs, tractors, and such similar vehicles and equipment used for construction or commercial purposes are prohibited from being stored outside of a permitted or accessory structure in any Residential Zoning District, or any residential component within a Planned District. Construction equipment temporarily used for construction upon a site shall not be prohibited under the terms of this section.
2. **Parking of Recreational Vehicles, Boats, Camping Trailers, or other Trailers** - No recreational vehicle, motor home, boat, camping trailer, travel trailer or other similar vehicle or trailer shall be stored or parked in any Residential Zoning District, or any residential component within a Planned District, unless

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completely enclosed within a permitted principal or accessory structure, except as follows:

- a) Such vehicle with a current license may be temporarily parked in any side or rear yard of a lot within the Rural Residential Zoning District for a total period not to exceed all or any portion of 30 calendar days during any 1 calendar year. Such vehicle may not be parked in a way as to encroach on any required side or rear yard setback line.

3. **Use of Recreational Vehicles, Camping Trailers, or Other Trailers and Mobile Homes** - Unless approved in accordance with Section 640, Temporary Uses, recreational vehicles, camping trailers and similar Recreational Vehicles and equipment, and Mobile Homes shall not be used as a dwelling unit or for living, sleeping or housekeeping purposes.

Recreational vehicles, camping trailers, or other trailers or vehicles designed for sales or office use, and mobile homes shall not be used for business purposes unless the business use is in association with a Temporary Use as permitted in Section 640 of this Resolution.

4. **Inoperable Automobiles and/or Other Inoperable Motor Vehicles** - Not more than 1 wrecked, or otherwise inoperable automobile or other motor vehicle including any motor vehicle without a valid and current registration decal and/or license plate shall be allowed per 1 dwelling unit in any Residential Zoning District, or any residential component within a Planned District. Such vehicle shall be parked or stored by completely enclosing the same within a permitted or accessory structure in such a manner so as not to be visible from any adjacent lot or street. In addition, no such vehicle shall be parked or stored within a required side or rear yard unless the parking or storage space is completely enclosed by a permitted or accessory structure.
5. **Car Covers on Non-Junk, Operable or Licensed Vehicles** - Any overnight covers used on non-wrecked, operable or licensed vehicles shall be tarps or covers designed for such purposes. All tarps shall be secured to the vehicle and maintained in good condition free from tears, cracks or holes. No vehicle may remain parked or stored outside with a cover for a period longer than 7 consecutive days.

615 Signs and Advertising

The purpose of this section is to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare through regulation of existing and proposed outdoor displays, signs, advertising fixtures, promotional materials or other outdoor use of lighting, noise or items intending to suggest presence, or calling attention to, or to convey information, to convey an idea or a concept, or that provides

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direction, or any other activity with similar intent of promotion, economic or personal gain. The objective of this section is to protect property values, to preserve the physical appearance of the community, to preserve the scenic and natural beauty of designated areas, and to create a more attractive residential and commercial environment by balancing the aesthetic and economic needs of signage. It intends to reduce obstructions to sight or passage, to reduce distractions or hazards resulting from signs, lighting or other advertising promotional activities that may contribute to traffic or other type accidents, or that otherwise impair or create deterioration to the natural environment. All temporary and permanent signs to be attached, erected, placed, constructed or modified within township limits shall require a zoning permit prior to any such placement, construction, erection, attachment or modification.

615.01 Signage Definition

A sign as defined in Section 300 of this Resolution generally includes any display, illustration, use of light, noise, color, or materials that identify name, symbols, products or services, or that promote direction, idea or other activities for purposes of commerce as discussed in this Section. All signs on land within Jerome Township and visible or heard from adjacent properties, or public right-of-ways, or that may create hazardous obstacles or distractions to traffic shall comply with this Section and the requirements of the individual zoning districts in which they reside.

615.02 Sign Permit

Unless otherwise provided for in Section 615.04, a Sign Permit shall be obtained for all signage placed within any zoning district in accordance with the provisions of Section 615 of this Resolution. When a conflict arises between the sign and billboard requirements of this Resolution and those of the State of Ohio (ORC Chapter 5516) regarding the placement of signs and billboards adjacent to state highways, the more restrictive regulation shall govern.

615.03 Prohibited Signs

The following signs shall be prohibited in Jerome Township:

1. ALL signs not specifically permitted by the express terms of this Resolution.
2. Abandoned signs and associated supporting structures that no longer advertise a commercial message for a bona fide business conducted on the premises for a period of two years. If the sign structure supports multiple business names, that portion of the face shall be replaced with a matching blank face and shall screen all internal lighting.
3. Portable signs, portable billboards, pennants, streamers, flashing lights, moving string of lights, inflatable devices, moving

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computer driven LED signs (“running tickers”) and air-activated attraction devices.

4. Changeable copy signs except those specifically permitted elsewhere in this Resolution.
5. Signs or advertising erected and maintained in trees or painted or drawn upon rocks or other natural features.
6. Except for identification signs on agricultural buildings, no sign or billboard shall be displayed or painted directly upon the wall or roof on any building or structure.
7. No sign shall be attached to any fence within the ROW of any road. No sign shall be attached to any fence regardless of location without the permission of the owner of the fence.
8. Signs mounted upon the roof of any building or structure.
9. Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
10. Pole signs, except as otherwise specifically permitted herein.
11. Translucent backgrounds on internally lit cabinet signs.
12. Obscene Nature: No sign shall be erected that displays a sexual, provocative, or promiscuous act.
13. Signs on or over any public property or public ROW except as is specifically permitted in these regulations. Signs may be erected on public property only by an authorized representative of a public agency or a quasi-public agency, provided such sign is approved by the Zoning Inspector prior to its erection. Signs on State Road rights-of-way shall comply fully with ODOT regulations.
14. Advertising signs on benches, trash receptacles, bus shelters and similar structures, when visible from the public ROW.
15. Off premise signs, except for legal billboards.
16. Billboards in residential zoning districts.
17. Billboards or signs for advertising purposes on any water tower, wind turbine or landmark.
18. Revolving signs (excepting barber poles and Temporary Holiday Lighting), and animated signs (includes mechanical or electronic changeable copy signs, flashing signs, moving signs and any animation of signs). No sign shall contain or consist of, ribbons, streamers or similar moving devices.
19. Arrangements of lights in rows, strings, patterns, or designs that outline or are attached to any portion of a building or structure, including windows, are prohibited. This prohibition does not apply to seasonal light displays, or lights that are an integral part of an approved sign or those required for public safety. Flashing signs are prohibited.

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20. Realtor signs located at a subdivision entrance.

615.04 Signs - No Permit Required

No permit or approval shall be required for the following signage:

1. The flag, pennant or insignia of any nation, state, city or other political unit.
2. Signs of a duly constituted government body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.
3. Signs required by a state or federal statute.
4. Signs installed by public utilities in their rights-of-way or on their facilities as necessary to identify the use.
5. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election. Such signs shall not create a safety or visibility hazard, nor be affixed to any public utility pole, tree, or natural object, nor be located within a public right-of-way.
6. Signs not exceeding 2 square foot in area, bearing only property numbers, postal box numbers or names of occupants of premises.
7. Signs indicating the sale, rental or lease of residential real estate, provided such signs are limited in size to 6 square feet with one sign per street front. Such signs shall be placed on the residential property referred to and shall not be placed in public rights-of-way and shall be removed within 14 days after sale, rental or lease has occurred.
8. Signs (limited to 8 square feet) for the promotion of school, community service or church activities.
9. Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to 4 square feet in area and 3 feet in height, are set back at least 5 feet from the right-of-way, do not interfere with safe traffic circulation and do not interfere with or obstruct the view of drivers exiting onto highways or thoroughfares and contain no information other than the word 'IN', 'ENTER', 'ENTRANCE', 'OUT', or 'EXIT' and/or arrows indicating desired traffic movement.
10. Cornerstones, commemorative tablets and historical signs, not to exceed 10 square feet in area.

615.05 Permanent Signs – Permit Required

Permanent signs shall be those permitted in areas clearly designated herein and subject to the regulations of the underlying zoning district and Section 615. Application for permanent signs shall be made to

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the Zoning Inspector and upon his/her approval a permit issued and fee will be assessed. Permanent signs requiring a Sign Permit are as follows:

1. **Ground Mounted Signs** – Where permitted within this Resolution, all ground mounted monument or pylon signs shall comply with the requirements of the underlying zoning district, or the planned development district standards adopted for each use, and the following:
 - a) Such signs shall be in harmony with the buildings on the site, and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.
2. **Wall Signs** – Where permitted within this Resolution, all wall signs, (including those in facilities with multiple occupancies) shall comply with the requirements of the underlying zoning district, or the planned development district standards adopted for each use, and the following:
 - a) **Installation** – Such signs shall be installed parallel to the wall on which they are installed, and shall not project more than 16 inches from such wall, it being hereby intended to prohibit signs from projecting outward from the wall, at right angles or otherwise.
 - (i) No part of any sign shall be closer to either end of the building face on which it is erected than 2 feet.
 - (ii) No part of any sign shall be less than 8 feet above the sidewalk or ground level, if such sign projects forward of the wall on which it is mounted to such an extent as to constitute a hazard or inconvenience to pedestrian or vehicular traffic.
3. **Joint Identification Signs** – Where permitted within this Resolution, all joint identification signs shall comply with the requirements of the underlying zoning district, or the planned development district standards adopted for each use.
4. **Schools and Churches** – Where permitted within this Resolution, Schools and churches may install monument signs that include changeable copy for the purposes of advertising special events, times of service, etc.
5. **Drive-thru Menu Boards** – Where Drive-thru Restaurants are permitted within this Resolution, such uses shall be permitted to install Drive-thru menu boards subject to the following conditions:
 - a) The Drive-thru menu board shall be located on the property to which it refers.
 - b) The sign is oriented solely for the use of patrons utilizing the Drive-thru.

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- c) The sign is not intended to be visible from adjacent property or right-of-way.
 - d) The sign is limited to menu items only, shall contain no advertising, and shall not be readable from off premise.
6. **Residential Development Entry Signs** – In any residential zoning district residential developments shall be permitted one ground mounted monument sign at the entry to the development subject to the following requirements:
- a) Minimum size of development - For a residential development entry sign to be permitted the residential development shall contain a minimum of 10 platted lots constituting one development.
 - b) Copy – The sign shall be permitted to advertise the name of the development only and shall include no other copy or advertisement.
 - c) Conformance - Such signs shall conform to all of the requirements of Section 615.07 and shall be set back a minimum of 15 feet from any right-of-way.
 - d) Height and Size – Residential development entry signs shall not exceed a total of 32 square feet in display area as defined in section 615.07, and shall not exceed 5 feet in height including the sign, sign base, and support columns.
 - e) Landscaping – Such sign shall incorporate landscaping features around the base of the sign.
7. **Outdoor Advertising or Billboards** - Outdoor Advertising, or Billboards (as defined by ORC 519.20), for a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all non-residential districts subject to the requirements of Section 615.07 and following regulations:
- a) No billboard shall exceed three hundred (300) square feet of advertising area per side nor have more than two sides.
 - b) No billboard shall exceed fifteen (15) feet in height above the average grade nor have a length in excess of four times the height of the sign face.
 - c) The use shall comply with the general regulations set forth in other provisions of this Resolution.
 - d) All billboards shall be located in compliance with all local, state and federal regulations controlling the same. Billboards shall be licensed or permitted as may be required by local, state or federal agencies.
 - e) All billboards shall be located behind the building setback lines established for the district in which the sign is located and

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shall be at least one thousand (1,000) feet from any dwelling, church, school, or similar institution.

- f) No billboard or outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side lot line.
- g) Spacing Requirements- Each billboard site location shall be separated from every other billboard site location in accordance with the following:
 - (i) Spacing requirements shall be measured along the curb line of the street that the billboard is oriented to and the measurement shall apply to both sides of the street.
 - (ii) Spacing requirements shall be measured from existing billboards regardless of the political jurisdiction within which any other billboard may be located.
 - (iii) Measurement of the spacing between billboard locations shall begin at a point nearest to the proposed billboard site location from an existing billboard site location and extending to a point nearest to the existing billboard site location from the proposed billboard site location.
 - (iv) Billboards shall be located at least 1250 feet from other billboards.

615.06 Temporary Signs, Permit Required

Temporary signs shall include signs indicating or promoting the sale or development of land, facilities or structures. Such signs shall comply with the provisions of Section 615.07 with the exception that temporary signs shall not be illuminated. Application shall be made to the Zoning Inspector and upon his/her approval a permit issued and fee will be assessed. Approval shall be for a period not to exceed those described below and may be renewed upon application. Failure to secure a renewal permit shall not constitute an automatic renewal or approval or a waiver of any fees or applicant obligations. The following requirements shall govern temporary signs:

1. **Construction / Development signs** – Signs advertising the construction or development of a property currently under construction shall be permitted as a temporary sign. Such signs shall be limited to 32 square feet in area and 8 feet in height and be a minimum of 10 feet from the public right-of-way. Permits granted for such signs shall be valid for a period of 12 months and may be renewed for (2) additional 6 month periods upon application to the Zoning Inspector.
2. **Residential Construction Signs** – Signs advertising builders or construction companies during the construction of a residence on an individual lot (not including realty signs as exempted elsewhere in this section) shall be permitted as a temporary sign. Such signs shall be limited to 8 square feet in display area and 5 feet in height and shall be located only on the lot where such

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construction activity occurs. Permits granted for such signs shall be valid for a period of 12 months and may be renewed for (1) additional 6 month period upon application to the Zoning Inspector.

3. **Signs advertising the sale of undeveloped land**—Signs advertising the sale or lease of land available for development shall be permitted as a temporary sign. Such signs shall be limited to 32 square feet of display area per side and shall not exceed 8' in height. Permits granted for such signs shall be valid for a period of 1 year and may be renewed for (1) additional 1 year period upon application to the zoning inspector.
4. **Model Home Signs** – Signs advertising a model home for display shall be permitted temporarily in any residential district subject to the following requirements:
 - a) Minimum size of development - For a model home sign to be permitted the residential development shall contain a minimum of 10 platted lots constituting one development.
 - b) Construction – Model home signs shall be a ground mounted monument sign, or a sign suspended from a braced inverted “L” type pole and shall not be illuminated by any means.
 - c) Height and size – Model home signs shall not exceed 16 square feet in display area as defined by Section 6XX.XX, and shall not exceed 4 feet in height to the top of the advertising area.
 - d) Location – Model home signs shall be located on the same lot as the model home, shall be set back a minimum of 5 feet from any property line or right-of-way, and shall not impede the view of vehicles or pedestrians.
 - e) Removal – Model home signs shall be removed by the builder within 15 days of the sale of the model home.

615.07 General Requirements for All Signs

1. **Location** - No sign shall be placed in public rights-of-way, or in public parks or any other public property or on utility poles, trees or natural objects. No sign shall be located in such a way that it obscures traffic control signs, obstructs the view of approaching or intersecting traffic, or interferes with the visibility or safety of vehicles or pedestrians entering, leaving or crossing a public right-of-way. No sign shall be located in any residential district, except as provided for in Section 615 and Section 635 Home Occupation.
2. **Display area** – The area of a sign or billboard shall be computed by means of a continuous perimeter forming a basic geometric shape which encloses the message or display and is differentiated from the wall or supporting structure on which it is placed in addition to the following:

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- a) Two or More Faces - Where an area of a sign or billboard has two or more display faces, the area of all faces shall be used in determining the area of the sign unless the two display faces join back to back, are parallel to each other and not more than 24 inches apart, or form a V-angle of less than 45 degrees.
 - b) Supporting Structures – Supporting structures or uprights on which a sign or billboard may be placed are excluded from the sign area if they contain no message and are clearly incidental to the display itself.
 - c) Wall Mounted Signs – For wall mounted signs which consist of individually mounted letters, numbers, or other symbols on a wall or fascia, the area of the sign shall be the area of a rectangle circumscribed around the letters, numbers, or other symbols.
 - d) Awning Signs – For awning signs, the area of the sign shall include only the letters, numbers, or graphics on the surface of the awning and not the entire area of the awning face.
3. **Height** – The Height of a sign shall be measured as the distance from the average grade surrounding the sign to the top of the highest attached component of the sign. The placement of a ground sign on a mound or raised area for the purpose of increasing the height shall be prohibited.
4. **Design** – The design of all signs shall comply with the following:
- a) Signs shall not resemble by design, color, shape or other characteristics any common traffic control device or directional or warning signs directed or maintained by the state, municipality, or by any railroad, public utility or similar agency concerned with the protection of public health or safety.
 - b) Reverse sides of signs shall be unobtrusive and blend with the surroundings or be screened from view with landscaping.
5. **Landscaping** - All permanent freestanding signs (monument signs) shall have landscaping around the base of the sign as specified within the requirements of the underlying zoning district.
6. **Lighting** - The illumination of all signs shall comply with the following:
- a) If illuminated, signs shall be illuminated only by the following means:
 - (i) By a white, steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

- (ii) By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on an opaque background. No additional background lighting shall be permitted.
 - b) The level of illumination emitted or reflected from a sign shall not be of intensity sufficient to constitute a demonstrable safety hazard to air traffic or to vehicular traffic on any street from which the sign may be viewed.
 - c) Ground mounted light fixtures used to illuminate signs shall be screened from view by site grading or evergreen shrubs.
7. **Construction** - All signs shall be properly constructed and maintained to insure that no hazard is created and shall be able to withstand a wind pressure of thirty (30) pounds per square foot. All electrical wiring, fittings and materials used in the construction and operation of electrically illuminated signs shall conform to the construction specifications of the National Electric Code (or the local electric code in effect).
8. **Attachment** - No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape. No sign of any classification shall be attached in any form, shape or manner to another sign except as specifically permitted by this Resolution or by written zoning approval.
9. **Maintenance** – All signs and billboards shall be kept in a safe, secure condition. Should any sign or billboard be or become unsafe or be in danger of falling, the owner of the thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign or billboard in a safe and secure condition or remove the sign or billboard.
10. **Change in Use** – Whenever a principal use of a building or land changes, all signs which are associated with the former principal use shall be removed within 30 days, unless a new principal use of a building or land is established and the sign(s) can be adapted to the new principal use in a manner permitted by this Resolution.

620 Landscaping, Screening, and Buffering

Landscaping, screening, and buffering shall be required by this Resolution to minimize the impact of certain structures and land uses on adjacent properties and rights of ways, and to promote the general welfare of the township. Landscaping, screening and buffering for all lots, properties and uses shall meet the requirements of this section in addition to the individual requirements of the zoning districts.

620.01 Landscaping, Buffer Required

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

1. Where the side or rear yard of any building or use in the ORM, COM, LR, RR, or MU district abuts any parcel zoned in a residential district a landscape buffer, for the purpose of buffering the side or rear of such use or building from view of the residential area, shall be required in accordance with the following requirements:
 - a) Within the required side or rear yard setback, continuous for the entire length of such setback, there shall be installed a landscape buffer consisting of a combination of a minimum 3' high mound and a continuous planting of a combination of evergreen trees and deciduous shade trees. Evergreen trees shall be a minimum of 6' in height at the time of planting and shall be staggered or spaced to achieve a minimum opacity of 80% within 5 years of planting similar to buffer type 'C' in Appendix 1. Deciduous shade trees shall be a minimum of 2 1/2 inches in caliper at time of planting and shall be planted a minimum of 40' on center for the entire length of the landscape buffer.
 - b) Where buffering and screening is required within the underlying zoning district for the purposes of screening outdoor storage and or loading and delivery areas, the landscape buffer as described above shall be stopped at the point where the more stringent buffer is required, shall resume at the point where the more stringent buffer ends, and shall continue to the end of the required side or rear yard setback.
2. Articles or materials being stored, maintained, repaired, processed, erected, fabricated, dismantled, salvaged, or otherwise not being offered for retail sale in a completed, useable and normal condition shall be screened as required by the standards of the underlying zoning district and as required by this Section.
3. Any off-street parking area with 5 or more spaces shall be screened as required by the zoning district and as required by this Section.
4. Within all zoning districts any portion of any lot that is not covered with structures, paving, crop production, or forest canopy shall be landscaped at a minimum with turf grass, as defined in section 620.04, to prevent wind and soil erosion and the nuisance of excessive wind-blown dirt and dust on adjacent properties.

620.02 Screening and Landscaping Standards

All screening and landscaping shall be provided in accordance with the requirements of the individual zoning districts and with the following standards:

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

1. Where required screening is to be accomplished by landscaping, the landscape materials shall achieve the required standards within a period of 5 years or less.
2. No landscape plantings or materials shall be located so as to adversely affect the vision of drivers, or obstruct the view within a required view triangle as defined within Section 300.
3. All materials and equipment being stored outdoors in conjunction with a permissible use shall be screened in accordance with the requirements of the zoning district and with the following:
 - a) The storage of materials shall be screened fully to the height of stacking.
 - b) Screening shall be 100% opaque to the full height of the stacking and in no circumstance shall the outdoor storage of materials be stacked above the height of the screening provided.
 - c) For a diagram of Buffer types referenced in this Resolution see Section 705 - Appendix '1'.

620.03 Landscape Maintenance

The following maintenance standards shall apply to all required landscaping, screening and Buffering within Jerome Township.

1. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures.
2. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, trimmed, neat, and orderly appearance free from weeds, refuse, and debris at all times.
3. All landscape beds shall be maintained with defined edges and mulched on a yearly basis with natural hardwood mulch.
4. All plantings required by this Resolution which become unhealthy or dead shall be replaced within one year, or by the next planting season, whichever comes first with a plant of comparable species and size of the original plant at the time of initial planting.

620.04 Minimum Planting Requirements

1. **Industry Standards** - All required plant material shall comply with the latest edition of the "American Standards for Nursery Stock" as published by the American Nursery and Landscape Association.
2. **Deciduous Shade Trees** - Deciduous shade trees, where required by this Resolution, shall be installed balled and burlapped or from a container when planted. All shade trees shall have a minimum caliper of at least 2 inches at the time of planting unless specified otherwise in this Resolution.

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3. **Evergreen Trees** - Evergreen trees, where required by this Resolution, shall be installed balled and burlapped or from a container when planted. Evergreen trees shall be a minimum height of 6 feet at the time of planting unless specified otherwise in this Resolution.
4. **Ornamental Trees** - Ornamental trees, where required by this Resolution, shall be installed balled and burlapped or from a container when planted. Ornamental trees shall have a minimum height of 6 feet or a minimum caliper of 1.5 inches at the time of planting unless specified otherwise in this Resolution.
5. **Shrubs and Hedges** - Shrubs and hedges, where required by this Resolution, may be installed balled and burlapped or from a container at the time of planting. Shrubs and hedges used for screening shall be at least 24 inches in height at the time of planting and shall be sized and spaced in order to achieve the required screening within 3 years of the time of planting unless specified otherwise in this Resolution.
6. **Turf Grass** - Grass of the family Fescue (Gramineae), Perennial Ryegrass (Lolium Perenne), Bluegrass (Poaceae), or any combination thereof shall be planted in species normally grown as permanent lawns in Central Ohio, and may be sodded or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, provided that turf-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Sod shall be clean and free of weeds and noxious pests or diseases.

620.05 Prohibited Plant Material

Species found on the Ohio Department of Natural Resources' invasive plant list shall not be planted or cultivated within the Township. Proactive measures should be taken to remove any invasive species according to the recommended management practices of the ODNR.

1. The following tree species are unacceptable for use to meet landscape requirements within the township:
 - a) Box Elder *Acer negundo*
 - b) Silver Maple *Acer saccharinum*
 - c) Buckeye, Horsechestnut *Aesculus* species
 - d) Tree of Heaven *Ailanthus altissima*
 - e) Paper Birch *Betula papyrifera*
 - f) European White Birch *Betula pendula*
 - g) Northern Catalpa *Catalpa speciosa*
 - h) Ginko (female) *Ginko biloba*
 - i) Osage-orange *Maclura ponifera*
 - j) Apple *Malus punila*
 - k) Mulberry *Morus* species
 - l) Poplar *Populus* species
 - m) Bradford Pear *Pyrus calleryana* "Bradford"

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- n) Upright English Oak *Quercus robur* "fastigiata"
- o) Black Locust *Robinia pseudoacacia*
- p) Willow *Salix* species
- q) European Mountain Ash *Sorbus aucuparia*
- r) Moline American Elm *Ulmus americana* "Moline"
- s) Siberian Elm *Ulmus pumila*
- t) North American Ash *Fraxinus* species

625 Free Standing Walls, Fences, and Hedges

No wall or fence, used for any purpose, shall be erected without the issuance of a Zoning Certificate. Applications for a Zoning Certificate to erect a fence or wall shall include plans and drawings showing the boundary and dimensions of the property upon which the fence, wall or is to be erected; the exact height, location, length, type of material and type of construction of the proposed fence or wall; the location of the buildings on the lot; or any such other information as deemed necessary for such permit.

625.01 General Requirements for Walls, Fences or Hedges

1. No wall, fence, hedge or other landscape plantings or materials shall be located within any floodway, drainage easement, or apparent drainage course for any parcel or subdivision which would be detrimental to the public health safety and welfare.
2. No wall, fence, hedge or other landscape plantings or materials shall be located in any public right of way except where street trees are required, as approved in a planned development district, or as otherwise approved by the township.
3. No wall, fence, hedge or other landscape plantings or materials shall be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.
4. In addition, no wall, fence, hedge or other landscape plantings or materials shall visibly obscure, hide, or screen fire hydrants, street address numbering, or other security or emergency service equipment, controls or components.
5. The height of a wall, fence, or hedge shall be measured from the established grade line to the highest point of the wall, fence, or hedge. Any light fixture placed on a pier or post may not exceed a height of 24" above the height of the pier. The height of a wall, fence or hedge may not be artificially increased by the use of mounding unless otherwise required by this Resolution for screening and buffering purposes.
6. All walls and fences shall be structurally sound, safe, and properly finished at all times. Fences shall be designed, constructed, and finished so the supporting members thereof shall face the property of the owner of the fence and the finished portion or facing of the fence shall face the adjacent property or street.

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Ground areas between fences and property lines and between fences shall be kept properly maintained at all times.

7. All walls and fences shall be properly maintained and shall be kept free from damage, rot and disrepair over the life of the wall or fence. Walls shall be free from damage or deterioration and fences shall be kept painted or stained as originally installed.
8. The setback and height requirements of this Section shall apply to all public street frontages.
9. Fences, walls and hedges are permitted in any required side or rear yard, provided that no fence is more than six (6) feet in height in any residential district, is located behind the principal structure, and shall not extend closer to the street than a line drawn parallel to the street and extending from the rear corner of a principal structure with exceptions for the following:
 - a) Fencing, walls or hedges that are specifically designed and used for decorative and/or landscaping purposes in any residential district may be located in front and/or to the side of the principal structure, provided such decorative and/or landscaping fences, walls, or hedges shall not exceed fifty-two (52) inches in height and shall maintain a minimum setback of 5 feet from any adjacent property line and 15 feet from any right of way line.
 - b) Fences for security purposes in any non-residential districts may be installed with a maximum height of 10' (unless specified otherwise in the requirements for the zoning district) provided the fence is either decorative in nature or fully screened from view from the surrounding properties by landscaping that meets or exceeds the 10' in height within 5 years of planting.
 - c) Fencing height and location may vary from the standards of this section if specifically required to achieve screening and buffering of objectionable uses as required elsewhere in this Resolution.
 - d) If the fencing is in conformance with an approved Development Plan of a Planned District.

625.02 Permitted Fencing

The following types of fences, meeting all other requirements of this section and the Resolution, shall be permitted as follows:

1. Decorative wood, vinyl, or PVC privacy fences typically described as stockade, board on board, or alternating board fences shall be permitted for use in any side or rear yard in any residential district, subject to all other requirements of Section 625, or for use as screening or buffering as permitted elsewhere by this Resolution.

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2. Wood, Vinyl or PVC decorative rail fencing, or split-rail fencing as would normally be called a "horse rail" fence used to border property or pasture or used in residential landscape features. Vinyl coated metal mesh (square or rectangle mesh) may be used as an attachment to the interior of rail fencing for the containment of pets or livestock. Metal mesh fencing used for this purpose shall be black in color.
3. Ornamental iron or aluminum post and vertical picket type fences normally used for security or for decorative purposes.

625.03 Prohibited Fencing

The following types of fencing shall not be permitted in any zoning district or yard:

1. Walls, Fences or other landscaping equipped with, or having barbed wire, spikes, sharp points, or any similar device shall be prohibited with the exception of fences installed for the purposes of security within the Commerce District that are completely screened from view as required in section xxx.
2. Fencing designed to emit an electric charge sufficient to cause a shock more severe than that typically found in standard livestock fencing shall be prohibited. Nothing in this Resolution shall be construed or applied to prohibit underground "invisible fences" installed for the purpose of confining pets to property.
3. The use of chicken wire, poultry wire, or hex netting fence consisting of a plain, galvanized or PCV coated material shall be prohibited. Nothing in this Resolution shall be construed to prevent the use of such material for residential gardening purposes in the rear yard of any residential lot.
4. Chain link fences shall not be permitted except for the following instances:
 - a) Chain link fences may be used to frame and contain outdoor athletic facilities such as tennis courts, basketball courts, baseball or softball diamonds, or swimming pools.
 - b) In the Commerce District chain link fencing may be used to secure outdoor storage areas provided that the chain link fence is painted or coated black and is located on the inside of the required screening and buffering.

630 Exterior Lighting Standards

The purpose of this section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, and promotion of safety and security. The regulations of this section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other features of a lot with the

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exception of temporary lighting for the purposes of illuminating construction sites. Such temporary lighting shall be subject to a temporary use permit.

630.01 Applicable Zoning Districts

Exterior lighting requirements shall apply to all office, commercial, and industrial zoning districts, and any commercial, industrial or multi-family component of a planned development district. Lighting plans shall be submitted for approval with all applications for a Zoning Certificate.

630.02 Submittal Required

An Exterior Lighting Plan demonstrating compliance with the Lighting Standards shall be submitted to the township and approved by the Zoning Inspector prior to the issuance of a Zoning Certificate. The Exterior Lighting Plan shall contain the following information:

1. Scaled site plans with property boundaries shown, building plans, and all building locations, building entrances, and building elevations. The plan should include layouts of the parking lot(s), driveway(s), pedestrian pathway(s), adjacent right-of-way(s), a north arrow, an address or legal description.
2. Cut-sheet(s) (profiles or specifications) for all proposed exterior light fixtures and poles.
3. Scaled iso foot-candle plots and/or point-by-point foot-candles layouts defining compliance.
4. All changes during the construction process made after Issuance of a zoning certificate shall be *reviewed* and *approved* prior to installation and final acceptance.
5. All developments with 10 or more parking spaces are required to provide exterior lighting for all exterior doorways, pedestrian pathways and vehicular use areas.
6. All developments with less than 10 parking spaces may provide exterior lighting at all exterior doorways.
7. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.

630.03 Exterior Lighting Standards and Requirements

The following standards shall apply to all exterior illumination of exterior grounds and surfaces of a site:

1. Adverse impact in the form of light pollution resulting in a public nuisance shall be prohibited. Light pollution is defined as any measurable, artificial illumination that strays beyond a site boundary both horizontally and vertically.
2. No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

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3. Plans shall provide for a minimum of 0.5 foot-candles measured at grade in all vehicular use areas and pedestrian pathways. Actual site measurement compliance shall not drop below this minimum.
4. Lighting uniformity shall not exceed a 10:1 maximum to minimum light level and a 4:1 average to minimum light level.
5. The overall height of pole-mounted luminaries shall be measured from finished grade to top of fixture unless otherwise limited and shall not exceed the maximum height as required by the individual zoning district or the requirements of the planned development district.
6. Lighting mounted on a building or structure shall not exceed the height of the building or structure.
7. No blinking, flashing, fluttering lights, search lights or other illuminated device that has a changing light intensity, brightness or color is permitted in any zoning district, except for temporary holiday displays.
8. All outdoor recreational / sport facility lighting will be reviewed for compliance with regard to the intent of these Exterior Lighting Standards to minimize the impact of light trespass and glare on all surrounding properties and public right-of-ways.
9. All exterior lighting used to light vehicular use areas and pedestrian pathways shall be a "Total Cut-Off Type", as defined by the latest Illuminating Engineering Society of North America's IESNA standard. All other exterior lighting including, but not limited to, doorways, architectural, accent, landscape signage, decorative, security, floodlighting or area lighting shall be "Total Cut-Off Type." No portion of the lamp, reflector, lens or refracting system may extend beyond the housing or shield so as to create or allow glare to be visible from offsite, with the following exceptions:
 - a) Lighting required by the Building Code for emergency egress when operating in emergency conditions.
 - b) Light sources which DO NOT exceed 2300 initial lumens or 4000 main beam candlepower. Roughly equal to the lighting output of one 100 watt incandescent light bulb.
10. Light originating on a site shall not be permitted to exceed the following values when measured at grade 10 feet beyond the property line for the following adjacent land uses:

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Table 630.03 Maximum Light Trespass on adjacent property

Land Use	Maximum Light Trespass on Adjacent Property
Residential	0.3 foot-candle
Multi-family	0.5 foot-candle
Office / Commercial	1.0 foot-candle
Industrial / Warehouse	1.5 foot-candle
Outdoor Sports Facility	See ** note above

11. All other luminance not addressed shall not exceed IESNA recommendations as published in their Lighting Handbook, Lighting for Exterior Environments, Recommended Practice for Lighting Merchandising Areas, or other applicable IES publications, as these publications are amended.

635 Home Occupations

The Jerome Township Trustees recognize that home occupations are essential to creating a diverse economy, reducing long commuting times and supporting a sense of community. All permitted home occupations shall conform to the requirements of the individual zoning district and the following requirements. Nothing in this section or Zoning Resolution shall prevent or restrict a resident from having a home office or working from home as a “satellite” employee when such home office has no additional employees, has no regular in-home meetings or appointments, requires no signage or identification, and all of the work functions are contained entirely within the primary residence.

635.01 Limited Home Occupation

A Limited Home Occupation shall be defined as a home occupation carried on entirely within the principle residence in accordance with the following standards:

1. The Limited Home Occupation shall be clearly incidental and secondary to the use of the dwelling for residential occupancy and there shall be no substantial indication of the non-residential use of the premises which is visible or apparent as viewed from off the premises.
2. No person, other than those residing on the premises, shall own or operate such occupation. Not more than 1 non-resident employee shall be employed at any one time in a Limited Home Occupation.
3. There shall be no change in the outside appearance of the building or premises and no signage shall be approved for the Limited Home Occupation.
4. No Limited Home Occupation shall be conducted in any accessory building or structure.

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5. The exterior access to the space devoted to the Limited Home Occupation shall not be used exclusively for such use.
6. No equipment or process shall be used in such Limited Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
7. No noise associated with a Limited Home Occupation, including musical instruction, shall be detectable off of the lot or premises or shall cause a nuisance to adjacent property owners.
8. No "commercial vehicles", having dual axles, designed for the transportation of cargo including tractor-trailers shall be used for the delivery of materials to or from the premises in conjunction with the conduct of a Limited Home Occupation.
9. No traffic shall be generated by such Limited Home Occupation in greater volumes than would normally be expected in a residential neighborhood.
10. There shall be no storage of equipment used in the Limited Home Occupation.

635.02 Expanded Home Occupation

An Expanded Home Occupation may be allowed as a conditional use of a residential dwelling unit or approved accessory structure for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within an enclosed dwelling or approved accessory structure by the occupants residing therein in accordance with the following standards:

1. The Expanded Home Occupation shall be clearly incidental and secondary to the use of the dwelling for residential occupancy.
2. No person, other than those residing on the premises, shall own or operate such occupation. Not more than 2 non-resident employees shall be employed on premises at any one time in an Expanded Home Occupation.
3. The exterior access to the space devoted to the Expanded Home Occupation shall not be used exclusively for such use.
4. No equipment or process shall be used on premises in such Expanded Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference that shall create a nuisance to adjacent properties. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

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5. Delivery of materials, equipment or supplies to an Expanded Home Occupation shall be limited to commercial vehicles or light trucks falling under the Federal Highway Administration Vehicle Inventory and Use Survey Class 1, 2,3,4,5,or 6. In no case shall a heavy duty vehicle of Class 7 or 8 requiring a Class B license to operate be used in a delivery to or from an Expanded Home Occupation. Not more than 2 deliveries of materials, equipment or supplies shall be received per day in conjunction with an Expanded Home Occupation, and such deliveries shall be limited to normal business hours.
6. If permitted an Expanded Home Occupation engaged in the repair or refurbishment of motor vehicles may operate in an approved accessory structure with the following requirements:
 - a) The approved accessory structure shall not be constructed on the lot in front of the principle residential structure.
 - b) In no case shall “junk” or “parts” vehicles or vehicles without a current vehicle registration, be stored outdoors anywhere on the lot or premises.
 - c) The storing or stacking of customer vehicles outside of the approved accessory structure shall not be permitted.
7. No traffic shall be generated by such Limited Home Occupation in greater volumes than would normally be expected in a residential neighborhood.
8. Storage of materials and equipment in an Expanded Home Occupation shall be completely enclosed in a permitted accessory structure to the primary residence.

635.03 Home Occupations Permit Required

All persons proposing to conduct a Limited Home Occupation or an Expanded Home Occupation shall be required to obtain a permit from the Zoning Inspector. The initial permit shall be valid for a period of two (2) years after the date of issuance. A renewal permit shall be secured for each subsequent two (2) year period thereafter.

640 Temporary Uses, Events, and Sales

Due to the special characteristics and needs of temporary uses, events, and sales, this Section establishes the requirements necessary to properly locate and control the activities of these uses in order to secure the health, safety and general welfare of the township.

640.01 Temporary Use, Event, or Sale Permit

No temporary use, event or sale shall commence until a Temporary Use Permit shall has been issued by the Township Zoning Inspector. An application for a Temporary Use Permit shall be filed at least 10 days prior to the commencement of the proposed temporary use, event, or sale. Each application for a Temporary Use Permit shall

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contain an address and graphic description of the property to be utilized, a description of the proposed temporary use, and, excepting temporary uses and/or sales listed in Section – 640.05(1), (2), and (3), a site plan drawn to scale, which illustrates the following:

1. The dimensions of the lot on which the proposed temporary use, event or sale will occur.
2. The size and location of all existing and proposed buildings and structures on the lot, whether they are principal or accessory, or temporary or permanent structures.
3. The existing use and intended temporary use of all parts of the land, buildings and structures, whether permanent or temporary.
4. Existing zoning on all adjacent lots.
5. Location of existing and/or proposed parking spaces, traffic flow, wheel stops, access drives, building and parking setbacks, yard requirements, and existing and proposed sanitary facilities.
6. Existing and proposed signs and billboards, including lighting and size detail.
7. Such other information with regard to the temporary use, lot, and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.

640.02 Fees Required

All applications for a Temporary Use Permit shall be accompanied by a fee paid in accordance with the Schedule of Fees adopted by the Board of Trustees of Jerome Township with the following exceptions:

1. The temporary use, event or sales listed in section 640.05 (1), (2), and (3) shall not be required to pay a fee for the issuance of a Temporary Use Permit.

640.03 Issuance of a Temporary Use Permit

Temporary Use Permits shall be issued or a refusal given thereof within a reasonable period of time of the completed application and fee. If refused a written notice of such refusal and reason thereof shall be given to the applicant.

640.04 Prohibited Temporary Uses, Events, and Sales

Temporary retail sales conducted on parking lots, vacant lots, or along roadsides by transient vendors shall be prohibited unless conducted pursuant to a valid permit issued by the Township under Ohio Revised Code Section 505.94.

640.05 Permitted Temporary Uses, Events, and Sales

The following temporary uses, events or sales are deemed to be permitted temporary uses, events or sales and are subject to the following requirements in addition to applicable development standards of the district in which the use is located:

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1. **Garage or Yard Sales** - Garage or Yard Sales shall be limited to not more than 2 consecutive days and only 4 such sales may be conducted during any 1 calendar year. The term "Garage or Yard Sales" shall be defined as a sale of personal property to the general public conducted inside or outside a dwelling unit on any property within a residential zoning district, including, but not limited to, garage sales, patio sales, yard sales, and porch sales. A garage or yard sales does not include the casual sale of motor vehicles, boats, trailers, motorcycles, motor homes, and other similar types of vehicles, which sales shall be regulated in accordance with the provisions of Section 640.05(3). In addition, the following regulations shall apply to garage or yard sales:
 - a) No garage or yard sales shall be conducted within a temporary accessory structure or vehicle including but not limited to tents, canopies, sheds, trailers and similar types of structures and vehicles.
 - b) Garage or yard sales shall not be conducted on consecutive weekends.
 - c) No garage or yard sales shall commence before the hour of 8:00 a.m. nor extend later than 8:00 p.m.
 - d) Personal property offered for sale shall not be displayed closer than 20 feet of a public street or within the public right of way.
 - e) Signs for garage and yard sales shall adhere to Section XXX of this Zoning Resolution.
 - f) The Zoning Inspector may require that the township Fire Department review the Temporary Use Permit application for such garage or yard sale. In the event that the Chief requires that temporary no-parking restrictions be implemented on any public street, in order to protect the health and safety of the citizens of Jerome Township, the applicant for a Temporary Use Permit shall cooperate to the extent necessary for the posting of such restrictions.
 - g) No garage or yard sales conducted within a dwelling unit shall occupy more than 200 square feet of floor area of such dwelling unit, not including garage space occupied.
 - h) No person shall sell or offer for sale at such garage or yard sales any merchandise that has been purchased, consigned or otherwise acquired for purposes of resale. No person shall sell or offer for sale at such home sale any personal property except such property that has been owned, maintained and used for personal household use by such person or members of his family on or in connection with the premises on which such sale is held. Nothing in this provision is intended to prevent a shared or community garage sale.

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2. **Foreclosure or Estate sales** - Foreclosure or Estate sales involving the complete liquidation of all personal property located within the entire dwelling unit shall be limited to not more than 2 consecutive days and only 1 such sale may be conducted by the owner or occupant of such dwelling unit.
3. **Casual Sales of Motorcycles and Motor Vehicles, including Boats, but not including Trailers, Motor Homes and Other Similar Vehicles** - A casual sale of a motor vehicle, motorcycle or boat may be conducted on any property in a residential or planned residential zoning district provided the following criteria are met:
 - a) No person shall sell or offer for sale any such vehicle that has been purchased, consigned or otherwise acquired for purposes of resale. The offering of a new vehicle for sale shall be prima facie evidence that such vehicle was acquired for purposes of resale.
 - b) No person shall sell or offer to sell any such vehicles, except such vehicles as have been owned, maintained and used for personal household use by such person or members of his/her family on or in connection with the premises on which the vehicle is being sold.
 - c) No more than 3 such vehicles may be sold or offered for sale in any 1 calendar year.
 - d) No more than 1 such vehicle shall be displayed for sale on or from the property at any time. Such displayed item shall be located upon an approved driveway within the front or side yards and such displayed item shall be placed no nearer to the edge of the roadway pavement than 15 feet. In no event shall such displayed items be located in any public road right-of-way.
 - e) Not more than 2 signs, each of which shall not exceed 2 square feet in area, may be displayed for the sale of such vehicle upon or in the vehicle, provided that such sign(s) shall not be illuminated or animated.
 - f) Any such vehicle displayed for sale shall be in operating condition and capable of being immediately moved under its own power if self-propelled, or if not self-propelled, by towing by ordinary means available upon the premises, and shall have a valid and current registration decal and/or license plate.
4. **Christmas Tree Sales** - Christmas tree sales may be permitted for a period not exceeding 35 consecutive days during any one calendar year in any nonresidential zoning district or upon a church, school or similar site within a residential zoning district provided no activities are conducted within the public right-of-

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way and adequate off-street parking is provided in accordance with the minimum parking set-back.

5. **Temporary Real Estate Sales Offices** - Temporary real estate sales offices may be permitted for any new subdivision within a residential zoning district provided sales activities are limited to that subdivision only and such office is not used as a dwelling. Such office use shall cease upon completion of the sales of lots within the subdivision. Rentals or re-sales of lots and/or units in the subdivision shall not be conducted from the temporary office.
6. **Temporary Second Residential Use** – Any person owning a lot in the Agricultural, Rural Residential, or Low Density Residential zoning district may be permitted a temporary second residential use on their lot for the following conditions:
 - a) If the existing house on such a lot has been damaged or destroyed by fire, the owner of the lot may be permitted to live on-site in a temporary trailer during the re-construction of the existing home. Such temporary use shall be approved only for the duration of the active re-construction of the existing home and shall be removed within 30 days of receiving a certificate of occupancy for the restored structure.
 - b) The owner of such a lot may be permitted to live in an existing home on the lot during construction of a new home on the same lot provided that the existing home be demolished within 30 days of having received a certificate of occupancy for the new home. A permit issued for such a purpose shall be valid for a period not to exceed 12 months and shall be eligible, upon application to the zoning inspector, for (1) additional 6 month period. The existing home shall be demolished within 30 days of the expiration of such permit.
7. **Temporary Contractors' Offices** - Temporary contractors' offices and equipment sheds, other than Portable Storage Units, in association with construction activities may be permitted within any district, provided such uses are removed immediately upon issuance of a certificate of occupancy for all facilities within the project.
8. **Temporary Public Events** - Temporary public events sponsored by a public or non-profit organization may be permitted within any non-residential zoning district or upon a church, school or other similar site within a Residential Zoning District provided adequate off-street parking, sanitary facilities, lighting, and security are provided. Temporary public events shall be limited to not more than 7 consecutive days and only 2 such events may be conducted on any single property in any 1 calendar year. Temporary public events include, but are not limited to, temporary uses such as tent meetings, bazaars, festivals, flea markets, art shows, and other similar public events. Temporary

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uses permitted in this section do not include major rock concerts or similar functions that will normally attract more than 500 persons at any single event.

9. **Portable Storage Units** – Portable storage units in accordance with the provisions of Sections 640.06 and 640.07.

640.06 Portable Storage Units

Portable Storage Units may be permitted as a temporary use in any zoning district only in conjunction with the following activities:

1. Temporary use for construction sites as accessory to and in association with an on-going commercial or industrial construction project. Such storage unit shall be removed upon substantial completion of the project.
2. Temporary use when the occupant of the property on which the portable storage unit is located is relocating. Portable Storage Unit shall not be located on the property for a period exceeding 7 consecutive days or for a period of 14 total days in any 180 consecutive day period.
3. Temporary use to facilitate temporary activities not described above for a period not to exceed 7 consecutive days or for a period of 14 total days in any 180 consecutive day period.

640.07 Portable Storage Unit Criteria

Portable storage units shall be subject to the following requirements:

1. A portable storage unit placed on any residential property in any district shall not exceed 170 square feet in size (total floor area) and 8 feet in height.
2. Portable storage units used for the purpose of storing tools, materials and equipment on commercial and industrial properties under construction may exceed 170 square feet. Such storage units may only be permitted on property currently under construction and shall be removed immediately upon substantial completion of the construction work. On properties where construction work has halted for a period greater than 4 consecutive weeks all storage units and storage trailers shall be removed.
3. Not more than 1 portable storage unit shall be permitted on any property at any time, with the exception of commercial or industrial properties currently under construction.
4. No portable storage unit shall be located in a public right-of-way.
5. Portable storage units shall be located no closer to an adjacent property than 10 feet, or the required minimum side or rear yard setback for accessory buildings in the district in which the unit is located, whichever is greater.

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6. Portable storage units, except those used for the storage of tools, materials and equipment on commercial or industrial properties under construction, shall only be used for the storage of personal property and for no other purpose whatsoever.
7. The placement of portable storage units shall be in such manner as not to create a public nuisance.
8. A portable storage unit is not permitted as a permanent accessory storage structure regardless of the proposed location on a property.

645 Accessory Uses and Structures

Accessory Uses and structures shall meet the standards and requirements of the applicable Zoning District and the requirements of this section.

645.01 Accessory Uses and Structures Defined

As used herein, "Accessory Use or Structure" means either a use or an object, building or structure applied, constructed or installed on, above, or below the surface of a lot, which is located on the same lot as a principal use, building, or structure, and which meets the following:

1. Accessory Buildings or Uses are subordinate to or services the principal use, building, or structure.
2. Accessory Buildings or Uses are subordinate in area to the principal use, building, object, or structure.
3. Accessory Buildings or Uses are customarily incidental to the principal use, building, object, or structure.
4. Accessory Buildings or Use includes anything of a subordinate nature detached from, a principal structure or use.
5. Except as otherwise regulated elsewhere in this Resolution, an Accessory Use shall be a permitted use, or an approved conditional use within the District.
6. Swimming pools, detached garages, sheds, hot tubs, sport courts, tennis courts, basketball courts, batting cages, gazebos or other similar structures or detached opened aired structures shall be classified as accessory structures and shall be governed by the regulations of this section.
7. For the purposes of this Resolution decks shall not be considered an accessory structure, however, all decks are required to meet the minimum setback requirements of the lot on which they are constructed and shall require the issuance of a zoning certificate prior to construction.
8. At-grade patios directly abutting a principal structure shall not be classified as accessory structures.

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645.02 Accessory Uses and Structures Permitted

Accessory uses or structures may be permitted provided that following requirements are met:

1. No more than 2 accessory uses or structures shall be permitted on lots larger than 0.5 acres in a residential zoning district. On residential lots smaller than 0.5 acres no more than 1 accessory use or structure shall be permitted.
2. Accessory uses or structures shall not be constructed prior to the start of construction of the principal use or structure.
3. A Zoning Certificate shall be required prior to the erection, addition, or alteration of an accessory structure or use on any lot.
4. In any Zoning District accessory uses or structures shall be located on the same lot as the principal use or structure and located subject to the development standards of the Zoning District in which it is located.
5. Accessory structures or uses shall be located to the rear of the principal structure and shall be no closer than 10 feet from any part of the principal structure. Accessory uses and structures shall meet all required side and rear yard setback requirements of the applicable zoning district. Accessory uses or structures shall not be located within a recorded easement.
6. Unless otherwise prohibited by lot area coverage requirements, only one (1) storage shed as an accessory structure may be permitted on a residential lot, provided that the area of said storage shed does not exceed 200 square feet of floor area in size. The maximum height of a side wall for any storage shed shall not exceed eight (8) feet and the exterior peak height shall not exceed fourteen (14) feet. A storage shed shall have an exterior which is compatible in appearance to the principal structure on the lot. This includes, but is not limited to materials, colors, texture, and roof types.
7. Any accessory use or structure in any zoning district shall have an exterior which is complimentary in materials to the principal building on the parcel or lot. This includes, but is not limited to materials, colors, texture, and roof types. No temporary accessory structures such as tents, tarps, fabric covered structures, etc. shall be used for storage or permitted within any district.
8. No commercial uses shall be conducted within an accessory structure unless otherwise approved as part of a permitted Limited or Expanded Home Occupation, defined by Section 6XX, an approved conditional use permit, or commercial/industrial zoning request.
9. Permanently mounted basketball posts may be considered a permitted accessory use in any residential district provided that such pole is maintained in good repair and meets all of the

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required setbacks of the lot on which it resides. Temporary, or movable, basketball posts may be considered a permitted accessory use in any residential district except that the use of such post shall be prohibited within the public right-of-way.

10. Accessory structures in excess of 200 square feet of floor area in size shall be subject to review and approval by the Zoning Inspector and shall have a permanent frost-free foundation as required by the Union County Building Code.
11. The maximum size and height of accessory buildings or structures shall be based upon the standards established in the following table. If more than one accessory structures or buildings are constructed, the sum of the size of all accessory structures or buildings cannot exceed the maximum size permitted by the following table. The ratio of length to width of any accessory structure or building cannot exceed 2:1.

Table 645.02 Accessory Structures

Lot Size	Maximum Size of Accessory Building(s) in floor area.	Maximum Height (measured from the finished grade to the mean slope of the roof)
Less than .50 acre	450 square feet	15 feet
Equal to or greater than .50 acre but less than one (1) acre	650 square feet	15 feet
Equal to or greater than one (1) acre but less than two (2) acres	1000 square feet	Shall not exceed the height of the principal structure
Equal to or greater than two (2) acres but less than three (3) acres	1536 square feet	Shall not exceed the height of the principal structure
Equal to or greater than three (3) acres but less than four (4) acres	2160 square feet	25 feet
Equal to or greater than four (4) acres		

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greater than four (4) acres but less than five (5) acres	2880 square feet	30 feet
Five (5) or more acres (non-agricultural)	3600 square feet	35 feet

645.03 Swimming Pools as Accessory Uses or Structures

Swimming pools, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty-four (24) inches. Swimming pools, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, may be allowed in any residential zoning district or commercial zoning district as an accessory use permitted by this Resolution subject to compliance with the following regulations:

1. **Private Residential Swimming Pools** - In all Zoning Districts where residential uses are permitted the following regulations for swimming pools shall apply:
 - a) The swimming pool is intended and is to be used solely for the enjoyment of the occupants of the dwelling unit on the property on which it is located.
 - b) The swimming pool is an accessory use of the property on which it is located. It may not be located in front of the principal residence and may not be located, including any walks, paved areas, or accessory structures adjacent thereto, within the required side or rear yard setback of the zoning district.
 - c) The swimming pool or the entire rear yard on which it is located shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than 48 inches in height and shall be maintained in good condition with a gate and lock. In addition the construction of such fence or wall shall be consistent with all other aspects of this Resolution and the requirements of the Union County Building Code and the Residential Building Code of Ohio and all other applicable codes.
 - d) Temporary swimming pools are permitted in rear yards only if less than 12' in diameter and are only allowable from May 15th through September 15th.
2. **Multi-Family Swimming Pools** - A pool that is located within and designed to service specifically a multi-family development shall be permitted as an accessory use or structure irrespective of

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whether or not such pool is owned or operated by a homeowners association. A private pool designed to service specifically a multi-family development shall be subject to the same yard requirements as listed for principal structures in that district. Such pool shall be constructed and fenced or enclosed in accordance with the requirements of this Resolution, the Union County Building Code, the Ohio Building Code, and all other applicable Codes or requirements.

3. **Community or Club Swimming Pools** - Where permitted by the appropriate Commercial or Recreational district, a community or club swimming pool shall be subject to the following requirements:
 - a) The pool is intended for the use and enjoyment of the members and families, and guests of members of the association or club under whose jurisdiction the pool is operated.
 - b) Such pool shall be constructed and fenced or enclosed in accordance with the requirements of this Resolution, the Union County Building Code, the Ohio Building Code, and all other applicable Codes or requirements. Such wall or fence shall not be less than six (6) feet in height and access to such pool shall be adequately controlled by gate and lock.
 - c) The pool and all accessory structures to include decks or areas used by bathers shall not be closer than fifty (50) feet to any property line.

645.05 Granny Flats

Where specified within residential zoning districts, Granny Flats may be permitted as a conditional use in association with a principal use or structure provided that the following standards are met:

1. The property owner shall live on-site, and the granny flat shall be subservient to the principal use of the property as a dwelling.
2. Size of granny flat or handicapped accessible suite: 600 square feet of floor area minimum, 816 square feet of floor area maximum.
3. Shall maintain a single-family residential appearance that blends with the principal structure and the neighborhood. An architectural rendering and floor plan shall be provided to and approved by the Board of Zoning Appeals.
4. Public water and sewer shall be provided, or the lot shall be adequately sized for, and systems approved for water supply and wastewater disposal to serve both the principal residence and the granny flat.
5. Off-street parking shall be provided for both the residential use and the proposed Granny Flat. No one space shall block another. Garages count as parking spaces.

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6. If the Granny Flat is proposed to be above an approved garage structure the maximum Height of the accessory structure shall conform to the maximum height of the district. A granny flat may be located on the first or second floor.
7. All structures shall meet the standards of the current edition of the State of Ohio Residential Building Code.

645.06 Private Towers, Antennas, and Similar Structures

The private ownership (not of a public utility or similar organization) of Radio and T.V. towers, antennas, satellite earth stations (dish antennas in excess of 24" diameter), solar collectors, and similar structures may be permitted in association with a principal use or structure provided that the following standards are met:

1. All towers, antennas and similar accessory structures shall be located to the rear of the building setback line and no such structure shall be permitted to encroach upon the minimum required side yard and rear yard setback.
2. No such structure shall be permitted to exceed 35 feet in total height, inclusive of the height of any building or base upon which said structure is erected, except upon issuance of a Conditional Use Permit in accordance with Section 240 of this Resolution.
3. Any guy anchorage or similar device shall be at least ten (10) feet from any property line.
4. No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line or phone line less 5 feet, excluding lines which serve only the lot on which said structure is placed.
5. No structure shall be closer to any property line than an amount equal to the height of the structure plus 20 feet.
6. Suitable fencing and/or landscaping or other treatment is provided to effectively prevent unauthorized climbing of the structure.
7. The structure or activity for which the structure is used shall not interfere with radio and television reception on nearby properties.
8. Proposed solar collectors (including roof mounted facilities) shall be sited and screened as necessary to prevent glare from impacting any public road.
9. Prior to issuance of any Zoning Certificate for a tower or similar structure as described in this section, the applicant shall submit a plot plan and supporting information to the Zoning Inspector which shows the following:
 - a) Proposed location and height of proposed structure, support systems, and distances to the nearest phone, electric lines and property lines.

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- b) Type of structure and construction materials, and, if requested by the Zoning Inspector, a structural engineering analysis.
- c) Documentation of any maintenance program which may be necessary.
- d) Proof that a building permit can be obtained or is not necessary for the proposed structure.
- e) Proof that any license which may be required has been or will be obtained.
- f) All fencing, landscaping or other treatment which may be required.
- g) Other information as may be requested by the Zoning Inspector.

650 Small Wind Projects

The purpose of this section is to accommodate small wind projects, or wind energy systems, under 5 megawatts in size in appropriate locations, while minimizing adverse visual, safety and environmental impacts of the system. In addition, this section provides a permitting process for small wind projects to ensure compliance with the provisions of the requirements and standards established herein.

650.01 Definitions

1. **Anemometer** - A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
2. **Fall Zone** - The potential fall area for a tower-mounted wind energy system. It is measured by using 110% of the total height as the radius around the center point of the base of the tower.
3. **Structure-Mounted Wind Energy System** - A wind energy system mounted on a structure roof, walls, or other elevated surface that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A structure mounted wind energy system shall project no more than 15 feet above the highest point of the roof excluding chimneys, antennae, and other similar protuberances.
4. **Net Metering** - The process by which surplus energy generated by a customer, as measured by the difference between the

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electricity supplied by an electric service provider and the electricity generated by a customer in an applicable billing period, is fed back to the electric service provider with customer compensation.

5. **Power Grid** - The transmission system created to balance the supply and demand of electricity for consumers in Ohio.
6. **Shadow Flicker** - Shadow flicker occurs when the blades of the turbine rotor cast shadows that move across the ground and nearby structures.
7. **Tower Mounted Wind Energy System** - A wind energy system mounted on a tower that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.
8. **Tower** - The monopole or guyed monopole constructed to support a wind energy system.
9. **Total Height** - The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind energy system.
10. **Tower Height** - The height above grade of the fixed portion of the tower, excluding the wind energy system.
11. **Wind Energy System** - A system that converts the kinetic energy of the wind into electricity available for use beyond that used by the system.

650.02 Applicability

1. Small Wind Projects may be permitted as a conditional use in certain zoning districts pursuant to Section 240 of this Resolution.
2. No wind energy system shall be erected, constructed, installed or modified, except as permitted in 650.03, without first receiving a conditional use permit pursuant to Section 240 of this Resolution.
3. No wind energy system shall be erected, constructed, installed or modified, except as permitted in 650.03, without first receiving a Zoning Certificate pursuant to Section 220 of this Resolution.
4. No wind energy system shall be erected, constructed, installed or modified without first receiving a building permit from the appropriate approving agency.

650.03 Development Standards

Wind energy systems shall be evaluated for compliance to the following standards:

1. **Fall Zone** - Tower mounted wind energy systems shall provide a safe fall zone in accordance with the following:
 - a) A tower mounted wind energy system shall have a fall zone at least 110% of the total height from:

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- (i) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
 - (ii) Any future road right-of-way pursuant to the Union County Thoroughfare Plan or thoroughfare plan of adjacent jurisdictions, where appropriate.
 - (iii) All overhead utility lines.
 - (iv) All property lines, unless the affected land owner provides written permission through a recorded easement allowing the wind energy system's fall zone to overlap with the abutting property.
 - (v) Any principal structure.
- b) Guy wires used to support the tower of a tower mounted wind energy system are exempt from the wind energy system fall zone requirements.
2. **Tower** - The tower of a tower-mounted wind energy system shall not exceed a height necessary to comply with the required fall zone, or a maximum height of 100 feet, whichever is less. The applicant shall provide evidence that the proposed tower height of a tower mounted wind energy system does not exceed the height recommended by the manufacturer of the wind energy system.
3. **Sound Level** - Operation of wind energy systems shall not exceed 55 decibels, except during short-term events such as severe wind storms and utility outages. This information shall be obtained from the manufacturer of the wind energy system, and all readings, if necessary, shall be taken from the nearest neighboring property line.
4. **Shadow Flicker** - Wind energy systems shall be sited in a manner that does not result in shadow flicker impacts. The applicant has the burden of proving that their wind energy system does not have an impact on neighboring or adjacent uses either through siting or mitigation.
5. **Signs** - All signs, both temporary and permanent, are prohibited on wind energy systems, except as follows:
- a) Manufacturer's or installer's identification on the wind energy system.
 - b) Appropriate warning signs and placards.
6. **Code Compliance** - Wind energy systems shall comply with all applicable sections of the Ohio Building Code.
7. **Aviation** - Wind energy systems shall be built to comply with all applicable Federal Aviation Administration regulations. Evidence of compliance or non-applicability shall be submitted with the Conditional Use application.

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8. **Visual Impacts** - It is inherent that wind energy systems may pose some visual impacts due to the total height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to wind resources, in accordance with the following.
 - a) The applicant shall demonstrate through project site planning and proposed mitigation that a wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind energy system design or appearance, buffering, and screening of ground mounted electrical and control equipment.
 - b) The color of wind energy systems shall be painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.
 - c) Wind energy systems shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the applicant shall provide a copy of the Federal Aviation Administration determination to establish the required markings and/or lights for the wind energy system.
9. **Utility Connection** - Wind energy systems proposed to be connected to the power grid through net metering shall adhere to Ohio Revised Code Section 4928.67 or any future corresponding statutory provision.
10. **Access:**
 - a) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - b) The tower of a tower mounted wind energy system shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 10 feet above the ground.
11. **Clearing** - Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of wind energy systems and as otherwise prescribed by applicable laws, regulations and ordinances.
12. **Wiring and electrical apparatuses** - All wires and electrical apparatuses associated with the operation of a tower-mounted wind energy system, except guy wires, shall be located underground.
13. **Maintenance:**
 - a) All wind energy systems shall be maintained in good working order.
 - b) Any physical modification to the wind energy system that alters the mechanical load, mechanical load path, or major electrical components shall require reapplication for

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conditional use under this section. Like kind replacements shall not require re-application.

14. **Multiple Wind Energy Systems** - Multiple wind energy systems are allowed on a single parcel so long as the owner/operator complies with all regulations set forth in

15. **Historic Sites**

- a) No wind energy system shall be located within 1,000 feet of any registered historic site or historic district.
- b) Written proof of compliance with this requirement shall be provided by the Ohio Historic Preservation Office and be submitted with the conditional use application.

16. **Controls and Brakes** - All wind energy systems shall be equipped with a redundant braking system which shall include:

- a) Aerodynamic over-speed controls which include variable pitch, tip and other similar systems and;
- b) Mechanical brakes which shall be operated in fail-safe mode.
- c) Stall regulation shall not be considered a sufficient braking system for over-speed protection.

650.04 Procedure for Review

The following Items shall be required prior to the construction of any small wind projects within Jerome Township:

1. **Conditional Use Permit** - In accordance with Section 240 a wind energy system shall be subject to receiving a Conditional Use Permit prior to installation or modification thereof. The following items shall be submitted along with the application for a Conditional Use Permit and all items required by Section 240:
 - a) **Site Plan** - A site plan shall be submitted for review. The following items shall be the minimum requirements for a complete application. The site plan shall include the following:
 - (i) Property lines and physical dimensions of the applicant's property.
 - (ii) Location, dimensions and types of existing structures on the property.
 - (iii) Location of the proposed wind energy system, foundations, guy wires and associated equipment.
 - (iv) Fall Zone depicted as a radius around the center of the tower for a tower mounted wind energy system.
 - (v) The right-of-way or future right-of-way according to the Union County Thoroughfare Plan of any public road that is contiguous with the property.
 - (vi) Two (2) foot contours of the applicant's property and properties contiguous to the subject property.
 - (vii) All overhead utility lines.

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- (viii) The site plan shall be prepared and stamped by a professional engineer or surveyor licensed to practice in the state of Ohio.
 - b) Wind energy system specifications, including manufacturer, model, rotor diameter in addition to tower height and tower type, if tower mounted, for small wind energy systems.
 - c) Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a wind energy system if the wind energy system will be connected to the power grid.
 - d) Tower foundation blueprints or drawings for tower mounted wind energy systems.
 - e) Tower blueprints or drawings for tower mounted wind energy systems.
 - f) Sound level analysis prepared by the wind energy system manufacturer or qualified engineer.
 - g) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer)
 - h) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
 - i) Evidence of compliance with all development standards as outlined in Section 650.03 of this Resolution.
2. **Zoning Certificate** - A Zoning Certificate shall be obtained in accordance with Section 220 of this Resolution.
 3. **Building Permit** - A Building Permit shall be obtained from the appropriate approving agency.

650.05 Decommission

The following requirements shall apply when the small wind project is to be removed or abandoned:

1. At such time that a wind energy system is scheduled to be decommissioned or discontinued, the applicant will notify the Zoning Inspector by certified U.S. mail of the proposed date of discontinuation of operations.
2. Upon decommission or discontinuation of use, the owner shall physically remove the wind energy system within 90 days from the date of decommission or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Zoning Inspector. "Physically remove" shall include, but not be limited to:
 - a) Removal of the wind energy system.
 - b) Removal of any tower and other related above ground structure.

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- c) Restoration of the location of the wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.
3. In the event that an applicant fails to give such notice, the system shall be considered decommissioned or discontinued if the system is out of service for a continuous 2 year period. After 2 years of inoperability, the Zoning Inspector may issue a Notice of Decommission to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Decommission within 30 days from the date of receipt. The Zoning Inspector shall withdraw the Notice of Decommission and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been decommissioned.
4. If the owner fails to respond to the Notice of Decommission or if after review by the Zoning Inspector it is determined that the wind energy system has been decommissioned or discontinued, the owner of the wind energy system shall remove the wind energy system, tower and other related above-ground structures at the owner's sole expense within 3 months of receipt of the Notice of Decommission.

650.06 Anemometer

The construction of an anemometer tower for the purpose of collecting data to develop a wind energy system, shall abide with the following requirements:

1. Anemometer towers shall adhere to the wind energy system standards as described in Section 650.02 - Applicability.
2. Anemometer towers shall be installed on a temporary basis not to exceed 18 months.
3. Anemometers shall meet all applicable requirements of Section 650.03

655 Telecommunications Towers

As provided for in Section 519.211 of the Ohio Revised Code, Public Utilities or other functionally equivalent providers may site a telecommunications tower in conformance with the requirements of this section.

655.01 Towers Proposed Within Commercial, Industrial, or Exclusively Agricultural Areas

Public utilities or other functionally equivalent telecommunications providers may site a telecommunications tower as a permitted use in any zoning district except those expressly zoned for residential use. The areas zoned for residential use are deemed to be all land located within the Rural Residential (RR), Low Density Residential (LDR), and Medium Density Residential (MDR) Districts, as well as any residential component of an approved Planned Development.

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135

1. Local zoning authority shall not extend to the regulation of maintenance or use of such a tower or to any change or alteration that would not substantially increase the tower's height.
2. The local zoning authority over proposed telecommunications towers shall apply only to a particular tower, only upon provision of a notice of objection to that particular tower. No blanket zoning authority exists over telecommunications towers in residential districts unless and until a written notice of objection has been timely filed.

655.02 Towers Proposed Within Areas Zoned for Residential Use

Telecommunications towers may be regulated in areas zoned for residential use upon receipt of an objection pursuant to the regulations of ORC 519.211(B)(2). The provisions of this Resolution concerning telecommunications towers are not intended to replace or modify ORC 519.211, but instead are intended only to incorporate ORC 519.211 and its terms into this Resolution.

1. **Notice** - Notice shall comply with ORC 519.211(B)(3).
2. **Procedure if Objections are Filed** - Upon the timely receipt by the Jerome Township Board of Trustees of an objection to a proposed telecommunications tower, the board of Trustees shall proceed as provided in ORC 519.211(B)(4)(a).
3. **Procedure if No Objections are Filed** - Telecommunications towers shall be permitted as a use exempt from any local zoning authority in residential zoned areas if no objections are timely filed as provided in Section ORC 519.211(B)(4)(b).

655.03 Local Zoning Authority

If objections are timely filed for a proposed telecommunications tower in a residential zoning district then the telecommunications tower may only be permitted as a conditional use by the Board of Zoning Appeals, provided all of the following conditions of this section are met:

1. **Conditional Use Application** – Consistent with the procedures set forth in Section 240 of this Resolution, an application for conditional uses shall be filed with the Board of Zoning Appeals. The application shall include:
 - a) A locator map which shall contain the following:
 - (i) The location of all the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.

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- (ii) The general location of planned future facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
- (iii) For each location of the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower, there shall be listed:
 - a The type and size of tower at each location;
 - b The type of equipment located or proposed on each tower;
 - c The space available on the tower for additional equipment; and
 - d A site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
- b) A scaled and dimensioned site plan for the facility that is being proposed, containing the following:
 - (i) the location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site;
 - (ii) the location of existing and proposed buildings and structures, access drives, circulation and parking areas;
 - (iii) detailed drawings of the landscape screening plan and related design standards;
 - (iv) on-site land uses, structures and zoning district, and adjacent land uses, structures and zoning districts;
 - (v) setbacks from property lines and dwellings within 600 feet of the proposed tower;
 - (vi) legal description of the lot on which the tower is to be sited; and
 - (vii) any other information necessary to assess compliance with this section.
- c) A written certification from a Professional Engineer stipulating:
 - (i) that the tower's design is structurally sound and in compliance with all applicable federal, state and local building codes;
 - (ii) that the equipment placed on the tower and at the site complies with all current FCC regulations.
 - (iii) that the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the

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reasons why the tower will not be constructed to accommodate co-location.

2. **Conditional Use Procedure by Board of Zoning appeals on Receipt of Application** - Consistent with the procedures set forth in Sections 240.02 and 240.03 of this Resolution, the Board of Zoning Appeals shall provide notice of, conduct a public hearing and render a decision on the conditional use requested in the application filed pursuant to Section 655.03(1) of this Resolution.
3. **General Requirements for all Telecommunications Towers in Residential Zones**
 - a) The applicant or tower provider shall demonstrate that the proposed tower location in a residential area is essential to service the applicant's service area and that there are no alternative sites in commercial, industrial, or exclusively agricultural areas. If another tower or tall structure is technically suitable, the applicant shall show that a reasonable request to co-locate was made and that such request was rejected. "Tall structures" shall include smoke stacks, water towers, electric transmission towers, existing antenna support structures or other telecommunications towers, utility buildings and structures over 48 feet in height.
 - b) The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.
4. **Development Standards for all Telecommunications Towers in Residential Districts**
 - a) No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
 - b) The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider in a residential area shall be 100 feet. The maximum height of a tower proposed for multiple antenna facilities for shared use by multiple telecommunications providers in a residential area shall be as follows:
 - (i) Towers proposed for and designed to support the co-location of a total of two antenna facilities – 115 feet;

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- (ii) Towers proposed for and designed to support the co-location of a total of three antenna facilities – 130 feet; and
 - (iii) Towers proposed for and designed to support the co-location of four or more antenna facilities – 145 feet. The additional height shall be approved concurrent with the need to co-locate additional telecommunications antennae.
- c) Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.
- d) The tower base shall not be placed closer than the sum of height of the tower plus forty feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is proposed to be constructed.
- e) A tower base shall be located no closer to any lot line than the distance equal to the height plus 25% of the proposed tower. Any stabilization structures or guys shall be located no closer to any lot line than 50 feet.
- f) The tower base shall be located no closer to a street right-of-way than permitted in the underlying zoning district.
- g) Reasonable and safe access and circulation shall be provided to the tower. The location and design of the access drive and circulation areas shall be subject to review and comment by the Fire Chief (or the Chief's designee) of the fire department providing primary fire service to the Township.
- h) Security fencing shall be provided to prevent uncontrolled access to the tower site. The tower shall be screened by an eight (8) foot high fence or barrier. A continuous evergreen hedge, trees or similar landscape materials of a size, type, area and design deemed appropriate by the Board of Zoning Appeals shall be placed outside of and along the fence or barrier. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed three square feet in size. The storage of any equipment shall be contained inside the screened area.
- i) The tower and related screening shall, to the extent practicable, be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower shall not contain, or be illuminated by artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administrations (FAA) or the Federal Communications

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Commission (FCC). Any required illumination shall be fully disclosed on the site plan.

- j) Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a monopole design, disguised at the top as a pine tree.
 - k) No advertising is permitted anywhere on the tower.
 - l) Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application.
 - m) The applicant shall provide a signed statement indicating that he or she agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity.
 - n) A telecommunications antenna may be attached to a nonresidential building or structure that is permitted in the district, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached.
 - o) If the applicant proposes to construct a separate equipment shelter on the site, the equipment shelter shall be shown on the site plan, be designed to be aesthetically and architecturally compatible with the surrounding environment, be located completely within the fenced area of the site, and be in compliance with the accessory building regulations of the district in which it is to be located.
 - p) A letter of credit shall be posted in favor of the Township to assure that the project will be completed.
 - q) The applicant shall complete the telecommunications tower or structure within one year of construction commencement.
5. **Towers on Township Property** - With the prior consent of the Jerome Township Trustees obtained through resolution, a telecommunications carrier may site a telecommunications tower on township-owned property not zoned for residential use pursuant to Section 655.01. Additionally, with the prior consent of the Jerome Township Trustees obtained through resolution, a telecommunications carrier may site a telecommunications tower on township-owned property zoned for residential use, but only after obtaining a conditional use permit pursuant to Sections 655.03(1&2) and all requirements of Section 655.03(3&4) have been fully met.
6. **Co-location on an Existing Tower or Concealed Inside an Existing Structure** - If a telecommunications carrier desires to co-locate a telecommunications antenna on an existing telecommunications tower or concealed inside an existing structure in an area zoned residential and such a co-location will result in a substantial

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change in the height of the tower, a Certificate of Zoning Compliance may be obtained provided that the requirements found in the following provisions are met: 655.03(3&4). A substantial change in height shall mean the addition of more than 40 feet to the existing tower or structure.

660 Adequate Drainage/Ponds

Every lot or use in any zoning district proposing a farm pond or drainage pond shall have an adequate drainage outlet and acceptable soils consistent with the requirements for the proposed use as determined by the Union County Soil and Water Conservation District and shall meet the following standards.

660.01 Ponds

Prior to construction of the pond (unless already approved by the county engineer) a permit shall be secured and approved by the Zoning Inspector. Pond permit approval is based upon the following criteria; (all documentation shall be included at the time of submittal):

1. Union Soil and Water Conservation District (SWCD) shall review and approve proposed construction site with landowner.
2. The pond shall be designed in accordance with Natural Resource Conservation Service (NRCS) Standards and Specifications along with the United States Department of Agriculture's (USDA) National Engineering Field Manual for Conservation Practices. Tile found in working order on site shall be rerouted around proposed pond. Soil shall be spread in a manner not to encroach on adjacent properties.
3. The Union County Soil and Water Conservation District or a Professional Engineer (P.E.) registered in the State of Ohio shall be responsible for designing the pond and doing site inspections during construction to assure that the pond is constructed according to the approved plan.
4. The pond outlet shall be designed to flow into a tile or natural waterway.
5. Setbacks : All ponds shall be located a minimum of 50 feet from road right-of-way to the high water mark of the pond and 30 feet from the high water mark of the pond to all side and rear lot lines.
6. All ponds shall be located on a property having a 2-acre minimum lot size.
7. All ponds shall be at least $\frac{1}{4}$ acre in size unless approved otherwise by the county engineer.

665 Adult Entertainment

Whereas, the establishment of adult entertainment businesses has a deleterious effect on existing businesses and the surrounding residential segments of neighborhoods, causing blight and downgrading of property values, and has an overall detrimental effect on the health and welfare of the Township; and Whereas, such businesses characteristically utilize excessive illumination to identify their locations at night, thereby distracting passing motorists; and Whereas, such businesses characteristically operate during the late hours of the evening and early hours of the morning, thereby creating excessive noise levels adversely affecting contiguous and surrounding properties and persons utilizing such properties; and Whereas, such businesses have a general overall adverse effect on the health and welfare of the patrons of such businesses, of visitors to the Township, of the citizens of the Township, and upon the surrounding neighborhoods, thereby necessitating the regulation of the location of such businesses and uses within the Township; The following standards shall govern the zoning and development of Adult entertainment businesses in Jerome Township.

665.01 Adult Entertainment Defined

An adult Entertainment Facility is defined as a facility having a significant portion of its function as adult entertainment which includes the following listed categories:

1. **Adult Bookstore** - An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult Mini Motion Picture Theater** - A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
3. **Adult Motion Picture Theater** - A facility with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
4. **Adult Entertainment Business** - Any establishment involved in the sale or services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within

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the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

665.02 Requirements for Adult Entertainment Facilities

Adult entertainment facilities are subject to the conditions set forth in the Zoning Resolution and the following requirements.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any area zoned for residential use.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons less than eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons less than eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any established church, synagogue, or established place of religious services which is attended by persons less than eighteen (18) years of age.
6. No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
8. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
9. Off-street parking shall be provided in accordance with the standards for permitted use within RR District for similar uses.

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670 Public Nuisance Regulations

No land or building in any Zoning District within Jerome Township shall be used or occupied in any manner as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining properties. Any use permitted by this Resolution may be undertaken and maintained provided acceptable measures and safeguards are employed in accordance with the following standards:

1. **Trash, Debris, Litter, and Junk** - No trash, debris, litter, rubbish, scrap, unused personal property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof. Piles of any type of fill, topsoil, gravel, and mulch shall not be permitted to remain on any lot, not under active construction, for a period greater than 21 days with the exception of active construction sites.
2. **Outdoor Storage of Vehicles and Equipment** - Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in any District, the outdoor storage of any inoperable, unlicensed, or unused motor vehicle, or the outdoor storage of any new or used industrial equipment shall be prohibited unless said vehicles or equipment are fully screened from view from any public right of way or adjacent property in accordance with the standards established in section 620.
3. **Fire and/or explosion hazards** - All activities involving the use or storage of flammable or explosive materials shall include the provision of adequate safety measures against the hazard of spill, fire and explosion. The owner shall provide adequate fire-fighting and fire suppression equipment and shall conform to all standards of the Occupational Safety and Health Administration.
4. **Vibration and Noise** - No uses shall be located and no equipment shall be used in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject property. Noise which is objectionable by community standards and or as determined by the Ohio Environmental Protection agency and/or Occupational Safety and Health Administration due to volume, frequency or beat shall be muffled or otherwise controlled.
5. **Odors** - No use shall be operated so as to produce continuous, frequent or repetitive emission of odors in such concentration as to be perceptible at or beyond the property line on which the use is located. All applicable standards of the Environmental Protection Agency shall be adhered to.
6. **Glare, Heat and Exterior Light** - Any operation producing glare, intense heat or bright or intense light such as welding or other uses

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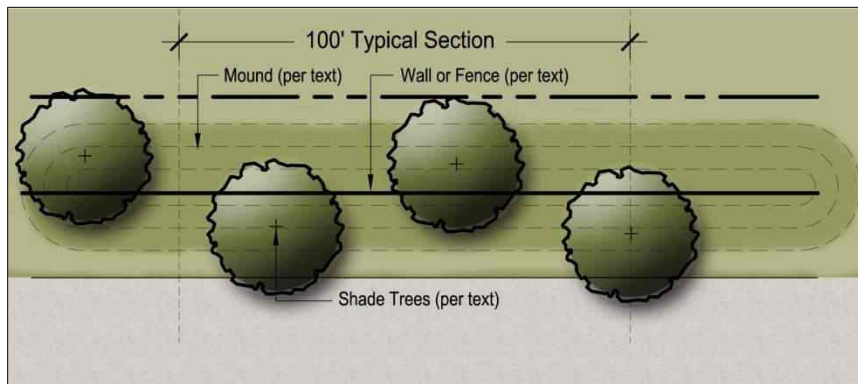
shall be conducted in an enclosed facility and shall not be visible beyond the property line of the lot on which the use is located.

7. **Air Pollution** - No pollution of air by fly-ash, dust, smoke, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling. All standards of the Environmental Protection Agency shall be adhered to.
8. **Electrical, Magnetic, or Radioactive Disturbance** - No activity shall be permitted that shall emit dangerous radioactivity, or electrical or magnetic disturbance that cause danger to persons or property, health risks, or that adversely affect the operation of any equipment. All standards of the Environmental Protection Agency and the Occupational Safety and Health Administration shall be adhered to.
9. **Erosion** - No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties. All standards of the Environmental Protection Agency shall be adhered to in regards to the control of erosion.

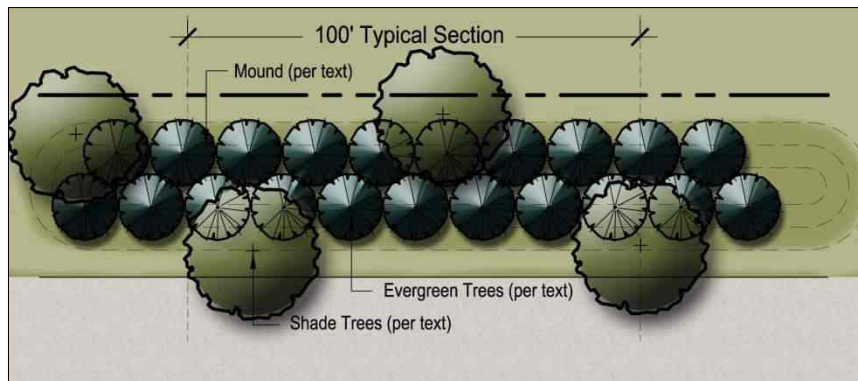
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705 Appendix 1 – Buffer Diagrams

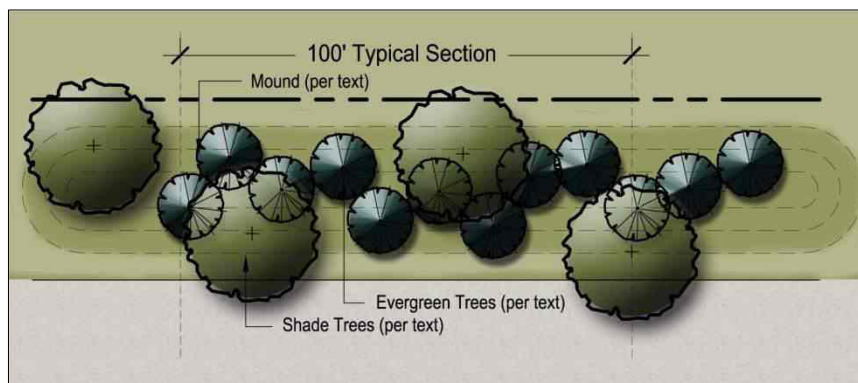
The following Buffer Diagrams provide a representative example of the required screening and buffering referenced within each zoning district. The following diagrams shall serve as a guide while the requirements of the individual zoning districts within the resolution shall govern the height of the mounding, size and spacing of the plant materials and opacity of screening required.



Buffer Type 'A'

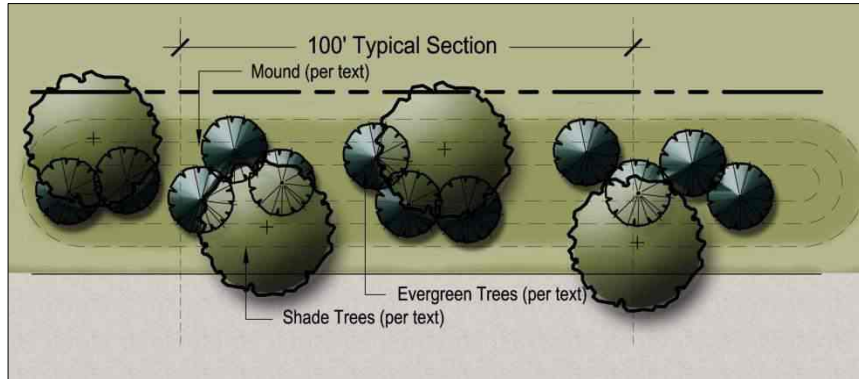


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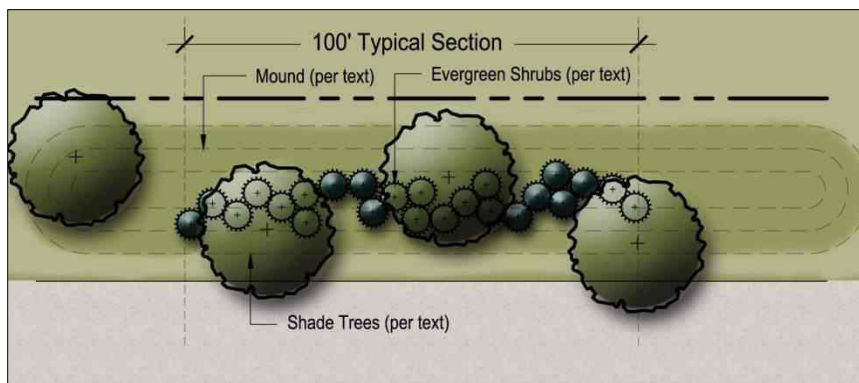


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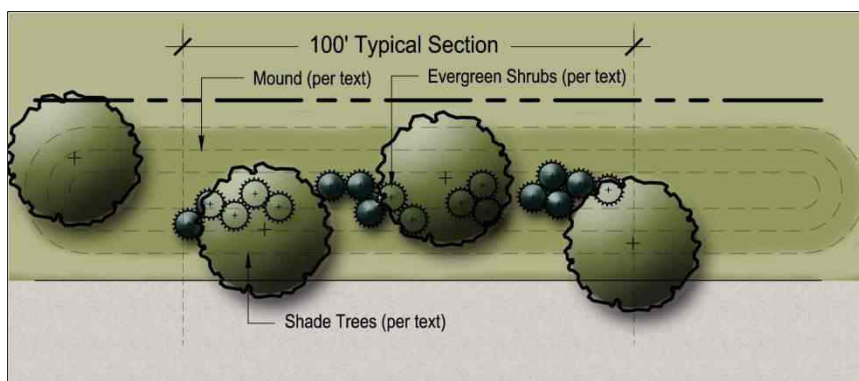
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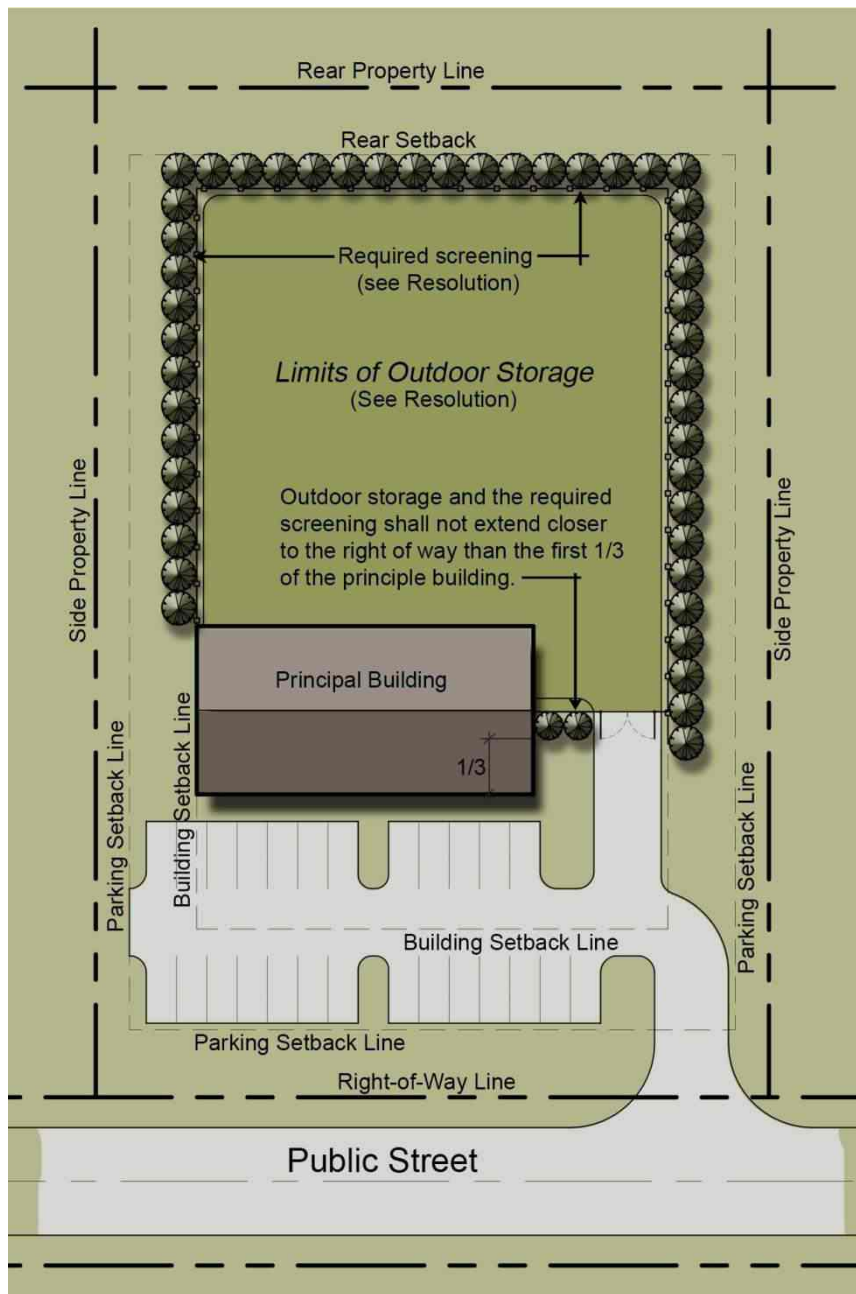


Buffer Type 'F'

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710 Appendix 2 – Outdoor Storage Diagrams

The following Diagrams provide a representative example of the required setbacks and screening and buffering referenced for the outdoor storage of materials and equipment within the Commerce District. The following diagrams shall serve as a guide while the requirements of the individual zoning districts within the resolution shall govern the height of the mounding, size and spacing of the plant materials and opacity of screening required.



Outdoor storage placement and screening – standard lot

Note: The text, images and diagrams in this highlighted area are for clarification and explanation purposes only. See Section 135



Outdoor storage placement and screening - corner lot

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**Zoning Resolution of the Township of Jerome
Union County, State of Ohio.**

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REVISED ZONING RESOLUTION

Jerome Township
Union County, Ohio

(Amended 7/23/05)

A RESOLUTION OF THE TOWNSHIP OF JEROME, UNION COUNTY, STATE OF OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 519, O IN THE INTEREST OF THE PUBLIC HEALTH AND SAFETY, UNION COUNTY

OHIO REVISED CODE, THE PUBLIC HEALTH, SAFETY, COMFORT, CONVENIENCE AND GENERAL WELFARE; DIVIDING THE UNINCORPORATED PORTION OF THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING ORDERLY DEVELOPMENT OF THE RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AND DEFINING THE POWERS AND DUTIES OF THE ADMINISTARTING OFFICERS AS PROVIDED HEREINAFTER AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO; AND FOR THE REPEAL BE IT RESOLVED BY THE JEROME TOWNSHIP TRUSTEES OF JEROME TOWNSHIP, STATE OF OHIO: THEREFORE BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF JEROME TOWNSHIP, UNION COUNTY, STATE OF OHIO:

ARTICLE I TITLE OF RESOLUTION

Section 100 Title.

This resolution shall be known and may be cited and referred to as the "Zoning Resolution of the Township of Jerome, Union County, State of Ohio."

ARTICLE II ESTABLISHMENT OF DISTRICTS

Section 200 District Types. The Township is hereby divided into ten districts as follows: Rural District, Low Density Residential District, Medium Density Residential District, Professional Services District, Institutional or Quasipublic District, Retail Store District, Heavy Retail District, Wholesale & Heavy Retail District, Light Manufacturing District and Heavy Manufacturing District.

Section 210 Rural District (U-1). The intention of the rural district is to provide land which is suitable or used for agriculture, conservation and very low density residence. Very low density residential land use refers to farm housing units and isolated residential development not requiring a plat under the County subdivision regulations. On-site water and sewer facilities are permitted, provided such facilities comply with the County Health regulations.

Section 220 Low Density Residential District (R-1). (Amended 12/31/97) (Amended 8/19/09) The purpose of the low density residential district is to provide land for single-family housing units not to exceed one family per acre.

Section 230 Medium Density Residential District (R-2). (Amended 12/31/97) The purpose of the medium density residential district is to provide land for single and multi-family housing units, not to exceed two families per acre.

Section 251 Professional Services (B-11).

(Added 9/6/89) (Amended 8/19/09) The purpose of the professional services district is to provide land for doctor, dentist, lawyer, accountant, bank, financial institution, insurance, professional businesses which may require highway orientation along or near major thoroughfares and intersections; and would normally contribute to the design of a unified business district.

Section 252 Institutional or Quasipublic (B-12).

(Added 9/6/89) (Amended 8/19/09) The purpose of the institutional or quasi-public services district is to provide land for institution, school, church, hospital, library, art gallery, clinic, nursing home, day care center, health care, museum, etc. businesses; which may require highway orientation along major thoroughfares and intersections.

Section 253 Retail Store (B-13).

(Added 9/6/89) (Amended 11/17/93) (Amended 8/19/09) The purpose of the retail store district is to provide land for auto dealer, retail hardware, bowling alley, skating rink, drugstore, swimming pool, movie theater, barber shop, beauty salon, home furnishings, food service, fast food, bakery, hotel/motel, butcher, dry cleaner, community or private swimming pool business, which may require highway orientation; along or near major thoroughfares and intersections.

A.

nature to primary business use.

Section 254 Heavy Retail (B-14). (Added 9/6/89) (Amended 8/21/91) (Amended 11/17/93) (Amended 8/19/09) The purpose of the heavy retail district is to provide land for sales, service, repair and recreation

establishments such as plumbing, wholesale hardware, electrical supply, lumber, building supply, quick copy print, carry out, drive-through, gas station, body shop, hotel/motel, nightclub, grocery, etc.; which require a highway orientation or location along or near major thoroughfares and intersections.

Section 255 Wholesale & Heavy Retail (B-15). (Added 9/6/89) (Amended 11/17/93) (Amended 8/19/09)

The purpose of this district is to provide land for

sales, service, and repair establishments such as implement dealer, nursery, wholesaler, warehouse, trucking contractor, truck and tractor repair, veterinary clinic, kennels and animal boarding, which require highway orientation or large tracts of land.

Section 256 Special Recreation Districts (SR-1, SR-2, SR-3). (Added 8/21/91) The purpose of the special recreation district is to provide land for certain uses as specified below.

The following listed uses shall be subject to these SPECIAL RECREATION DISTRICT REGULATIONS, except as they may be permitted by other provisions of this Zoning Resolution.

(SR-1) Golf course, golf club, or fishing club and related facilities operated on an admission fee or membership basis.

(SR-2) Amusement center, amusement park, driving range, miniature golf, or similar recreational facility operated on an admission fee or membership basis.

(SR-3) Park, camping or boating facilities, picnic grounds, or similar recreational facility operated on an admission fee or membership basis.

Section 280 Light Manufacturing District (M-1). (Amended 11/17/93) (Amended 2/17/95) (Amended 8/19/09) The purpose of the light manufacturing district is to provide land for manufacturing, industrial or research and development establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust smoke or glare; operate within enclosed structures; and generate little industrial traffic.

Section 290 Heavy Manufacturing District (M-2). (Amended 11/17/93) (Amended 8/19/09) The purpose of the heavy manufacturing district is to provide land for major manufacturing processing storage, warehousing, research and testing establishments which require large sites, extensive community services and facilities, ready access to regional transportation; have large open storage and service areas; generate heavy traffic; and create no nuisance discernible beyond the district.

ARTICLE III PROVISION FOR OFFICIAL ZONING MAP

Section 300 Official Zoning Map.

The districts established in Section 200 of this resolution are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this resolution.

Section 310 Identification of the Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 300 of Resolution Number 3 of the Township of Jerome, Union County, Ohio," together with the date of the adoption of this resolution.

Section 320 Recording Changes in the Official Zoning Map. If in accordance with the provisions of this Resolution and Chapter 519, Ohio Revised Code, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by a two-thirds vote of the Board of Township Trustees, with an entry on the Official Zoning Map indicating the resolution number and the date of adoption.

Section 330 Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Township Trustees may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Trustees, attested by the Township Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date) as part of Resolution Number 3 of the Township of Jerome, Union County, Ohio."

Section 340 Preserving Records. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map and/or significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 350 Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the zoning map, the following rules shall apply.

- 1)
- 2) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries
- 3) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- 4) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
- 5) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- 6) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.

ARTICLE IV DISTRICT REGULATIONS

Section 400 Compliance With Regulations The regulations set by this resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
 - (a) No tract shall be restricted against agricultural pursuits or the construction or use of buildings or structure incident to the use for agricultural purposes of the land on which such buildings or structures are located. Provided however, dwelling houses constructed thereon shall conform to all specifications as set forth in this section and all other buildings shall conform to setback lines.
- (2) No building or other structure shall hereafter be erected or altered:
 - (a) To exceed the height or bulk,
 - (b) To accommodate or house a greater number of families,
 - (c) To occupy a greater percentage of lot area, and
 - (d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this resolution.
- (3) No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements established by this resolution.
- (4) All territory which may hereafter be annexed to a City or Village shall be administered according to the applicable township or county zoning district regulations until otherwise classified.
- (5) A variety of building setbacks, color and building materials among contiguous home sites is encouraged. Duplication of building and/or structures shall be avoided on adjoining lots. Duplication should not occur closer than every fourth lot. Each individual building or development in the U-1, R-1, R-2 districts as well as the total development must be capable of creating a desirable and stable environment. Reversed floor plans of housing units will be considered as duplication on adjoining lots.

For square feet measurement purposes, the measurement will be taken from the outside of the foundation. (Not footers.)

Section 410 Adoption of the Standard Zoning District Regulations and Rules of Application
(Amended 8/19/09) District regulations shall be as set forth in the Official Schedule of District Regulations, hereby adopted by reference and declared to be a part of this resolution, and in Article V of this resolution, General Development Standards.

410.01 Regulation of the Use and Development of Land and Structure

(Added 8/19/09) Regulations pertaining to the use of land and/or structures are hereby adopted or amended.

410.02 Rules of Application

(Added 8/19/09) The standard regulations set forth in this Article IV shall be interpreted and enforced according to the following uses.

410.021 Identification of Uses

(Added 8/19/09) Listed uses to be defined by their customary name or identification, except where they are specifically defined or limited by this zoning resolution.

410.022 Permitted Uses

(Added 8/19/09) Only a use designated as a Permitted Use shall be allowed as a matter of right in a zoning district and any use not so designated shall be prohibited except, when in character with the zoning district, such additional use may be added to the Permitted Uses of the zoning district by amendment of this resolution.

410.023 Conditional Uses

(Added 8/19/09) A use designated as a conditional use shall be allowed in a zoning district when approved by the Board of Zoning Appeals.

410.024 Development Standards

(Added 8/19/09) The Development Standards set forth shall be the minimum allowed for development in a Zoning District. If the Development Standards are in conflict with the requirements of any lawfully adopted rules, regulations or laws, the more restrictive or higher standard shall govern.

(Amended 8/19/09)

SECTION 411 RURAL DISTRICT REGULATIONS

411 Rural District (U-1)

411.01 - Permitted Uses

The following uses shall be permitted in the Rural District (U-1):

- Agriculture
- Very low density residence

411.013 - Conditional Uses

The following uses shall be allowed in the Rural (U-1) District subject to approval in accordance with Section 1018 and provided their respective conditions are met:

- Public service facility
- Non commercial recreation
- Enclosed storage facility
- Home occupation
- Limited business
- Telecommunication towers

411.014 - Determining Minimum Floor Area for Housing Units

The minimum floor area per family in housing units shall include only floor area used for living quarters. Garages, carports, porches are to be excluded.

1. Floor: The inside bottom surface of a room, a level or story in building
2. Story: A horizontal division of a building extending from a floor to the ceiling directly above it, all the rooms on the same level of a building
3. Level: A horizontal area
4. Bi-Level Home: Having two (2) levels, is considered a two story home
5. Split Level Home: Type of house in which the floor levels are staggered so that each level is about a ½ story above or below the adjacent level. Split level designation must have a minimum level area of 1,500 square feet total. Must meet all other requirements in that zoning district.
6. Basement: The story of a building just below the main floor, usually below the surface of the ground.

411.015 - Conversion to Dwellings to More Units

In U-1 and R-2 Districts a residence may be converted to accommodate an increased number of dwelling units provided:

1. The yard dimensions still meet the yard dimensions required by the zoning

- regulations for new structures in that district.
2. The lot area per family shall equal the lot area requirements for new structures in that district.
 3. The number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.

411.02 - DEVELOPMENT STANDARDS

The following standards for arrangement and development of land and buildings are required in the U-1 District.

411.021 - Lot Area and Coverage

- a) For each dwelling unit there shall be a lot area not less than 65,400 square feet with on site sewage treatment
- b) For a lot with central sewage treatment the lot area shall not be less than 20,000 square feet with group central sewage treatment
- c) Only one (1) principal use shall be permitted on a lot and such lot shall not be covered more than twenty-five (25%) by structure.(principal and accessory structures)

411.022 - Minimum Lot Width

For a one family dwelling, there shall be a lot width of one hundred and fifty (150) feet or more at the front line of the dwelling.

411.023 - Side Yard

For dwellings there shall be a total side yard of forty (40) feet or more with a minimum of twenty (20) feet or more on one (1) side.

411.024 - Rear Yard

For main buildings there shall be a rear yard of at least thirty (30) feet.

411.025 - Front Yard

50 Feet
See Section 521

411.026 - ACCESSORY BUILDINGS

See Section 522

411.027 - Maximum Height

Thirty-five (35) feet or two and one half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

- (A) Exceptions to Height Regulations
The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks,

ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

411.028 - Reserved for future use

411.029 - Visibility at Intersections in Residential Districts

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2 ½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

411.030 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

411.039 - LANDSCAPING

411.040 - Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

411.041 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

(Amended 8/19/09)

SECTION 412 LOW DENSITY RESIDENTIAL DISTRICT REGULATIONS (R-1)

412 Low Density Residential District (R-1)

412.012 - Permitted Uses

The following uses shall be permitted in the Low Density Residential District (R-1).

- Single family housing
- Public Use
- Quasi-public use
- Commercial and industrial use development is prohibited

412.013 - Conditional Uses

The following uses shall be allowed in the R-1 District subject to approval in accordance with Section 1018, and provided their respective conditions are met:

- Non-Commercial Recreation
- Service Business
- Signs and Advertising
- Public Service facility
- Enclosed Storage
- Home Occupation
- Limited Business
- Telecommunication Towers

412.02 - DEVELOPMENT STANDARDS

The following standards for arrangement and development of land and buildings are required in the R-1 district.

412.021 - Lot Area and Coverage

- a) For each dwelling unit there shall be a lot area not less than
65,400 square feet with on-site sewage treatment
20,000 square feet with group central sewage treatment
- b) Only one principal use shall be permitted on a lot and such lot shall not be covered more than twenty-five percent (25%) by structure (principal and accessory buildings)

412.022 - Minimum Lot Width

For a one-family dwelling, there shall be a lot width of one hundred and fifty (150) feet or more at the front line of the dwelling.

412.023 - Side Yard

For dwellings there shall be a total side yard of forty (40) feet or more with a minimum of twenty (20) feet or more on one (1) side.

412.024 - Rear Yard

For main buildings there shall be a rear yard of at least thirty (30) feet.

412.025 - Front Yard

50 Feet

See Section 521

412.026 - Visibility at Intersections in Residential Districts

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2 ½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

412.027 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

412.028 - ACCESSORY BUILDINGS

See Section 522

412.029 - Maximum Height

Thirty-five (35) feet or two and one half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

412.03 - Minimum Floor Area

(A) Single Story - 1400 minimum square feet minimum

(B) Two story house - first floor minimum 1000 square feet – total minimum square feet 1500. Mandatory built in or attached garage.

(C) Split level – 1500 square feet. Mandatory built-in or attached garage per unit.

412.04 - LANDSCAPING

412.05 - Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

412.06 - Reserved for future use

412.07 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

412.08 Determining Minimum Floor Area for Housing Units

The minimum floor area per family in housing units shall include only floor area used for living quarters. Garages, carports, porches are to be excluded.

1. Floor: The inside bottom surface of a room, a level or story in building
2. Story: A horizontal division of a building extending from a floor to the ceiling directly above it, all the rooms on the same level of a building
3. Level: A horizontal area
4. Bi-Level Home: Having two (2) levels, is considered a two story home
5. Split Level Home: Type of house in which the floor levels are staggered so that each level is about a ½ story above or below the adjacent level. Split level designation must have a minimum level area of 1,500 square feet total. Must meet all other requirements in that zoning district.
6. Basement: The story of a building just below the main floor, usually below the surface of the ground.

(Amended 8/19/09)

SECTION 413 MEDIUM DENSITY (R-2A) AND HIGH DENSITY RESIDENTIAL DISTRICT REGULATIONS (R-2B)

Medium Density Residential District (R-2A)

High Density Residential District (R-2B)

413.01 - Permitted Uses

The following uses shall be permitted in the Medium Density Residential District (R-2A).

- (A) R-2(A) - Single family housing
- Public use
- Quasi public use

The following uses shall be permitted in the High Density Residential District (R-2B).

- (B) R-2(B) Multi-family

413.012 - Conditional Uses

The following uses shall be allowed in the R-2 District subject to approval in accordance with Section 1018, and provided their respective conditions are met:

- (A) R-2(A) - Non-commercial recreation
- Home occupation
- Limited business
- Telecommunication towers
- (B) R-2(B) - Non-commercial recreation
- Telecommunication towers

413.013 - Conversion of Dwelling Units

In U-1 and R-2 Districts a residence may be converted to accommodate an increased number of dwelling units provided:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
2. The lot area per family shall equal the lot area requirements for new structures in that district.

413.02 - DEVELOPMENT STANDARDS

The following standards for arrangement and development of land and buildings are required R-2(A) and R-2(B) districts:

413.021 - Lot Area and Coverage

- (A) R-2(A) A) For each dwelling unit there shall be at least
65,400 square feet with on-site sewage treatment
20,000 square feet with group central sewage treatment
- B) Only one (1) principal use shall be permitted on a lot and such lot shall not be covered more than twenty-five percent (25%) by structure. (Principal and accessory buildings)
- (B) R-2(B) C) For each dwelling unit there shall be at least
65,400 square feet with on-site sewage treatment
5,400 square feet with group central sewage treatment
- D) Only one (1) principal use shall be permitted on a lot and such lot shall not be covered more than twenty-five percent (25%) by structure. (Principal and accessory buildings)

413.022 - Minimum Lot Width

For a one family dwelling there shall be a lot width of one hundred and fifty (150) feet or more at the front line of the dwelling. (Unless otherwise provided herein)

413.023 - Side Yard

For dwellings there shall be a total side yard of forty (40) feet or more with a minimum of twenty (20) feet or more on one (1) side.

413.024 - Rear Yard

For main buildings there shall be a rear yard of at least thirty (30) feet.

413.025 - Front Yard

50 Feet
See Section 521

413.026 - Visibility at Intersections in Residential Districts

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2 ½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

413.027 - Density

Maximum of two (2) units per acre.

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

See Section 522

Thirty-five (35) feet or two and one-half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(A) R-2(A)

- a) Single story - 1400 square feet minimum Mandatory built-in or attached garage per unit.
- b) Two story house - first floor minimum 1000 square feet, total minimum square feet 1500. Mandatory built in or attached garage.
- c) Floor area for split level – 1500 square feet

- Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

413.07 Determining Minimum Floor Area for Housing Units

The minimum floor area per family in housing units shall include only floor area used for living quarters. Garages, carports, porches are to be excluded.

1. Floor: The inside bottom surface of a room, a level or story in building
2. Story: A horizontal division of a building extending from a floor to the ceiling directly above it, all the rooms on the same level of a building
3. Level: A horizontal area
4. Bi-Level Home: Having two (2) levels, is considered a two story home
5. Split Level Home: Type of house in which the floor levels are staggered so that each level is about a ½ story above or below the adjacent level. Split level designation must have a minimum level area of 1,500 square feet total. Must meet all other requirements in that zoning district.
6. Basement: The story of a building just below the main floor, usually below the surface of the ground.

(Amended 8/19/09)

SECTION 414 PROFESSIONAL SERVICES DISTRICT REGULATIONS (B-11)

414 Professional Services District (B-11)

414.01 - Permitted Uses

The following uses shall be permitted in the Professional Services (B-11) District

- Doctor
- Dentist
- Lawyer
- Accountant
- Bank
- Financial Institution
- Insurance Professional
- Organization
- Broker
- Etc.
- Residential Development is prohibited, but B-11 uses may be contiguous to the R-1 District

414.02 - Conditional Uses

The following uses shall be allowed in the Professional Services (B-11) District subject to approval in accordance with Section 1018, and provided their respective conditions are met:

- N/A

414.03 - DEVELOPMENT STANDARDS

Restrictions: A. Twelve or less operating hours
B. Low Traffic Volume
C. Very low noise level

The following standards for arrangement and development of land and buildings are required in the B-11 district.

414.031 - Lot Area and Coverage

A maximum of thirty (30%) percent of the lot may be occupied by structure.

414.032 - Minimum Lot Size

The minimum lot size is:

- 40,000 square feet with on site sewage treatment
- 15,000 square feet with group central sewage treatment

Must meet EPA standards

414.033 - Minimum Lot Width

There shall be a lot width of one hundred and fifty feet (150)

414.034 - Side Yard

There shall be a total side yard of at least thirty (30) feet with a minimum of ten (10) feet or more on one (1) side

414.035 - Rear Yard

There shall be a rear yard of at least thirty (30) feet

414.036 - Front Yard

50 Feet
See Section 521

414.037 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

414.038 - Maximum Height

The maximum height of the structure shall be thirty-five (35) feet or two and one-half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

414.04 - LANDSCAPING

414.041 - Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Non residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection.

414.042 - Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

414.043 - Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted use in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or planting. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

414.05 - ACCESSORY BUILDINGS

See Section 522

414.051 - Maximum Height

The maximum height of accessory buildings in the B-11 District is twenty (20) feet.

414.052 - Side Yard

The minimum side yard shall be five (5) feet.

414.053 - Rear Yard

The minimum rear yard shall be ten (10) feet.

414.054 - Reserved for future use

414.055 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

(Amended 8/19/09)

SECTION 415 INSTITUTIONAL OR QUASI-PUBLIC DISTRICT REGULATIONS (B-12)

415 Institutional or Quasi-Public District (B-12)

415.01 - Permitted Uses

The following uses shall be permitted in the Institutional or Quasi-Public (B-12) District.

- Institution
- School
- Church
- Hospital
- Library
- Art Gallery
- Clinic
- Nursing Home
- Day Care Center
- Health Care
- Museum
- Etc.
- Residential Development is prohibited, but B-12 uses may be contiguous to the R-1 District

415.02 - Conditional Uses

The following uses shall be allowed in the Institutional or Quasi-Public (B-12) District subject to approval in accordance with Section 1018, and provided their respective conditions are met:

- Doctor
- Dentist
- Lawyer
- Accountant
- Bank
- Financial Institution
- Insurance
- Professional Organization
- Broker
- Etc.
-
- Auto Dealer
- Retail Hardware
- Bowling Alley
- Skating Rink
- Drug Store
- Community or Private Swimming Pool
- Movie Theater

- Barber Shop
- Beauty Salon
- Home Furnishings
- Food Service
- Fast Food
- Baker
- Hotel/Motel
- Butcher
- Dry Cleaners
- Etc.

415.03 - DEVELOPMENT STANDARDS

Restrictions: A. Low Noise Level

B. Moderate daytime traffic volume, low nighttime traffic volume

The following standards for arrangement and development of land and buildings are required in the B-12 district.

415.031 - Lot Area and Coverage

A maximum of thirty (30%) percent of the lot may be occupied by structure.

415.032 - Minimum Lot Size

The minimum lot size is:

40,000 square feet with on-site sewage treatment

15,000 square feet with group central sewage treatment

Must meet EPA standards

415.033 - Minimum Lot Width

There shall be a lot width of one hundred and fifty feet (150)

415.034 - Side Yard

There shall be a total side yard of at least thirty (30) feet with a minimum of ten (10) feet or more on one (1) side.

415.035 - Rear Yard

There shall be a rear yard of at least thirty (30) feet.

415.036 - Front Yard

50 Feet

See Section 521

415.037 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

415.038 - Maximum Height

The maximum height of the structure shall be thirty-five (35) feet or two and one-half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

415.04 LANDSCAPING

415.041 - Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Non residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection.

415.042 - Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

415.043 - Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted use in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or planting. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

415.05 - ACCESSORY BUILDINGS

See Section 522

415.051 - Maximum Height

The maximum height of accessory buildings in the B-12 District is twenty (20) feet.

415.052 - Side Yard

The minimum side yard shall be five (5) feet.

415.053 - Rear Yard

The minimum rear yard shall be ten (10) feet.

415.054 - Reserved for future use

415.055 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

(Amended 8/19/09)

SECTION 416 RETAIL STORE DISTRICT REGULATIONS (B-13)

416 Retail Store District (B-13)

416.01 - Permitted Uses

The following uses shall be permitted in the Retail Store (B-13) District.

- Auto Dealer
- Retail Hardware
- Bowling Alley
- Skating Rink
- Drug store
- Community or Private Swimming Pool
- Movie Theater
- Barber Shop
- Beauty Salon
- Home Furnishing
- Food Service
- Fast Food
- Baker
- Hotel/Motel
- Butcher
- Dry Cleaners
- Etc.
- Residential Development is prohibited, but B-13 uses may not be contiguous to the R-1 District unless a 25ft buffer zone is provided.
-

416.02 - Conditional Uses

The following uses shall be allowed in the Retail Store (B-13) District subject to approval in accordance with Section 1018, and provided their respective conditions are met:

- Institution
- School
- Church
- Hospital
- Library
- Art Gallery
- Clinic
- Nursing Home
- Day Care Center
- Health Care
- Museum
- Plumbing
- Wholesale Hardware

- Electrical Supply
- Lumber
- Building Supply
- Quick Copy Print
- Carry Out
- Drive Thru
- Gas Station
- Body Shop
- Hotel/Motel
- Nightclub
- Grocery
- Etc

416.03 - DEVELOPMENT STANDARDS

Restrictions: A. Low to medium noise level
 B. Moderate to high traffic volume
 C. Liquor related sales must be of secondary nature to the primary business use

The following standards for arrangement and development of land and buildings are required in the B-13 district.

416.031 - Lot Area and Coverage

A maximum of thirty (30%) percent of the lot may be occupied by structure.

416.032 - Minimum Lot Size

The minimum lot size is:

- 40,000 square feet with on-site sewage treatment
- 15,000 square feet with group central sewage treatment
- Must meet EPA standards

416.033 - Minimum Lot Width

There shall be a lot width of one hundred and fifty feet (150)

416.034 - Side Yard

There shall be a total side yard of at least thirty (30) feet with a minimum of ten (10) feet or more on one (1) side.

416.035 - Rear Yard

There shall be a rear yard of at least thirty (30) feet.

416.036 - Front Yard

50 Feet

See Section 521

416.037 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

416.038 - Maximum Height

The maximum height of the structure shall be thirty-five (35) feet or two and one-half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

416.04 - LANDSCAPING

416.041 - Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Non residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection.

416.042 - Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

416.043 - Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted use in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or planting. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

416.05 - ACCESSORY BUILDINGS

See Section 522

416.051 - Maximum Height

The maximum height of accessory buildings in the B-13 District is twenty (20) feet.

416.052 - Side Yard

The minimum side yard shall be five (5) feet.

416.053 - Rear Yard

The minimum rear yard shall be ten (10) feet.

416.054 - Reserved for future use

416.055 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

(Amended 8/19/09)

SECTION 417 HEAVY RETAIL DISTRICT REGULATIONS (B-14)

417 Heavy Retail District (B-14)

417.01 - Permitted Uses

The following uses shall be permitted in the Heavy Retail (B-14) District.

- Plumbing
- Wholesale Hardware
- Electrical Supply
- Lumber
- Building Supply
- Quick Print Copy
- Carry Out
- Drive Thru
- Gas Station
- Body Shop
- Hotel/Motel
- Nightclub
- Grocery
- Etc.
- Residential development is prohibited.
- B-14 Uses may not be contiguous to an R-1 district, unless a twenty-five (25) foot wide buffer zone is provided.

417.02 - Conditional Uses

The following uses shall be allowed in the Heavy Retail (B-14) District subject to approval in accordance with Section 1018, and provided their respective conditions are met:

- Auto Dealer
- Retail Hardware
- Bowling Alley
- Skating Rink
- Drug Store
- Community or Private Swimming Pool
- Movie Theater
- Barber Shop
- Beauty Salon
- Home Furnishings
- Food Service
- Fast Food
- Baker
- Hotel/Motel
- Butcher
- Dry Cleaner

- Etc.
- Implement Dealer
- Nursery
- Wholesales
- Warehouse
- Trucking Contractor
- Truck and Tractor repair
- Animal Boarding
- Veterinary Clinic
- Kennels
- Etc.

417.03 - DEVELOPMENT STANDARDS

Restrictions: A. Medium Noise Level
B. Moderate to Heavy Traffic

The following standards for arrangement and development of land and buildings are required in the B-14 district.

417.031 - Lot Area and Coverage

A maximum of thirty (30%) percent of the lot may be covered by structure.

417.032 - Minimum Lot Size

The minimum lot size is:
40,000 square feet with on-site sewage treatment
15,000 square feet with group central sewage treatment
Must meet EPA

417.033 - Minimum Lot Width

There shall be a lot width of one hundred and fifty feet (150)

417.034 - Side Yard

There shall be a total side yard of at least thirty (30) feet with a minimum of ten (10) feet or more on one (1) side.

417.035 - Rear Yard

There shall be a rear yard of at least thirty (30) feet.

417.36 - Front Yard

50 Feet
See Section 521

417.037 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

417.038 - Maximum Height

The maximum height of the structure shall be thirty-five (35) feet or two and one-half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

417.04 - LANDSCAPING

417.041 - Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Non residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection.

417.042 - Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

417.043 - Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted use in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or planting. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

417.05 - ACCESSORY BUILDINGS

See Section 522

417.051 - Maximum Height

The maximum height of accessory buildings in the B-14 District is twenty (20) feet.

417.052 - Side Yard

The minimum side yard shall be five (5) feet.

417.053 - Rear Yard

The minimum rear yard shall be ten (10) feet.

417.054 - Reserved for future use

417.055 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

(Amended 8/19/09)

SECTION 418 WHOLESALE AND HEAVY RETAIL DISTRICT REGULATIONS (B-15)

418 Wholesale and Heavy Retail District (B-15)

418.01 Permitted Uses

The following uses shall be permitted in the Wholesale and Heavy Retail (B-15) District.

- Implement Dealer
- Nursery
- Wholesaler
- Warehouse
- Trucking Contractor
- Truck and Tractor Repair
- Veterinary Clinic
- Kennels
- Animal Boarding
- Etc.
- (Added 9/6/89) All nursery type businesses starting operation after September 6, 1989 must apply for and be classified as a B-15 Wholesale and Heavy Retail business
- Residential development is prohibited.
- B-15 Uses may not be contiguous to an R-1 district, unless a twenty-five (25) foot wide buffer zone is provided.
-

418.02 - Conditional Uses

The following uses shall be allowed in the Wholesale and Heavy Retail (B-15) District subject to approval in accordance with Section 1018, and provided their respective conditions are met:

- Plumbing
- Wholesale Hardware
- Electrical Supply
- Lumber
- Building Supply
- Quick Copy Print
- Carry Out
- Drive Thru
- Gas Station
- Body Shop
- Hotel/Motel
- Nightclub

- Grocery
- Etc.
- Signs and Advertising Structures
- Light Manufacturing and Related Offices
- Warehouse
- Wholesale Distribution Facility
- Printing and Publishing
- Transport Terminals
- Food Processing
- Research Activities
- Corporate Office Facility
- Public Use
-

418.03 - DEVELOPMENT STANDARDS

Restrictions: A. Medium noise level
 B. Moderate to heavy traffic volume

The following standards for arrangement and development of land and buildings are required in the B-15 district.

418.031 - Lot Area and Coverage

A maximum of thirty (30%) percent of the lot may be occupied by structure.

418.032 - Minimum Lot Size

The minimum lot size is:
 40,000 square feet with on-site sewage treatment
 15,000 square feet with group central sewage treatment
 Must meet EPA standards

418.033 - Minimum Lot Width

There shall be a lot width of one hundred and fifty feet (150)

418.034 - Side Yard

There shall be a total side yard of at least thirty (30) feet with a minimum of ten (10) feet or more on one (1) side.

418.035 - Rear Yard

There shall be a rear yard of at least thirty (30) feet

418.036 - Front Yard

50 Feet
 See Section 521

418.037 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

418.038 - Maximum Height

The maximum height of the structure shall be thirty-five (35) feet or two and one-half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

418.04 - LANDSCAPING

418.041 - Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Non residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection.

418.042 - Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

418.043 - Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted use in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or planting. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

418.05 - ACCESSORY BUILDINGS

See Section 522

418.051 - Maximum Height

The maximum height of accessory buildings in the B-15 District is twenty (20) feet.

418.052 - Side Yard

The minimum side yard shall be five (5) feet.

418.053 - Rear Yard

The minimum rear yard shall be ten (10) feet.

418.054 - Reserved for future use

418.055 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

(Amended 8/19/09)

SECTION 419 LIGHT MANUFACTURING DISTRICT REGULATIONS (M-1)

419 Light Manufacturing District (M-1)

419.01 - Permitted Uses

The following uses shall be permitted in the Light Manufacturing (M-1) District.

- Signs and Advertising Structures Article VIII
- Light Manufacturing and Related Offices
- Warehouse
- Wholesale Distribution Facility
- Printing and Publishing
- Transport Terminals
- Food Processing
- Research Activities
- Corporate Office Facility
- Public Use
- Heavy manufacturing and industrial uses are prohibited
- Manufacturing facilities with large outside storage (in excess of five (5%) percent or more of total area) of materials and/or finished product are prohibited.

419.02 Conditional Uses

The following uses shall be allowed in the Light Manufacturing (M-1) District subject to approval in accordance with Section 1018, and provided their respective conditions are met:

- Public Service Facility
- Enclosed Storage
- Retail Sales

419.03 - DEVELOPMENT STANDARDS

The following standards for arrangement and development of land and buildings are required in the M-1 district.

419.031 - Lot Area and Coverage

A maximum of forty (40%) percent of the lot may be occupied by structure.

419.032 - Minimum Lot Size

The minimum lot size is:

- 65,400 square feet with on-site sewage treatment
- 15,000 square feet with group central sewage treatment

419.033 - Minimum Lot Width

There shall be a lot width of one hundred fifty feet (150)

419.034 - Side Yard

There shall be a total side yard of at least forty (40) feet with a minimum of twenty (20) feet or more on one (1) side.

419.035 - Rear Yard

There shall be a rear yard of at least forty (40) feet.

419.036 - Front Yard

60 Feet

See Section 521

419.037 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

419.038 - Maximum Height

The maximum height of the structure shall be sixty (60) feet or four (4) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

419.04 - LANDSCAPING

419.041 - Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Non residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection.

A twenty-five (25) feet buffer zone must be provided when contiguous to U-1, R-1, R-2A, R-2B, B-11 or B-12 Districts.

419.042 - Fences, Walls and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

419.043 - Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted use in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or planting. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

419.044 - M-1 and M-2 District Screening and Buffer Zone

(Added 12/31/97) All outside storage areas, manufacturing areas, service areas and loading docks shall be screened by properly maintained rolling earthen mounds, walls, fences or shrubbery at least six (6) feet in height. These mounds or walls, fences or shrubbery shall be of a design so as to effectively screen such storage, manufacturing, service, or loading areas and facilities from adjoining streets, other roadways, or other zoning districts. Such shrubbery shall be neatly trimmed and all other fences or walls shall be maintained in a neat and tidy manner.

419.05 - ACCESSORY BUILDINGS

See Section 522

419.051 - Maximum Height

The maximum height of accessory buildings in the M-1 District is twenty-five (25) feet.

419.052 - Side Yard

The minimum side yard shall be five (5) feet.

419.053 - Rear Yard

The minimum rear yard shall be ten (10) feet.

419.054 - Reserved for future use

419.055 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

(Amended 8/19/09)

SECTION 420 HEAVY MANUFACTURING DISTRICT REGULATIONS (M-2)

420 Heavy Manufacturing District (M-2)

420.01 - Permitted Uses

The following uses shall be permitted in the Heavy Manufacturing (M-2) District.

- Signs and Advertising Structures Article VIII
- Heavy Manufacturing and Related Offices
- Public Use
- Quasi-Public Use
- Wholesale and Warehousing
- Printing and Publishing
- Transport Terminals
- Residential development prohibited

420.02 - Conditional Uses

The following uses shall be allowed in the Heavy Manufacturing (M-2) District subject to approval in accordance with Section 1018, and provided their respective conditions are met:

- Public Service Facility
- Enclosed Storage
- Retail Sales
- Light Manufacturing

420.03 - DEVELOPMENT STANDARDS

The following standards for arrangement and development of land and buildings are required in the M-2 district.

420.031 - Lot Area and Coverage

A maximum of fifty (50%) percent of the lot may be occupied by structure.

420.032 - Minimum Lot Size:

200,000 square feet with group sewage treatment
Central water and sewer facilities are required.

420.033 - Minimum Lot Width

There shall be a lot width of seven hundred and fifty feet (750)

420.034 - Side Yard

There shall be a total side yard of at least fifty (50) feet with a minimum of twenty (20) feet or more on one (1) side.

420.035 - Rear Yard

There shall be a rear yard of at least fifty (50) feet.

420.036 - Front Yard

80 Feet

See Section 521

420.037 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

420.038 - Maximum Height

The maximum height of the structure shall be thirty-five (35) feet or two and one-half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

420.04 - LANDSCAPING

420.041 - Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Non residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection.

A twenty-five (25) feet buffer zone must be provided when contiguous to U-1, R-1, R-2A, R-2B, B-11 or B-12 Districts.

420.042 - Fences, Walls and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

420.043 - Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted use in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or planting. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

420.044 - M-1 and M-2 District Screening and Buffer Zone

(Added 12/31/97) All outside storage areas, manufacturing areas, service areas and loading docks shall be screened by properly maintained rolling earthen mounds, walls, fences or shrubbery at least six (6) feet in height. These mounds or walls, fences or shrubbery shall be of a design so as to effectively screen such storage, manufacturing, service, or loading areas and facilities from adjoining streets, other roadways, or other zoning districts. Such shrubbery shall be neatly trimmed and all other fences or walls shall be maintained in a neat and tidy manner.

420.05 - ACCESSORY BUILDINGS

See Section 522

420.051 - Maximum Height

The maximum height of accessory buildings in the M-2 District is twenty-five (25) feet.

420.052 - Side Yard

The minimum side yard shall be ten (10) feet.

420.053 - Rear Yard

The minimum rear yard shall be twenty (20) feet.

420.054 - Reserved for future use

420.055 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

(Amended 8/19/09)

SECTION 421 SPECIAL RECREATION DISTRICT REGULATIONS (SR-1)

421 Special Recreation District (SR-1)

421.01 - Permitted Uses

The following uses shall be permitted in the SR-1 District:

- Golf Course
- Golf Club
- Fishing Club
- And related facilities operated on an admission fee or membership basis

421.03 - DEVELOPMENT STANDARDS

The following standards for arrangement and development of land and buildings are required in the SR-1 district.

421.031 - Lot Area and Coverage

A maximum of thirty (30%) percent of the lot may be occupied by structure.

421.032 - Minimum Lot Size

The minimum lot size is:

- 40,000 square feet with on site sewage treatment
- 15,000 square feet with group central sewage treatment

421.033 - Minimum Lot Width

There shall be a lot width of one hundred and fifty feet (150)

421.034 - Side Yard

There shall be a total side yard of at least thirty (30) feet with a minimum of ten (10) feet or more on one (1) side.

421.035 - Rear Yard

There shall be a rear yard of at least thirty (30) feet.

421.036 - Front Yard

See Section 521

421.037 - Maximum Height

The maximum height of the structure shall be thirty-five (35) feet or two and one-half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

421.038 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

421.039 - LANDSCAPING

421.0391 - Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

421.040 - Reserved for future use

421.041 - Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Non residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection

421.042 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

(Amended 8/19/09)

SECTION 422 SPECIAL RECREATION DISTRICT REGULATIONS (SR-2)

422 Special Recreation District (SR-2)

422.01 - Permitted Uses

The following uses shall be permitted in the SR-2 District:

- Amusement Center
- Amusement Park
- Driving Range
- Miniature Golf
- or similar recreational facility operated on an admission fee or membership basis.

422.03 - DEVELOPMENT STANDARDS

The following standards for arrangement and development of land and buildings are required in the SR-2 district.

422.031 - Lot Area and Coverage

A maximum of thirty (30%) percent of the lot may be occupied by structure.

422.032 - Minimum Lot Size

The minimum lot size is:

- 40,000 square feet with on site sewage treatment
- 15,000 square feet with group central sewage treatment

422.033 - Minimum Lot Width

There shall be a lot width of one hundred and fifty feet (150)

422.034 - Side Yard

There shall be a total side yard of at least thirty (30) feet with a minimum of ten (10) feet or more on one (1) side.

422.035 - Rear Yard

There shall be a rear yard of at least thirty (30) feet.

422.036 - Front Yard

See Section 521

422.037 - Maximum Height

The maximum height of the structure shall be thirty-five (35) feet or two and one-half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

422.038 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

422.039 - LANDSCAPING

422.0391 - Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

422.040 - Reserved for future use

422.041 - Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Non residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection

422.042 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

(Amended 8/19/09)

SECTION 423 SPECIAL RECREATION DISTRICT REGULATIONS (SR-3)

423 Special Recreation District (SR-3)

423.01 - Permitted Uses

The following uses shall be permitted in the SR-3 District:

- Park
- Camping or boating facilities
- Picnic Grounds
- Or similar recreational facility operated on an admission fee or membership basis

423.03 - DEVELOPMENT STANDARDS

The following standards for arrangement and development of land and buildings are required in the SR-3 district.

423.031 - Lot Area and Coverage

A maximum of thirty (30%) percent of the lot may be occupied by structure.

423.032 - Minimum Lot Size

The minimum lot size is:

- 40,000 square feet with on site sewage treatment
- 15,000 square feet with group central sewage treatment

423.033 - Minimum Lot Width

There shall be a lot width of one hundred and fifty feet (150)

423.034 - Side Yard

There shall be a total side yard of at least thirty (30) feet with a minimum of ten (10) feet or more on one (1) side.

423.035 - Rear Yard

There shall be a rear yard of at least thirty (30) feet.

423.036 - Front Yard

See Section 521

423.037 - Maximum Height

The maximum height of the structure shall be thirty-five (35) feet or two and one-half (2 ½) stories measured from the average grade on the lowest side of the structure to the peak of the roof.

(A) Exceptions to Height Regulations

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed about the roof level and not intended for human occupancy.

423.038 - Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

423.039 - LANDSCAPING

423.0391 - Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.

423.040 - Reserved for future use

423.041 - Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Non residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection

423.042 - Temporary Building

(Amended 2/4/10) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two weeks after the completion of the project, unless a six month extension is granted by the Zoning Inspector.

Section 450 Identification of the Schedule of District Regulations.

(Amended 8/19/09) The Official Schedule of District Regulations shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Clerk, under the following words: “This is to certify that this is the Official Schedule of District Regulations referred to in Section 410 and Article IV of Resolution Number 3 of the Township of Jerome, Union County, Ohio,” together with the date of the adoption or amendment of this resolution.

ARTICLE V GENERAL DISTRICT REGULATIONS

Section 500 General Regulation of the Arrangement and Development of Land and Structures

(Added 8/19/09) Standards pertaining generally and uniformly to the arrangement and development of land and structures within zoning Districts adopted in Article II are hereby established and adopted as supplementary to the District Regulations of Article III and IV.

Section 510 Off-Street Parking Requirements

Off-street automobile parking spaces shall be provided for every land use on any lot or any time any building or structure is erected, enlarged or increased in capacity in accordance with the following requirements:

- 1) Each off-street parking space shall have an area of not less than 300 square feet including access drives and aisles, and shall be surfaced with a sealed surface pavement and maintained in such a manner that no dust will be produced by continuous use.
- 2) Each off-street parking space shall have an adequate vehicular access to street or alley.
- 3) Whenever the number of off-street parking spaces required is determined from the floor area of a specified use, it shall mean the gross floor area of such use.
- 4) Fractional numbers shall be increased to the next whole number.
- 5) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- 6) Whenever a building or use constructed or established after the effective date of this resolution is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this resolution is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Section 510.01 Number of Parking Spaces Required

(Amended 8/19/09) The number of off-street parking spaces required shall be provided and satisfactorily maintained by the owner of the property as follows:

Use	Mandatory Parking Spaces (one unit for each)
One-family housing unit	Housing unit
Multi-family housing unit	One-half housing unit
Hotel, motel, lodging house or dormitory	Living or sleeping room
Private club or lodge.	Five members.
Church or temple	Five seats in main auditorium
Grade school	Five seats in auditorium
College or high school	Teacher, employee, and five students
Library, museum or art gallery	300 square feet of floor area
Hospital, clinic, nursing home, or similar institution.	Employee and bed
Theater, sports arena, auditorium, stadium, or gymnasium other than school	Five seats
Bowling alley	Each seat
Mortuary or funeral home	Fifty square feet of floor area in slumber rooms, parlors or individual funeral service rooms
Retail or business service Establishment	Two employees; 200 square feet of floor area
Offices, personal or professional services, restaurants, nightclubs, dance halls, assembly or exhibition halls	200 square feet of floor area

without fixed seats	
Wholesale or warehousing, manufacturing or industrial establishment, research or testing laboratory, or bottling plant	One employee on the maximum shift

Section 510.03 Screening and Landscaping

(Amended 12/31/97) (Amended 8/19/09) Off-street parking areas for more than ten (10) vehicles shall be effectively screened on each side by a fence, rolling mound or wall of acceptable design. Such fence, rolling mound or wall shall be not less than four feet or more than six feet in height and shall be maintained in good condition. The space between such fence, rolling mound or wall and the lot line of the adjoining premises in any district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height, may be substituted.

Section 510.04 Minimum Distance and Setbacks

(Amended 8/19/09) No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any housing unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.

Section 510.05 Joint Use

(Amended 8/19/09) Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Zoning Commission shall be filed with the application for a zoning certificate.

Section 510.06 Other Locations

(Amended 8/19/09) Parking spaces may be located on a lot other than that containing the principal use provided it is within 300 feet of the principal use. Lots farther than 300 feet from the principal use may be approved by the Board of Zoning Appeals provided a written agreement, approved by the Zoning Commission shall be filed with the application for a zoning certificate.

Section 510.07 Off-Street Loading Requirements

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 5,000 square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail, wholesale, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each additional 10,000 square feet, or major fraction thereof, of gross floor area in accordance with the following requirements.

- 1) Each loading space shall not be less than 12 feet in width, 15 feet in height, and 50 feet in length for tandem trailers, or 30 feet for two axle trucks.

Section 510.08 Surfacing

(Amended 8/19/09) Any off-street parking area for more than 10 vehicles shall be graded for proper drainage and surfaced with acceptable impervious material to provide a durable and dust free surface.

Section 510.09 Parking and Storage of Certain Vehicles

(Amended 11/5/08) (Amended 8/19/09) The following shall apply:

A. Inoperable Vehicles Including Motor Vehicles

Not more than one (1) wrecked, or otherwise inoperable motor vehicle shall be allowed per one (1) dwelling unit in any zoning district. Any permitted inoperable motor vehicle shall be parked or stored by completely enclosing the same within a permitted or accessory structure, or by screening same with a one hundred (100%) opaque fence no less than six (6) feet and no more than eight (8) feet in height in such a manner so as not to be visible at ground level from any adjacent lot or street. For purposes of these regulations, storage of inoperable vehicles shall not be permitted between the principal structure and a street unless stored within an otherwise permitted accessory structure.

B. Not more than one truck, limited to a two-axle, six-tired pickup, panel or light truck and which has operating characteristics similar to those of a passenger car shall be allowed per one dwelling unit in any R-1, R-2 (A & B), or R-3 zoning district. Trucks designed for the transportation of cargo and including tractor-trucks, trailers and semi-trailers shall not be permitted in any of the above named "R" districts.

C. One boat, recreational vehicle, cargo, horse or similar trailer with a current license may be parked or stored in any side or rear yard in any "R" district for a period not to exceed thirty (30) days. Parked or stored vehicles beyond this period shall be located within an enclosed building.

Section 510.10 Effective Screening of Junk Storage and Sales

(Amended 8/19/09) Junk storage and sales shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than 15 feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six feet in height may be substituted. Storage of materials shall not exceed the height of the screening. All junk storage and sales areas are subject to state regulations.

Section 511 Exterior Lighting Standards

(Added 10/7/05) (Amended 8/19/09) An Exterior Lighting Plan demonstrating compliance with the Lighting Standard must be *submitted* and *approved* by the Zoning Inspector before a Zoning Certificate is issued.

All other luminance not addressed shall not exceed IESNA recommendations as published in their Lighting Handbook, Lighting for Exterior Environments, Recommended Practice for Lighting Merchandising Areas, or other applicable IES publications, as these publications are amended.

Submittal Criteria:

- Scaled site plans, building plans, all building locations, building entrances, elevations with property boundaries shown. The plan should include layouts of the parking lot(s), driveway(s), pedestrian pathway(s), adjacent right-of-way(s), a north arrow, an address or legal description.
- Cut-sheet(s) (profiles) for all proposed exterior light fixtures and poles.
- Scaled iso foot-candle plots and/or point-by-point foot-candles layouts defining compliance.
- All changes during the construction process made after Planning Division approval must be *reviewed* and *approved* prior to installation and final acceptance.
- All developments with less than 10 parking spaces shall provide exterior lighting at all exterior doorways.

- All developments with 10 or more parking spaces are required to provide exterior lighting for all exterior doorways, pedestrian pathways and vehicular use areas.
- The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
 1. Plans must provide for a minimum of 0.5 foot-candles measured at grade in all vehicular use areas and pedestrian pathways. Actual site measurement compliance shall not drop below this minimum.
 2. The light loss factor (LLF) shall be calculated at 0.7 LLF for Incandescent, Metal Halide and Mercury Vapor lamp sources and 0.8 LLF for Fluorescent and Sodium lamp sources for design purposes.
 3. Lighting uniformity shall not exceed a 10:1 maximum to minimum light level and a 4:1 average to minimum light level.
 4. The overall height of pole-mounted luminaries shall be measured from finished grade to top of fixture unless otherwise limited. NOTE: Many Planned Development Districts have specific height limitations that supersede the following standards:

Residential / Multi-family*	25 feet maximum
Office / Commercial*	37 feet maximum
Industrial / Warehouse*	37 feet maximum
Outdoor Sports Facility**	See below

- * Lighting mounted on a building or structure shall not exceed the height of the building or structure.

No blinking, flashing, fluttering lights, search lights or other illuminated device that has a changing light intensity, brightness or color is permitted in any zoning district, except for temporary holiday displays.

- ** All outdoor recreational / sport facility lighting will be reviewed for compliance with regard to the intent of these Exterior Lighting Standards to minimize the impact of light trespass and glare on all surrounding properties and public right-of-ways.

Glare Control Criteria:

- All exterior lighting used to light vehicular use areas and pedestrian pathways shall be a "Total Cut-Off Type", as defined by the latest Illuminating Engineering Society of North America's IESNA standard. All other exterior lighting including, but not limited to, doorways, architectural, accent, landscape signage, decorative, security, floodlighting or area lighting shall be "Total Cut-Off Type." No portion of the lamp, reflector, lens or refracting system may extend beyond the housing or shield so as to create or allow glare to be visible from offsite, with the following exceptions:
 1. Lighting required by the Building Code for emergency egress when operating in emergency conditions.
 2. Light sources which DO NOT exceed 2300 initial lumens or 4000 main beam candlepower. Roughly equal to the lighting output of one 100 watt incandescent light bulb.

Light Trespass Criteria:

- Light originating on a site shall not be permitted to exceed the following values when measured at grade 10 feet beyond the property line for the following adjacent land uses:

Residential	0.3 foot-candle
Multi-family	0.5 foot-candle
Office / Commercial	1.0 foot-candle
Industrial / Warehouse	1.5 foot-candle
Outdoor Sports Facility	See ** note above

Section 512.01 Private Swimming Pools

(Amended 7/2/2008) (Amended 8/19/09) A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty-four (24) inches. No such swimming pool, exclusive of portable swimming pools shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- 2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 10 feet to any property line or side yard setback line, whichever is greater, of the property on which it is located.
- 3) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and maintained in good condition with a gate and lock. In addition, construction of such fence, including material, shall be consistent with the minimum requirements of the Union County Building Regulations and the Residential Code of Ohio and all other minimum requirements and applicable codes.

Section 512.02 Community or Club Swimming Pools

(Amended 8/19/09) A community or club swimming pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families.

Community and club swimming pools require a B-13 Retail Store classification, and shall comply with the following conditions and requirements:

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- 2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any property line of the property on which it is located.
- 3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition.

Section 513.01 Special Provisions for Commercial and Industrial Uses

(Amended 8/19/09) No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the performance requirements in Sections 531 to 540, inclusive.

Section 513.02 Objectionable Uses

(Amended 10/16/08) (Amended 8/19/09) A. In the M-1 and M-2 Districts the following uses are not permitted:

1. Acid manufacturer.
2. Explosives, manufacture or storage.
3. Garbage, offal or dead animal reduction or dumping.
4. Gas manufacture.
5. Glue manufacture.
6. Petroleum refining.
7. Junk Yard.

Section 513.03

(Added 7/23/05) (Amended 8/19/09). No trash, debris, litter, rubbish, unused personal property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof, regardless of the zoning district or classification in Jerome Township.

Section 513.04 Fire Hazards

(Amended 8/19/09) Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 513.05 Radioactivity or Electrical Disturbance

(Amended 8/19/09) No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

Section 513.06 Noise

(Amended 9/6/89) (Amended 8/19/09) Noise which is objectionable by community standards and/or as determined by the standards set by O.S.H.A. due to volume, frequency or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 513.07 Vibration

(Amended 8/19/09) No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

Section 513.08 Smoke

(Amended 8/18/86) (Amended 8/19/09) Smoke shall not be emitted except as permitted under the Environmental Protection Agency's most recent regulations.

Section 513.09 Odors

(Amended 8/19/09) No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

Section 513.010 Air Pollution

(Amended 8/19/09) No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.

Section 513.011 Erosion

(Amended 8/19/09) No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties.

Section 513.012 Water Pollution

(Amended 8/19/09) Pollution of water shall be subject to the requirements and regulations established by the Ohio Water Pollution Control Board.

Section 513.013 Mineral, Clay, Sand and Gravel Extraction, Storage and Processing

The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Sections 542 to 546, inclusive.

Section 513.014 Distance from Residential Areas

Mineral extraction, storage or processing shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district.

Section 513.014 (A) Filing of Location Map

(Amended 8/19/09) The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.

Section 513.014 (B) Information on Operation

(Amended 8/19/09) The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Division of Water.

Section 513.014 (C) Restoration of Mined Area

(Amended 8/19/09) The operator shall file with the Board of Zoning Appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage course, or other improvements contemplated.

Section 513.014 (D) Performance Bond

(Amended 8/19/09) The operator shall file with the Board of Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be mined, of the required bond shall be fixed by resolution of the Board of Township Trustees. The Bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

Section 513.015 Enforcement Provision

(Amended 8/19/09) The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

Section 513.016 Measurement Procedures

(Amended 8/19/09) Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, N.Y., the Manufacturing Chemists' Association, Inc., Washington, D.C., and the United States Bureau of Mines.

Section 513.017 Sanitary Landfill or Incinerator

(Added 9/6/89) (Amended 8/19/09) No person shall begin, operate, or maintain for commercial business purposes, a sanitary landfill or incinerator as defined herein.

Section 513.018 Storage of Toxic or Hazardous Materials

(Added 9/6/89) (Amended 8/19/09) Except as exempted hereafter, the storage of toxic or hazardous materials, as determined by the Ohio Environmental Protection Agency, in quantities greater than fifty-five (55) gallons liquid or twenty-five (25) pounds dry weight for any one material shall be prohibited.

This section shall not apply to fuels stored in less than one thousand one hundred (1,100) gallon tanks that conform with the Ohio Fire Code for the purpose of heating buildings and located on site, nor to materials stored for on-site residential, industrial, commercial or agricultural purposes.

"Storage" when used in connection with this section, means the containment of hazardous materials, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the material.

Section 513.019 Public or Private Gun Club

(Added 8/21/91) (Amended 8/19/09) No public or private gun clubs shall be allowed in Jerome Township.

Section 513.020 Slaughterhouse

(Added 9/6/89) (Amended 8/19/09) Slaughterhouses will not be permitted within Jerome Township.

Section 513.021 Burning-Structural

(Amended 8/18/86) (Amended 8/19/09) The Jerome Township Zoning Inspector and/or Fire Chief must be notified of any fires within Jerome Township by the Property owner. Said property owner is required, within thirty (30) days, to clean up the property to ground level, providing a hazard free appearance.

Section 514 Adult Entertainment

Section 514.01

(Added 8/18/86) (Amended 8/19/09) A resolution amending the Zoning Resolution of the Township of Jerome, Ohio by adding Section 565: Adult Entertainment.

Whereas, the establishment of adult entertainment businesses has a deleterious effect on existing businesses and the surrounding residential segments of neighborhoods, causing blight and downgrading of property values, and has an overall detrimental effect on the health and welfare of the Township; and

Whereas, such businesses characteristically utilize excessive illumination to identify their locations at night, thereby distracting passing motorists; and

Whereas, such businesses characteristically operate during the late hours of the evening and early hours of the morning, thereby creating excessive noise levels adversely affecting contiguous and surrounding properties and persons utilizing such properties; and

Whereas, such businesses have a general overall adverse effect on the health and welfare of the patrons of such businesses, of visitors to the Township, of the citizens of the Township, and upon the surrounding neighborhoods, thereby necessitating the regulation of the location of such businesses and uses within the Township;

Now, therefore, be it ordained by the Zoning Board of the Township of Jerome, all members concurring that:

The following be enacted by the Township as Sec. 514.11: Adult Entertainment, of the Zoning Resolution of Jerome Township, Ohio:

Section 514.02 (Amended 8/19/09)

Adult Entertainment Facilities Use: Adult entertainment facilities are conditionally permitted in the B-11 through B-15, inclusive, Business districts only, and subject to the conditions set forth in the Zoning Resolution and Paragraph (3) hereafter set forth.

Section 514.11 (Amended 8/19/09)

1. Adult Entertainment Facilities Definitions: A facility having a significant portion of its function as adult entertainment which includes the following listed categories.
 - a) Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
 - b) Adult Mini Motion Picture Theater. A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 - c) Adult Motion Picture Theater. A facility with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 - d) Adult Entertainment Business. Any establishment involved in the sale or services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

Section 514.13 (Amended 8/19/09)

Conditions:

- a) No adult entertainment facility shall be established within one thousand (1,000) feet of any area zoned for residential use.
- b) No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
- c) No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- d) No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.

- e) No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any established church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
- f) No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
- g) All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- h) No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
- i) Off-street parking shall be provided in accordance with the standards for permitted use within B-11 through B-15, inclusive, Business Districts for similar uses, as well as all other standards for permitted uses within B-11 through B-15, inclusive, Business Districts.

Section 521 Minimum Width/Frontage Requirements and Minimum Front Setback Requirements

Section 521.01

(Added 12/31/97) (Amended 8/19/09) The following minimum requirements shall apply.

1. Minimum Width/Frontage Requirements for M-1 and M-2 Classifications.

Minimum Width/Frontage Requirements for M-1 & M-2 Classifications		
Road/Street Classification	Minimum Width/Frontage	
	Without C.A.D.*	With C.A.D.*
Local Road	250 feet	150 feet
Minor Collector Road	625 feet	150 feet
Major Collector Road	750 feet	250 feet
Minor Arterial Road	750 feet	250 feet
Major Arterial Road (Limited Access)	n/a	n/a
*Common Access Drive		
Minimum frontages on local streets and collector streets within a subdivision shall be as stated on the Official Schedule of District regulations (Column 7)		

Section 521.02

2. Minimum Front Setback Requirements. (Added 12/31/97) (Amended 8/19/09)

Minimum Front Set-back Requirements for all Classifications		
Road/Street Classification	Assumed R/W Width	*Minimum Front Set-back
Local Road	60 feet	80 feet
Minor Collector Road	80 feet	90 feet
Major Collector Road	100 feet	110 feet
Minor Arterial Road	120 feet	130 feet
Major Arterial Road (Limited Access)	n/a	n/a
*Measured from the center of the road to the front of all proposed buildings or to the front of all property parking areas, whichever is closer to the road.		
Minimum set-backs on local streets and collector streets within a subdivision shall be as stated on the Official Schedule of District Regulations (Column 12)		
The road/street classification shall be based on the Union County Road Classification Plan prepared by the Union County Engineer.		

Section 521.03 Driveways

(Added 9/6/89) (Amended 8/14/96) (Amended 8/19/09) Driveways for all lots in the township are required, upon issuance of a building permit, to have a 30-foot minimum length, 12-inch minimum diameter galvanized or plastic drainage pipe. All driveways must be a minimum of ten (10) feet from property lines. All bridges and culverts under driveways must be of sufficient width and strength to accommodate emergency vehicles and fire truck weight requirements.

Section 521.04 Setback Requirement for Corner Buildings

(Amended 8/19/09) On a corner lot the main building and its accessory structures shall be required to set back the same distance from all street right-of-way lines as required for the front setback in the district in which such structures are located.

Section 522 Accessory Buildings

Section 522.01

(Amended 8/19/09) (Amended 9/21/06) (Added 12/31/97) Unless otherwise specified, accessory buildings shall be permitted on a lot in association with a principal structure provided the accessory building meets the following requirements and the development standards of the applicable zoning district.

- (a) **Number** – No more than two (2) accessory buildings shall be permitted on lots larger than .50 acres. Lots less than half an acre, only (1) accessory building is permitted.
- (b) **Timing of Construction** – Accessory buildings cannot be built prior to the start of construction of the principal structure.
- (c) **Zoning Certificate Required** – A Zoning Certificate is required prior to the erection, addition or alteration of an accessory building located on any lot in conjunction with a permitted principal structure.
- (d) **Location** – Accessory buildings shall be located to the rear of the principal structure and shall be no closer than ten (10) feet from any part of the principal structure. Accessory uses and structures shall meet the rear and side yard setback requirements of the applicable residential zoning district. Accessory buildings shall not be located within a recorded easement.
- (e) **Size** – The maximum permitted size of an accessory building placed on a lot shall be based on the standards established in the following table. If two (2) accessory buildings are constructed, the sum of the size of the two (2) buildings cannot exceed the maximum size permitted for one (1) accessory building. The ratio of length to width cannot exceed 2 to 1.

Section 522.02

(Amended 8/19/09) The following shall apply:

Lot Size	Maximum Size of Accessory Building	Maximum Height (measured from the finished grade to the mean slope of the roof)	Side Yard Setback	Rear Yard Setback
Less than .50 acre	200 square feet	15 feet	10 feet	10 feet
Equal to or greater than .50 acre but less than one (1) acre	484 square feet	15 feet	10 feet	10 feet
Equal to or greater than one (1) acre but less than two (2) acres	960 square feet	18 feet	20 feet	20 feet
Equal to or greater than two (2) acres but less than three (3) acres	1536 square feet	25 feet	20 feet	20 feet
Equal to or greater than three (3) acres but less than four (4) acres	2160 square feet	25 feet	25 feet	20 feet

Equal to or greater than four (4) acres but less than five (5) acres	2880 square feet	30 feet	30 feet	20 feet
Five (5) or more acres (non-agricultural)	3600 square feet	35 feet	30 feet	20 feet

Section 522.03 Set Back Line for an Enclosed Storage Building

(Added 2/17/95) (Amended 8/19/09) The set back line for an enclosed storage building on a lot which also includes a house shall be sixty (60) feet behind the rear portion of the house. If there is not a house on the lot, then the set back line for an enclosed storage building shall be a minimum of one hundred fifty (150) feet from the right-of-way line.

Section 522.04 Garage

(Added 9/6/89) (Amended 8/21/91) (Amended 8/19/09) An enclosed single story building that is attached and/or in direct relationship to a home or residence, occupying the same lot or property as said home or residence; the major use being vehicular storage. May not exceed 1,000 square feet total, with maximum size being 50% of the total residence square footage as determined by Section 521.

Section 522.05 Pole Barns

(Added 8/18/86) (Amended 8/19/09) Any pole barn designed for agricultural purposes to be used directly in day-to-day farming practices shall not require a building permit, but shall comply with all Jerome Township setback regulations. All other pole barns and buildings must have permits issued by the Jerome Township Zoning Inspector and comply with Jerome Township Zoning Resolutions.

Section 522.06 Yard Sales, Porch Sales, Garage Sales, Etc.

(Amended 8/19/09) Any sale at a residence or business of miscellaneous merchandise shall be limited to one sale every 90 days, and a permit issued by the Jerome Township Zoning Inspector is required for each sale and all signs pertaining to said sales must be removed at the end of said sale. Not to exceed 72 consecutive hours.

Section 523 Telecommunication Towers.

(Added 8/11/00) (Amended 8/19/09) As provided for in Section 519.211 of the Ohio Revised Code.

Section 523.01 Development Standards

Public utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use in a Residential area provided the following conditions are met:

- 1) The maximum height of a tower shall not exceed 200'.
- 2) The tower and any stabilization structures or guide wires shall not be placed closer than 150' from a side or rear property line.
- 3) The tower shall not be placed closer than 200' from any existing structure dwelling; nor shall any tower be constructed to height greater than the distance from the center of the base thereof to the nearest property line of the tract upon which it is constructed.
- 4) Minimum lot size for which a tower is to be placed shall be 4 acres.

- 5) The tower shall be located a minimum of 250' from the edge of the right-of-way.
- 6) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger – High Voltage." The operator must also post "NO Trespassing" signs. Any and all base station equipment, accessory structure, buildings, etc. used in conjunction with the tower shall be located within the above fenced area. The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distance in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are needed to send or receive transmissions. For each telecommunication tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of this Section are performed and complied with, including necessary repairs, including repairs to public highways and roads and the costs and expenses of removal in the event of abandonment.
- 7) The tower shall be designed to aesthetically complement the surrounding community. Towers shall be painted in a non-contrasting color minimizing visibility unless otherwise required by the FCC or FAA.
- 8) A landscaping plan must be submitted and approved by the Board of Zoning Appeal. An evergreen hedge planted three feet on center or an evergreen tree line planted five feet on center is suggested. All existing vegetation shall be retained and maintained.
- 9) Advertising shall not be permitted anywhere on the tower or site with the exception of identification signs and no trespassing signs, which are required.
- 10) The tower shall not be artificially lighted except to assure safety or as required by the FAA.
- 11) Towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
- 12) The tower shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
- 13) Applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area and that no viable siting alternative exists. There shall be an explanation of why a tower at this proposed site is technically necessary.
- 14) Where the tower is located on a property with another principle use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.
- 15) Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible, the removal of the tower within one hundred eighty (180) days after the site's use is discontinued, proof that other co-locations opportunities have been explored and are unavailable and the notice has been provided as required in Section 519.211 of the Ohio Revised Code.
- 16) A tower may be attached to a structure that is a permitted use in the district; including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility, provided conditions 2 through 15 above are met and the tower height does not exceed 20 feet above the existing building or structure to which the tower is attached.

Section 523.02 Satellite Television Antennas.

(Added 8/18/86) (Amended 8/19/09) A satellite television antenna is an antenna the purpose of which is to receive television or radio signals from orbiting satellites.

Section 523.021 Development Standards

It shall not be located in any front yard. Nor shall it be located in any side yard closer to the front lot line than the front of an adjoining residential structure, provided the structure is within 100 feet of the side lot line, on which the antenna is proposed. Said antenna shall meet the minimum side and rear yard requirements for accessory structures and buildings.

Side and rear yard variance may be reviewed by the Board of Zoning Appeals.

In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear or side of the property, such antenna may be placed on the roof of the dwelling structure, provided that the satellite dish does not extend more than five (5) feet above the roof peak.

Roof mounted dish antennas should be limited to three (3) feet in diameter and must be securely mounted as to provide no hazard to the surrounding environment.

Ground mounted satellite antennas in residential areas R-1 and R-2 shall not extend more than fifteen (15) feet above the ground, twenty (20) feet in all other zones. Height may be reviewed by the Board of Zoning Appeals.

Section 524 Adequate Drainage/Ponds

Section 524.01

(Added 12/2/02) (Amended 8/19/09) Every lot shall have an adequate drainage outlet and acceptable soils consistent with the requirements for the proposed use. The Union Soil and Water Conservation District shall determine the drainage outlet adequacy and the soils acceptability.

Section 524.02 Ponds

(Amended 11/19/09) (Amended 8/19/09) (Added 4/21/03) Definition of a Pond is included in Section 1200. Prior to construction of the pond a permit must be secured and approved by the Zoning Officer. Pond permit approval is based upon the following criteria; (all documentation shall be included at the time of submittal):

- 1) Union Soil and Water Conservation District (SWCD) must review and approve proposed construction site with landowner.
- 2) The pond shall be designed in accordance with Natural Resource Conservation Service (NRCS) Standards and Specifications along with the United States Department of Agriculture's (USDA) National Engineering Field Manual for Conservation Practices. Tile found in working order on site must be rerouted around proposed pond. Soil must be spread in a manner not to encroach on adjacent properties.
- 3) Union Soil and Water Conservation District or Professional Engineer (P.E.) shall be responsible for designing the pond and doing site inspections during construction to assure that the pond is constructed according to the approved plan.
- 4) The pond outlet must be designed to flow into a tile or natural waterway.

- 5) Setbacks – 50 feet from road right-of-way to high water mark and 30 feet from high water mark to side and rear lot lines.
- 6) 2-acre minimum lot size.
- 7) All ponds shall be at least $\frac{1}{4}$ acre in size.
- 8) This applies to all Zoning Districts

I. ARTICLE VI-A PURPOSE OF PLANNED UNIT DEVELOPMENT AND ESTABLISHMENT OF PLANNED UNIT DEVELOPMENT (Amended 10/31/08)

Planned Unit Development

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601 Purpose and Intent

The Planned Unit Development (PUD) District is established under the provisions of Ohio Revised Code 519.021(B) to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in planning and building of all types of development. Within a PUD, the Township zoning regulations, where applicable, need not be uniform, but may vary in order to accommodate unified development and to promote the public health, safety, welfare and the other purposes of this District. The regulations set forth herein are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the general classification of land uses, but also by the specific way in which such land uses are executed. In many cases, the subdivision regulations and standard zoning district classifications do not adequately regulate the design of buildings and the general character of a development or enable the range of uses in a single zoning district that are appropriate in the Township. Accordingly, it is the policy of Jerome Township to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services and encourage innovation in the planning and building of various types of development projects, in order to accommodate unified development that:

- a. provides an opportunity for a mix of open space and other uses not otherwise permitted within the standard zoning district classifications; and
- b. allows the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protects the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas; and
- c. enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development; and
- d. assures compatibility between proposed land uses within and around the PUD through appropriate development controls; and
- e. enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services; and
- f. encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

1. Residential Development

Along with the general purpose and intent of this District, the following additional purposes relative

to residential development are applicable:

- a. A clustered neighborhood design is encouraged with a gross density which is in keeping with the existing land use character and physical development potential of the area, compatible with surrounding or planned land uses, and in conformity with applicable plans for the area or such portion thereof as may apply.
- b. Preservation of a substantial amount of permanent open space is encouraged, integrated into the development and providing for a pedestrian friendly environment.
- c. In larger developments, a variety of different lot sizes are encouraged to create an integrated and imaginative residential environment.
- d. The provision of supporting facilities is encouraged, such as schools, churches and parks to create well-designed and functional neighborhoods. These facilities should be supported with pedestrian connections to neighborhoods.
- e. Master planning is encouraged that focuses on a much broader scale than a single development site, taking into account the larger physical context within which the proposed development is to occur.

2. Commercial and Office Development

Along with the general purpose and intent of this District, the following additional purposes relative to commercial and office development are applicable:

- a. Commercial and office development shall be properly managed and the development standards of the PUD clearly specified so that Township officials completely understand the design and impact of a development proposal.
- b. A flexible and creative approach to commercial development is encouraged. This flexibility is intended to minimize potential negative impacts and conflicts with rural agriculture and residential development.
- c. A pedestrian friendly environment is encouraged, interconnecting with adjacent neighborhoods.
- d. Master planning is encouraged that focuses on a much broader scale than a single development site, taking into account the larger physical context within which the proposed development is to occur

3. Industrial Development

Along with the general purpose and intent of this District, the following additional purposes relative to industrial development are applicable:

- a. The clustering of industrial uses is encouraged, along with flexibility and creativity in site design, in order to ensure that development is sensitive to and compatible with the Township's rural environment.
- b. Industrial development shall be properly managed and the development standards of the PUD clearly specified so that Township officials completely understand the design and impact of a development proposal.
- c. Master planning of an extended area is encouraged, which ensures a stable, unified industrial development having all necessary services and facilities.
- d. A unified design is encouraged which allows for greater design flexibility and better integration into the Township's rural environment. This flexibility is intended to minimize potential negative impacts and conflicts with rural agriculture and residential development.

602 Development Policies

The primary objective of the PUD District is to fulfill the purpose and intent of the District through the application of flexible land development techniques in the arrangement, design and construction of structures and their intended uses and the integration of open space within the development. This flexibility is intended to promote imaginative, well-designed developments which preserve and

integrate open space, are compatible with surrounding neighborhood characteristics and the physical qualities of the land, and will provide a balanced environment. These policies, as well as applicable plans for the area, are intended as general guidelines as circumstances dictate. The development standards which are approved as part of the Zoning Plan establish the applicable requirements. The development policies include the following:

1. Residential Land Use

Future development of a low-density suburban level in clustered subdivisions is anticipated to occur in those areas with centralized public utilities and must be managed to protect the area's unique quality of life and semi-rural character.

a. Residential Development

The density of future residential development will be based upon several factors, including, without limitation, applicable plans for the area, the availability of centralized utilities and whether the proposed development will be in keeping with the existing land use character and physical development potential of the area and is compatible in use and appearance with surrounding or planned land uses. Where centralized utilities are to be provided, single-family development is anticipated to occur at an average gross density not to exceed 1.75 dwelling units per gross acre. However, where the development is to be serviced by centralized utilities, it may be appropriate to consider slightly higher (or lower, as the case may be) densities than those anticipated, depending upon a variety of factors and circumstances. More particularly, additional density for residential developments serviced by centralized utilities (which will usually not exceed an additional 1.0 dwelling unit per gross acre) may be considered in certain unique and special instances such as those which involve: the open space set-aside far exceeds the minimum recommended; additional and substantial site amenities are provided; the development incorporates rural design characteristics into the overall design of the site and maintains compatibility with the surrounding or planned land uses; the design of the development preserves, protects and enhances the natural and historic resources located on the site; and stormwater and other environmental impacts are minimized and mitigated and natural features are enhanced. Conversely, lower densities may be appropriate in other instances. For example, a lower density may be considered if a large portion of the site is undevelopable due to its physical features such as existing bodies of water, steep slopes and similar characteristics. Also, the compatibility of the project with adjacent or nearby developments may impact density considerations. The calculation of density within a residential development will ordinarily be based upon the number of dwelling units proposed for the total area devoted exclusively to residential use. Accordingly, while portions of a residential area within the development may exceed the anticipated density, the density of the overall area devoted to residential development should be within the anticipated parameters. However, in a large residential mixed use project (meaning a comprehensive development proposal for an area greater than 200 acres which consists of both residential and integrated nonresidential uses of a neighborhood scale which are pedestrian oriented wherein the residential portion of the development comprises more than 50% of the total acreage), the calculation of density for the residential portion of the development may be proposed to include the entire project site. A large residential mixed use project is intended to encourage neighborhoods that foster pedestrian activity and a sense of community. While this type of mixed use development supports a blend of appropriate land uses, not all nonresidential uses will be compatible with this essentially residential development. For instance, large scale commercial development will likely, absent special circumstance, be incompatible with the residential nature of the development. Also, certain smaller scale nonresidential uses may be inappropriate based upon a lack of compatibility or integration,

whether physically, architecturally or otherwise, as it relates to either the overall development or the surrounding area.

b. Agriculture, Semi-Rural and Rural Residential

It is anticipated that portions of the Township will remain principally agricultural in nature, especially in those areas where centralized utilities are not anticipated to be provided. Design guidelines should encourage a development pattern that minimizes impacts and intrusions, such as clustering homes under community-approved guidelines and designating agricultural-exclusive areas. It is anticipated that the average residential gross density of these areas will not exceed 0.2 dwelling units per acre in the Darby watershed and 0.4 dwelling units per acre outside the Darby watershed.

2. Commercial and Office Land Use

Commercial and office development should be clustered in areas serviced by centralized utilities and adequate roadway systems. The density of commercial development should not exceed 10,000 square feet per acre, absent special circumstances. This density calculation will ordinarily be based upon the total square footage proposed for the entire area devoted exclusively to commercial and office development. However, a lower density may be mandated due to the nature of the project, the physical features of the site or the compatibility of the project with surrounding or planned land uses. Design standards should be incorporated into the Zoning Plan which will improve the aesthetic quality of this type of development.

3. Industrial Land Use

Light industry, research and development, and related office uses should be clustered in areas serviced by centralized utilities and adequate highway accessibility. Absent special circumstances, density should not exceed 10,000 square feet per acre. This density calculation will ordinarily be based upon the total square footage proposed for the entire area devoted exclusively to industrial development. However, a lower density may be mandated due to the nature of the project, the physical features of the site or the compatibility of the project with surrounding or planned land uses. The industrial areas should only develop in conjunction with centralized utilities. These areas should be master planned and well coordinated, and not developed in a piecemeal (lot by lot) way. Access should be shared. Design standards should be incorporated into the Zoning Plan which will improve the aesthetic quality of this development type.

4. Open Space

Future development should be sensitive to the rural character and natural landscape of the Township with special attention placed on the Big Darby watershed. New standards are anticipated to be adopted that incorporate significant stormwater management practices. Open space corridors with buffers should be preserved along all streams and creeks. Open space may be comprised of agriculture, undeveloped floodplain, private open space, public parkland and land with conservation easements. Under certain circumstances, land devoted to public schools, libraries, community centers and other public facilities may, if approved as part of the Zoning Plan, be counted toward a portion of the recommended open space.

603 Permitted Uses

Uses permitted in a PUD shall be clearly specified in the Zoning Plan submitted with the Application to establish a PUD. Uses not specified in the Zoning Plan as being permitted in the PUD shall be prohibited.

604 Development Guidelines

Jerome Township seeks to promote creative approaches to designing and constructing a PUD. The proposal and its subsequent approval under these PUD regulations should meet the following development guidelines:

1. Uses

Creativity shall be used in the design of the PUD to ensure land use conflicts are minimized. A mix of uses is encouraged if the result will be a well-integrated, pedestrian friendly development. At a minimum, the following perimeter setbacks should be used to separate uses:

Use	Perimeter Setback from Residential and Agricultural Uses
Retail	100
Office	50 feet
Industrial	200 feet

The use of landscaped mounding or other innovative and appropriate landscaping features may serve to reduce the need for or extent of a perimeter setback.

2. Sub areas

Sub areas may be established within a PUD. Each sub area may, if requested, be treated as a separate district and follow their respective standards. However, only one PUD Zoning Plan approval shall be issued for the entire development. For each sub area, the applicant shall indicate gross density, dwelling type, minimum development standards, and all other uses by type, size and location.

3. Public Improvements

The PUD should be developed at a minimum with the following improvements meeting the design standards of the County Engineer:

- a. Public roads should be designed and constructed to the standards established by the Union County Engineer's Office.
- b. Means for safe pedestrian and bicycle access and circulation should be provided. Pedestrian paths should be integrated into open space, with ownership and maintenance dedicated to the entity holding title to the open space.
- c. Storm water management facilities should be provided as required by the County Engineer and, if requested by the County Engineer, with a recommendation from the Soil and Water Conservation District.
- d. The Township may require that street lighting be provided within the PUD and where intersecting with a County or Township road. The applicant shall specify proposed street lighting in the Zoning Plan.
- e. Street tree species native to the area may be provided by the developer and placed outside the public right-of-way in a maintenance easement. Size, shape, type and location of street trees shall be specified in the Zoning Plan. Street trees shall not be placed over utility lines and shall not interfere with the function or maintenance of roadways and drainage areas.
- f. Landscape buffers between lots and the County or Township road serving the PUD and buffers between lots and adjacent agricultural land should be placed in landscape easements on the plat and dedicated to the Homeowners Association or such other person or entity as may be approved in the Zoning Plan. Landscape buffer design shall be specified in the Zoning Plan.
- g. A minimum of 20 percent of the total site (in the case of residential and/or mixed use PUDs) or 10 percent of the total site (in the case of a PUD without a residential component) should be set aside as permanent open space and shall be noted as such on the plat.

4. Traffic Impact Studies

If required by the County Engineer or if otherwise requested by the Zoning Commission or Board of Trustees, a Traffic Impact Study (TIS) shall be submitted which meets the standards of the Union County Engineer. A TIS will assist in determining the amount of additional traffic placed on the surrounding public roadways due to the PUD development, the densities that can be accommodated and the roadway improvements, if any, necessary to support the proposed development, both on- and off-site.

5. Open Space

A PUD should have an open space component which is compatible with the size, nature and design of the development. A recommended minimum of 20 percent of the gross land area of a PUD containing a residential component should be set aside as open space for common use, preferably interconnected with other similar spaces within this or adjacent developments. (For a PUD without a residential component, a minimum of 10 percent open space set aside is recommended.) Open space shall be prohibited from further subdivision or development by deed restriction, conservation easement or other agreement, in a form satisfactory to the Township. This restriction from further subdivision or development shall also be noted in the Zoning Plan and the recorded plat.

a. Design Standards

The following design standards for open space should be followed:

- i. Open space shall be fully integrated into the overall design and should, absent unique and special circumstances, meet all standards and guidelines contained herein. The types of uses, buildings and structures proposed to be permitted in the open space shall be specified in the Zoning Plan.
- ii. For the purposes of the PUD, public uses may be proposed for natural areas and preserves, parks and other active recreational areas, and public facilities such as public schools, libraries and community centers may likewise be proposed. Access to all public uses shall be specified.
- iii. In identifying the location of open space, the developer shall consider as priorities existing natural features such as natural woodlands, wetlands, identified species habitat, tree lines, stream and creek corridors, and FEMA designated 100-year floodplains.
- iv. Retention ponds (wet basins) may be permitted in an open space reserve provided such ponds are designed and maintained as natural features that blend into the landscape. A landscape design for each retention pond shall be submitted with the Zoning Plan. Detention ponds (dry basins) should ordinarily not be permitted in the designated open space unless a part of a bioswale corridor.
- v. Portions of the open space may be used for the location of wastewater treatment and/or disposal, provided it is approved in conjunction with the Zoning Plan and the Union County Health District.
- vi. Except for bike paths and pedestrians trails, open space should be unified and massed so that no open space is narrower than the development's average lot width in any direction. Open space should be platted as an open space reserve, including appropriate conservation easements.
- vii. Open space should, when practicable, be interconnected with open space areas on abutting parcels.
- viii. In order to encourage the creation of large areas of contiguous open space, areas that should not be considered as open space include:
 - Private road and public road rights-of-way;
 - Parking areas, access ways, and driveways;

- Required setbacks between buildings, parking areas, and project boundaries;
 - Required setbacks between buildings and streets;
 - Minimum spacing between buildings, and between buildings and parking areas;
 - Private yards;
 - Areas of fee simple lots to be conveyed for residential dwelling uses;
 - A minimum of 15 feet between buildings and the open space; and
 - Other small fragmented or isolated open space areas that have a dimension less than 75 feet in any direction. (Excessive gaps and non-usable spaces between buildings are discouraged, or pedestrian walkways should be established.)
- ix. Any open space intended to be devoted to active recreational activities should be of usable size and shape for the intended purposes.
 - x. Any area within the open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state, other than required setback areas, should be noted on the Zoning Plan and the method and timing of any restoration shall be set forth in the Zoning Plan.
 - xi. The open space, including any recreational structures and public facilities proposed to be constructed in such space, shall be clearly shown on the Zoning Plan.

b. Open Space Ownership

Open space may be proposed to be owned by an association, the Township or other governmental entity, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership if appropriately restricted. The ownership of the open space shall be specified in the Zoning Plan and shall be subject to the approval of the Township. The methods of ownership, if approved as part of the Zoning Plan, may be as follows:

i. Offer of Dedication

The Township or other governmental entity may, but shall not be required to, accept conveyance in the form of fee simple ownership of the open space.

ii. Associations

Open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity. Documents shall be submitted with the Zoning Plan which will ensure compliance with the following requirements:

- Membership in the association shall be mandatory for all purchasers of lots in the development or units in the condominium.
- The association shall be capable of and responsible for maintenance, control, and insurance of common areas, including the open space.
- The association shall have the right and obligation to impose assessments upon its members, enforceable by liens, in order to ensure that it will have sufficient financial resources to provide for proper care and maintenance of the open space.

iii. Transfer of Easements to a Private Conservation Organization

With the approval of the Township, an owner may transfer conservation easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

- The organization is acceptable to the Township, and is a bona fide conservation

- organization with perpetual existence;
- The conveyance contains appropriate provisions for the property reverter or retransfer in the event that organization becomes unwilling or unable to continue carrying out its function; and
- A maintenance agreement approved by the Township is entered into by the developer and the organization.

c. Open Space Management and Maintenance

The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, and valid and enforceable collection methods. The owner shall be authorized, under appropriate restrictions and covenants, to place liens on the property of residents within the PUD who fall delinquent in payment of such dues and assessments. In the event that the organization established to own, operate and maintain the open space shall at any time after the establishment of the PUD fails to maintain the open space in reasonable order and condition in accordance with the Zoning Plan, such failure shall constitute a violation of both the Zoning Plan and this Zoning Resolution.

d. Transfer of Title of Open Space

Title to any open space required by the PUD zoning which is included within any recorded subdivision plat of any section of the land zoned PUD shall be transferred to the entity approved for ownership of the open space prior to the sale of any lot or unit within that subdivision section.

605 General Provisions

1. Zoning Plan and Development Plan

For purposes of this Article, plans including all supporting documentation adopted by the Township at the time of rezoning shall be referred to as the “Zoning Plan,” and plans including all supporting documentation approved subsequent to such rezoning but prior to the initiation of any development activities are referred to as the “Development Plan.”

2. Effect of PUD Approval

Each PUD is considered a separate and unique zoning district wherein a Zoning Plan, including associated text describing the allowable uses and specific development standards, is adopted simultaneously with the application requesting amendment of the zoning map to apply the PUD designation. The Zoning Plan, as approved by the Township and as provided under Ohio Revised Code Section 519.021(B), shall constitute the zoning regulations for and shall apply only to the property included within that particular PUD. Whenever there is a conflict or difference between the provisions of this Article and those of other provisions of this Zoning Resolution, the provisions of this Article shall prevail for the development of land within the PUD. Subjects not expressly covered by this Article or the applicable Zoning Plan shall be governed by the respective provisions found elsewhere in this Zoning Resolution that are most similar to the proposed use.

3. Type of Action

The action of the Township upon an application to approve a Zoning Plan pursuant to this Article and Article XI of the Zoning Resolution shall be considered a legislative act, and subject to a referendum. After property has been rezoned to the PUD, any action related to the subsequent use or development of such property, as being in compliance with the regulations authorized to be established by this Article including any action taken on a Development Plan, shall not be

considered to be an amendment to the Township Zoning Resolution for the purpose of Section 519.12 of the Ohio Revised Code, but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

4. Zoning Amendment

A change to an adopted Zoning Plan shall be considered to be a zoning amendment and shall be processed according to the procedures set forth in Section 519.12 of the Ohio Revised Code and Article XI of this Zoning Resolution.

5. Phases

A Development Plan shall be required to be submitted to the Township for approval prior to the initiation of development in each phase of the PUD.

606 (Added 6/17/10) Previously Approved Planned Unit Developments

Article VI of the Zoning Resolution was amended on and the amendment in effect from and after October 31, 2008. Planned unit developments and all associated detailed development plans and supporting documentation adopted and in effect prior to October 31, 2008 shall continue in effect and be considered legally conforming under this Zoning Resolution. These previously approved planned unit developments shall continue to be governed, administered and modified pursuant to the substantive and procedural regulations then in effect for such planned unit developments as contained in the Zoning Resolution immediately prior to October 31, 2008.

607 through 615 Reserved for Future Use (Amended 6/17/10)

616 Procedure for Amending to the PUD

In addition to the procedure set forth in Article XI of this Resolution, all applications for amendments to the zoning map to rezone property to the PUD shall follow the procedures hereinafter set forth in Section 616, hereof.

1. Preapplication Meeting

The applicant is encouraged to engage in informal consultations with staff from the Zoning Commission and the Union County subdivision authorities (e.g. Planning Commission, County Engineer, Board of Health, etc.) prior to formal submission of an application for an amendment of the Zoning Resolution. No statement or action by Township or County officials in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township or County statutes or rules.

2. Application

The owner(s) of land may request that the Zoning Resolution be amended to include such land in the PUD by filing fifteen (15) copies of an application for such amendment with the Jerome Township Zoning Commission, which application shall contain:

- a. name, address and telephone number of the owner and applicant;
- b. name, address and telephone number of the urban planner, architect, landscape architect, surveyor and/or engineer assisting in the preparation of the Zoning Plan;
- c. legal description of the property and the address of the property;
- d. description of existing uses;
- e. present zoning district;
- f. a vicinity map at a scale approved by the Zoning Commission showing the relationship of the PUD to the adjacent properties, existing streets and public service facilities in the area;
- g. a list of the names and addresses of all owners of property which are within, contiguous to and

directly across the street from the subject property as such addresses appear on the County Auditor's current tax list; and

- h. any other matter or information deemed necessary or relevant by the Zoning Commission for the proposed amendment.

3. Proposed Zoning Plan

In addition to the application required herein, fifteen (15) copies of the proposed Zoning Plan shall be submitted with the application. The proposed Zoning Plan shall be prepared and endorsed by a qualified urban planner, architect, landscape architect, engineer and/or surveyor, with all mapping to be at a scale of at least 1" = 100', and shall include, in text and map form, the following:

- a. Proposed location and size of the proposed planned district. This includes a survey map of the boundaries of the site and a legal description.
- b. A list and description of the precise uses proposed for the development. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in the Zoning Plan or this Zoning Resolution. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan.
- c. Concept site plan of the proposed planned district, and proposed layout of all subareas.
- d. Proposed densities, number of lots and dimension parameters, and building intensities.
- e. Proposed parks, playgrounds, schools and other public facilities or open spaces including woodland preservation and natural topography preservation areas with their suggested ownership.
- f. Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown.
- g. Relation to existing and future land use in surrounding area.
- h. Proposed provision of water, sanitary sewers, surface drainage, and street lighting.
- i. Proposed traffic and pedestrian circulation pattern, indicating both public and private streets or highways, access points to public rights-of-ways, bike paths and trails, sidewalks and any off-site street improvements.
- j. An anticipated schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed phase for various uses, the number of housing units proposed by type; building heights; open space; building intensity; parking areas; density and public improvements proposed.
- k. Engineering feasibility studies and schematic plans showing, as necessary, water, sewer and other utility installations, waste disposal facilities, surface drainage, and street improvements.
- l. Site plan, showing approximate nonresidential building locations(s), various functional use areas, circulation, and their relationship.
- m. General architectural design criteria for proposed buildings, structures, signs and exterior lighting with proposed control features.
- n. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.
- o. Projected schedule of site development.
- p. Evidence that the applicant has sufficient control over the land to carry out the proposed development.
- q. Regulation Text for development in the proposed Planned Unit Development District. That text must set forth and define the uses to be permitted in the proposed Planned Unit Development District and the development standards applicable to the proposed District. The Regulation Text is intended to guide all development of the property proposed to be designated as a PUD.

This Regulation Text shall only apply to the PUD in question and all development within that PUD. All appropriate regulatory areas should be addressed by the applicant in the Regulation Text including, without limitation, the following:

- i. All required setbacks including, but not limited to, buildings, service areas, off-street parking lots and signage, including rear, front and side yard areas.
- ii. All maximum height and size requirements of buildings, mechanical areas and other structures.
- iii. All parking and loading space standards per building square footage or dwelling unit type, including dimensions of all parking stalls, aisles and loading spaces.
- iv. All street and road right-of-way and pavement width dimensions, curb cut spacing and other related circulation standards.
- v. All pedestrian and bicycle walkway, trail and sidewalk dimensional standards, including rights-of-way and pavement width, and pavement standards.
- vi. All screening and landscaping standards, including buffer dimensions, height, landscape material, maintenance standards, and screening standards for off-street parking areas, loading docks, trash receptacles and dumpsters, ground- and roof-mounted mechanical units and adjoining areas.
- vii. All proposed signage and graphic standards, including height, setback, square footage, colors, corporate logos and type.
- viii. All exterior lighting standards, including light intensity, placement, height and materials for parking lots, walkways, sidewalks and accent lighting.
- ix. All exterior architectural design standards, including material, color and styles.
- x. A list and description of the precise uses proposed for the development. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited elsewhere in the Zoning Plan or this Zoning Resolution. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan;
- xi. Frontage requirements, minimum lot area requirements, yard areas, lot coverage restrictions and perimeter setback requirements.
- xii. Accessory structure standards and limitations.
- xiii. Open space area, uses and structures, including proposed ownership and sample controlling instruments.
- xiv. Any other regulatory area or matter deemed necessary or relevant by the Zoning Commission.
- xv. The Regulation Text should contain the following provision: All development standards not specifically addressed by the Regulation Text shall be regulated by those general development standards set forth in the Zoning Resolution.

4. Basis of Approval

In determining whether or not to approve an application for a PUD, the reviewing authorities shall consider all relevant factors and circumstances including, without limitation, the following:

- a. Whether the proposed development is consistent in all aspects with the purpose, policies, criteria, intent, and standards of this Zoning Resolution;
- b. Whether the proposed development is in conformity with the applicable plans for the area or such portion thereof as may apply, or whether the benefits, improved arrangement and design of the development justify any deviation there from;
- c. Whether the proposed development promotes the public health, safety and general welfare of the Township and the immediate vicinity;
- d. Whether the proposed plan meets the design features contained in this Resolution;
- e. Whether the proposed development is in keeping with the existing or planned land use character and physical development potential of the area;

- f. Whether the proposed development will be compatible in use and appearance with surrounding or planned land uses;
- g. Whether the development will have a beneficial or an adverse affect upon the Township and other governmental services.
- h. Whether the area surrounding the development can be planned, zoned and developed in coordination and substantial compatibility with the proposed development.
- i. Whether the existing and proposed utility and governmental services are adequate for the population densities and nonresidential uses proposed.
- j. Whether the development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development;
- k. Whether the development can be made accessible through existing or future Township roadways without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township;
- l. Whether the development is located and designed in such a way as to minimize any unreasonable adverse impact on existing residential or agricultural areas of the Township; and
- m. Whether the benefits, improved arrangement and design of the property to be developed justify rezoning the property to the PUD.

5. Effect of Approval

- a. The Zoning Plan, as approved by the Township Trustees, shall constitute a rezoning of the subject tract to the PUD permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Zoning Plan. However, in a PUD, no use shall be established and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Township a Development Plan for said part of said tract, and until the Development Plan is approved by the Township Trustees.
- b. The approval of the Zoning Plan shall be for a period of five (5) years, or for such other period as set forth in the approved Zoning Plan, to allow for the preparation of a required Development Plan. Unless the Board of Trustees approves an extension of this time limit, upon the expiration of such period, no use shall be established and no building, structure or improvement shall be constructed until an application accompanied by a new Zoning Plan has been filed with and approved by the Township, and such application for approval shall be subject to the same procedures and conditions as an original application for the Zoning Plan approval. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PUD. In addition, the Township Board of Trustees or Zoning Commission may initiate a zoning amendment to rezone the property or any portion thereof to its former (or another similar) classification upon expiration of the Zoning Plan approval period.

617 Development Plan

1. Application

In the PUD, no use shall be established and no structure shall be constructed or altered until a Development Plan for each such use and/or structure has been approved by the Township Trustees. An application, in a form approved by the Board of Trustees, shall be completed by the property owner and submitted with the Development Plan. A total of 15 copies of the application and supporting material shall be submitted. The application form shall be provided by the Zoning Inspector. All mapping shall be prepared using the County's graphic standards.

2. Development Plan

In addition to the application required herein, 15 copies of the Development Plan shall be submitted with the application. The Development Plan, which may be submitted for the entire development or an individual phase, shall contain, in text and map form, the following information at a minimum:

- a. Proposed name of the development and its location;
- b. Names and addresses of owners and developers;
- c. Date, north arrow and Plan scale. Scale shall be one-inch equals 100 feet or larger scale;
- d. Boundary lines of the proposed development and the total acreage encompassed therein;
- e. Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and section and corporation lines within or adjacent to the tract;
- f. Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
- g. The adjoining lines of adjacent tracts, parcels or lots;
- h. Residential density, dwelling types, nonresidential building intensity and specific uses to be included within the proposed development, specified according to area or specific building location;
- i. Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features;
- j. Layout of proposed streets, including their names and rights of way, easements, sewers, water lines, culverts, street lighting and other major improvements;
- k. Layout, numbering and dimensions of lots if more than one;
- l. Anticipated building envelope and general architectural style and character of proposed structures;
- m. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant and for the dedications;
- n. Building setback lines with dimensions;
- o. Tentative street grades and sewer size slope;
- p. Traffic circulation, parking areas, curb cuts and pedestrian walks;
- q. Landscaping plans, including site grading and landscape design;
- r. Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission;
- s. For other than detached single-family structures, provide:
 - i. Drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;
 - ii. Color rendering of buildings(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with sample, and materials, with samples to be used;
 - iii. Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development;
 - iv. Intended measures to screen rooftop mechanical equipment from view;
- t. A detailed signage and exterior lighting plan;
- u. Accommodations and access for emergency and fire fighting apparatus;
- v. The management plan or mechanism to provide for the perpetual maintenance of all open space, landscaping, buffers and shared parking areas by the ultimate owner and/or user and the controlling instruments;
- w. Location of open space area and designation of intended uses; and
- x. Any additional information as may be required by the Zoning Commission.

3. Process For Development Plan Approval

The application and supporting materials for the Development Plan approval shall be submitted to the Zoning Commission for hearing and recommendation. The Zoning Commission shall establish a date for the hearing within a reasonable period of time following its receipt of the application and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Zoning Commission shall make a recommendation for the approval, modification or denial of the application within a reasonable period of time after it is submitted. The recommendation shall be forwarded to the Board of Trustees. The Board of Trustees shall hold a hearing on the application within a reasonable period of time after its receipt of the recommendation and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Board of Trustees shall render a decision on the application within a reasonable period of time after the recommendation and application have been submitted to the Board of Trustees for its action. The Development Plan shall be approved by the Board of Trustees if it is in accordance and consistent with the approved Zoning Plan relating to that part of said tract which is the subject of the Development Plan and with the PUD regulations set forth in this Article. Upon the approval of the Development Plan, the tract which is the subject of said Development Plan may be used and developed consistent with the approved Zoning Plan and the Development Plan. The approval of the Development Plan shall be for a period of three (3) years in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of certificate of zoning compliance. If no plat has been filed within this approval period (or, if platting is not required, if construction has not commenced) and unless the Board of Trustees approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.

4. Extension of Time for Development Plan

Upon application by the owner(s), the Board of Trustees may extend the time limit provided by Section 617 3, above. Such extension may be given upon a showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Zoning Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the PUD.

5. Modification of Development Plan

An applicant seeking to modify an approved Development Plan shall file a new application for Development Plan approval utilizing the same procedures and criteria as established for the approval of the initial Development Plan.

618 Fees

A fee as established by the Board of Trustees shall accompany an application requesting approval of the Zoning Plan or Development Plan. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Jerome Township in using professional consulting services to review the Zoning Plan and/or Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Zoning Plan or Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Zoning Plan or Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the

application materials. The Zoning Commission shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Zoning Commission shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Township Fiscal Officer or the Fiscal Officer's designee, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission shall consider the reasonable commercial rates of qualified professionals. Any unused portion of the estimated amount received to cover the professional consulting fees and charges shall be returned to the applicant as soon as practicable following the final disposition of the application, along with a summary of the fees and charges expended for such services.

619 Phases

A project which is the subject of the Zoning Plan may be approved for development in phases. Each phase shall require approval of a Development Plan for that phase pursuant to the procedures set forth herein. Unless otherwise specified in the Zoning Plan or absent an extension approved by the Board of Trustees, all phases shall be submitted for and receive Development Plan approval within the time frame set forth in Section 616 5 b. An application for Development Plan approval for each phase of a project shall be annotated as to the as built conditions and shall be supplemented with an updated construction schedule. The phasing schedule shall be fully described in the Zoning Plan in a manner sufficient to give Township officials guidelines for the timing of future phases.

620 Additional Nonresidential Development Guidelines

The proposed development shall be designed in accordance with accepted planning principles, including the planning and development principles included in this Section and in applicable plans for the area, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the set back of buildings; and the sizes of yards and other spaces are in compliance with the purposes, policies and objectives of this Article as set forth above. The design of the proposed development should take into account and be reflective of the following planning and development guidelines:

1. Access

The Zoning Plan should require frontage on and direct access to, one or more dedicated and improved public arterial roads. Provision for future connections to other public roads as required by the Township, the County Engineer and/or the Planning Commission should be provided.

2. Setbacks and Yard Areas

The location and arrangements of buildings and structures within the PUD should be configured in a manner to appropriately balance open spaces and commercial areas and to provide safe separation between buildings and uses and to ensure convenient access within the area. When located contiguous to residential or agricultural uses, perimeter setbacks and/or appropriate screening from the contiguous property line should be established in accordance with those recommended elsewhere in this Article.

3. Buildings

The physical relationship of buildings and other site improvements to one another and the

surrounding area, as created by building size, mass, height, shape and setback, shall result in a harmonious development within the development and adjacent to it. The bulk and height of buildings within the proposed development shall be compatible with the surrounding area and sufficiently buffered from the surrounding areas in order to mitigate any potential adverse impact. Buildings, structures and parking areas shall be designed and located within the development in ways that conserve environmentally sensitive or unique natural, historic or cultural features, and minimize environmental impacts. Buildings and structures should be designed to enhance both areas within the development and surrounding areas, giving due regard to building footprints, building orientation, massing, roof shape, pitch and exterior materials.

4. Building Size

Building size should be limited in areas not conducive to absorbing the impacts associated with larger retail and commercial establishments. Large scale buildings and operations are encouraged to be located adjacent to major arterials and are discouraged in areas abutting minor arterials collector and local street systems. The applicant shall delineate any building size limitations as part of the Zoning Plan.

5. Tract Coverage

Ground coverage by buildings and paved areas shall be minimized and shall be designed to foster compatibility both within the project area and with adjacent properties.

6. Lighting

Exterior building and parking lot lighting including the style and height shall be minimized and shall not be directed toward or impact adjacent areas. Lighting standards should be included in the Zoning Plan. A detailed lighting plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.

7. Signage

All signs and graphics within the PUD should be compatible in size, location, material, height, shape, color, and illumination. Sign standards should be included in the Zoning Plan. A sign plan for the entire PUD shall set forth the design parameter for the entire project to ensure a constant and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures compliment the appearance and architecture of the buildings and the PUD, but do not contribute to environmental degradation. Ground signs should be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame should be compatible with the buildings, materials, and colors. A detailed sign plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.

8. Landscaping

All yards (front, side and rear) and all open space not covered by structure, asphalt and the like shall be landscaped. Landscaping standards should be included in the Zoning Plan. A detailed landscape plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. All landscaping shall be maintained and kept in accordance with the landscape plan as submitted and approved. All vacant areas shall be

kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjoining land. The landscape plan shall show the caliper, height, numbers, name and placement of all materials. The pattern of landscaping should be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses. The landscape treatment proposed to be provided should emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and important axis between the development and other locations. The landscape plan, to the extent practical, should preserve and be sensitive to the natural characteristics of the site. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they should be preserved. Any proposed landscape mounds shall be designed with such slope, plant and other landscape materials so as to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design should be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance shall be used. Landscaped parking lot islands shall be designed in accordance with these landscape principles as well as to facilitate snow removal techniques.

9. Parking and Loading Areas

Off street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the Zoning Plan. A detailed off-street parking and loading plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Parking areas shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas. Parking aisles, whenever possible shall be oriented perpendicular to the building fronts. All service and delivery and loading areas shall be made to the rear of the structure(s) unless special design treatment or circumstances warrant an alternative. The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area as well as those areas adjacent to the development.

10. Open Space

Open spaces should be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses.

11. Flood Plains and Environmentally Sensitive Areas

Flood plains should be protected from building or pavement encroachment. A riparian buffer should be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area should have a width of not less than fifty (50) feet as measured from the river or stream bank. This buffer area should be restricted from development and managed to promote the growth of vegetation indigenous to the area capable of maintaining the structural integrity of the stream bank. A wetlands buffer should be provided for all wetlands required to be retained by the Army Corp of Engineers or the Ohio EPA. The buffer area should have a width not less than twenty-five (25) feet, measured from the edge of the designated wetland. The buffer area should not be disturbed other than as is necessary to establish a natural landscape. Existing trees should be preserved and protected to the extent practicable.

12. Utilities

Centralized water supply and sanitary sewage disposal systems and stormwater management shall be provided, subject to the County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All electric, telephone and gas utility service lines should be located underground.

13. Fire and Explosion Hazards

All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

14. Air Pollution

No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

15. Glare, Heat, and Exterior Light

Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.

16. Dust and Erosion

Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

17. Liquid or Solid Wastes

No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

18. Vibrations and Noise

No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.

19. Odors

No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

ARTICLE VII MOBILE HOMES AND MOBILE HOME PARKS

Section 700 Mobile Homes.

(Amended 9/6/89) No mobile homes or mobile home parks permitted within Jerome Township boundaries except by Appeals Board action, for fire and/or act of God cases. (Conditional use for six (6) months only) no trailers (mobile homes or mobile home parks) permitted in U-1, R-1, R-2A, R-2B, B-11, B-12, B-13, B-14, B-15, M-1, M-2, SR-1, SR-2, SR-3 and planned unit developments.

Section 701 Mobile Trailers Prohibited.

(Added 11/17/93) The use of a mobile home, tractor-trailer or other similar type trailer or structure shall not be permitted as an office, structure, storage facility or business structure whether for commercial, industrial or residential use except as stated in Sections 411.041, 412.07, 413.07, 414.055, 415.055, 416.055, 417.055, 418.055, 419.055, 420.055, 421.042, 422.042 and 423.042.

ARTICLE VIII SIGNS AND ADVERTISING

Section 800 Intent

(Amended 12/7/05) The purpose of this article is to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare through regulation of existing and proposed outdoor displays, signs, advertising fixtures, promotional materials or other outdoor use of lighting, noise or items intending to suggest presence, or calling attention to, or to convey information, to convey an idea or a concept, or that provides direction, or any other activity with similar intent of promotion, economic or personal gain. The objective of this regulation is to protect property values, to preserve the physical appearance of the community, to preserve the scenic and natural beauty of designated areas, and to create a more attractive physical and economic residential and commercial environment. It intends to reduce obstructions to sight or passage, to reduce distractions or hazards resulting from signs, lighting or other advertising promotional activities that may contribute to traffic or other type accidents, or that otherwise impair or create deterioration to the natural environment. All temporary and permanent signs to be attached, erected, placed, constructed or modified within township limits shall require a zoning permit prior to any such placement, construction, erection, attachment or modification.

Section 801 Definition

(Amended 12/7/05) A sign as defined herein and in Article XII of this resolution, is any display, illustration, use of light, noise, color, or materials that identify name, symbols, products or services, or that promote direction, idea or other activities for purposes of commerce as discussed in Section 800. This includes, but is not limited to, permanent or temporary, signs exposed to the exterior, whether free standing or attached to buildings or roofs, fixtures, structures, drawn/painted or papered surfaces, flags, banners, pennants, streamers, wind-water or other powered displays, canopy, window graphics, posters, flashing lights, high intensity lighting or noise apparatus, and, except as exempted or provided with limited authority in Section 802 of this resolution, any other activity intending to direct attention, directly or indirectly, to any object, place, person, institution, organization or business. All signs on land within Jerome Township and visible or heard from adjacent properties, or public right-of-ways, or that may create hazardous obstacles or distractions to traffic shall comply with this section and Article V Section 518; if applicable.

Section 802 Exemptions and Limitations

(Amended 12/7/05) The following signs are exempt from this Article and not subject to permit; provided no safety or visibility hazards are created.

1. The flag, pennant or insignia of any nation, state, city or other political unit.
2. Signs of a duly constituted government body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.
3. Signs clearly in the nature of decorations customarily associated with any national state, local, or religious holiday, to be limited to forty-five (45) days in any one year, and to be displayed not more than forty-five (45) consecutive days. Such signs may be illuminated.
4. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election provided they are displayed no more than thirty (30) days prior to an election and removed no later than seven (7) days after such election. Such signs shall not exceed six (6) square feet in size, shall not be illuminated in any manner, shall not create a safety or visibility hazard, nor be affixed to any public utility pole, tree, or natural object, nor be located within a public right-of-way.
5. Signs not exceeding one (1) square foot in area, bearing only property numbers, postal box numbers or names of occupants of premises.

6. Signs indicating the sale, rental or lease of real estate, provided such signs are limited in size to seven (7) square feet with one sign per street front. Such signs shall be placed on the property referred to and shall not be placed in public rights-of-way and shall be removed within fourteen (14) days after sale, rental or lease has occurred.
7. Signs (limited to seven (7) square feet) for the promotion of school, community service or church activities for a maximum period of thirty (30) days per activity. No one sponsor shall display such promotional sign for more than ninety (90) days in any one year.
8. Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to four (4) square feet in area and three (3) feet in height, are set back at least five (5) feet from the right-of-way, do not interfere with safe traffic circulation and do not interfere with or obstruct the view of drivers exiting onto highways or thoroughfares and contain no information other than the word 'IN', 'ENTER', 'ENTRANCE', 'OUT', or 'EXIT' and/or arrows indicating desired traffic movement.
9. Farm signs denoting the name and address of the occupants, denoting produce or products for sale on the premises and denoting membership in organizations. No more than one (1) sign of any type may be permitted and it shall be located outside the road right-of-way. Advertising signs may not exceed thirty-two (32) square feet of area per side and all other signs shall be limited to six (6) square feet per side.
10. Signs not having more than ten (10) square feet of display area on or over a shop window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of his business.
11. Cornerstones, commemorative tablets and historical signs, not to exceed ten (10) square feet in area.

Section 803 General Requirements for Temporary and Permanent Signs

(Amended 12/7/05)

1. **Location** - No sign shall be placed in public rights-of-way, or in public parks or any other public property or on utility poles, trees or natural objects. No sign shall be located in such a way that it obscures traffic control signs, obstructs the view of approaching or intersecting traffic, or interferes with the visibility or safety of vehicles or pedestrians entering, leaving or crossing a public right-of-way. No sign shall be located in any district zoned Residential, except as provided for in Section 802 and Section 1214 (Home Occupation).
2. **Size** - Sign area shall include the face of all the display area of the sign. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces are joined back to back.

For spherical signs, the size shall be defined as the area of the bisecting plane. The area of a sign consisting of individual letters or symbols, either freestanding or attached to or painted on a surface, building, wall, or window, shall be considered to be that of the smallest rectangle or regular geometrical shape which encompasses all the letters and symbols.

3. Design

- a) Signs shall not resemble by design, color, shape or other characteristics any common traffic control device, or directional or warning signs directed or maintained by the state, municipality, or by any railroad, public utility or similar agency concerned with the protection of public health or safety.
- b) No sign shall display a representation of a logo or commercial product, (i.e. soft drink bottle, hamburger, hat) in excess of twenty percent (20%) of the permitted sign area.

- c) Sign shall have no more than two colors. (**Black & white are not considered colors.**) Does not apply to billboards.
- d) Reverse sides of signs shall be unobtrusive and blend with the surroundings.

4. Lighting

- a) If illuminated, signs shall be illuminated only by the following means:
 - i) By a white, steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
 - ii) By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on an opaque background. No additional background lighting shall be permitted.
 - b) The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable safety hazard to air traffic or to vehicular traffic on any street from which the sign may be viewed.
 - c) Light fixtures shall be screened from view by site grading or evergreen shrubs.
5. **Construction** - All signs shall be properly constructed and maintained to insure that no hazard is created and shall be able to withstand a wind pressure of thirty (30) pounds per square foot. All electrical wiring, fittings and materials used in the construction and operation of electrically illuminated signs shall conform to the construction specifications of the National Electric Code (or the local electric code in effect). All signs and related surroundings shall be properly maintained by owner/lessor and shall not be allowed to fall into a state of obvious disrepair or neglect.
6. **Attachment** - No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape. No sign of any classification shall be attached in any form, shape or manner to another sign except as specifically permitted by this resolution or by written zoning approval.
7. **Installation in Violation** - If any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution, the Zoning Inspector shall notify in writing by certified mail the owner or lessee thereof to alter such sign so as to comply with this resolution or removal of the sign at owner/lessee expense.

Section 804 Permanent Signs

(Amended 12/7/05) All permanent signs shall also comply with the following requirements.

- 1. **Number of Signs Permitted** Each commercial parcel shall be permitted to have one ground sign (either monument or pylon) or one wall sign. Buildings on corner lots with at least 100 feet of frontage on two public rights-of-way shall be entitled one ground sign (either monument or pylon) or one wall sign along each right-of-way, unless otherwise prohibited below. Multi tenant retail developments are permitted one (1) wall or canopy sign per tenant.
- 2. **Ground Signs**
 - a) **Monument Signs** All monument signs shall comply with the following requirements:
 - i. Monument signs shall not exceed six (6) feet in height not including the monument base.
 - ii. Monument signs shall be setback at least fifteen (15) feet from any right-of-way or lot line.

- iii. The total display area of all surfaces shall not exceed fifty (50) square feet.
 - iv. Sign bases shall be made of a natural material and shall not exceed four (4) feet above the finished grade.
 - v. When two monument signs are permitted, there shall be no less than 75 feet between the two signs.
- b) **Pylon Signs** All pylon signs shall comply with the following requirements:
- Pylon**: includes pole signs or other free standing signs supported by braces or uprights on the ground. The sign must be constructed on the specific business property and have graphics directly related to that business.
- i. Pylon signs shall not exceed 10 feet in height, including the height of the pole.
 - ii. Pylon signs must be setback at least twenty (20) feet from any right-of-way or lot line.
 - iii. The total display area of all surfaces shall not exceed 50 square feet.
 - iv. When two pylon signs are permitted, there shall be no less than 75 feet between the two signs.
 - v. Pylon signs shall be prohibited along US Route 33.
- c) **Landscaping** A landscaped area totaling a minimum of fifty (50) square feet shall be provided centered on the base of all ground signs and should be comprised of a variety of natural materials, such as turf, ground cover, shrubs, and hedges. No more than fifty (50) percent of natural landscaping material shall consist of turf. A sketch plan drawn to scale and indicating plant material by type and quantity shall be provided with the application for a sign permit.
3. **Wall Signs** All wall signs, (including those in facilities with multiple occupancies) shall comply with the following requirements:
- a) Wall signs shall not protrude more than ten (10) inches from the building wall or face.
 - b) The sign(s) surface(s) of a sign(s) placed flat against the building shall not exceed twenty-five (25) percent of the side of the building to which it is attached nor shall the display, drawing or message of sign(s) be more than eight (80) percent of the length of the side of the building to which the sign(s) is/are attached. The total display area of any single establishment door sign(s) in a multi-occupancy facility shall not exceed twelve (12) square feet.
 - c) When two wall signs are permitted, there shall be no less than thirty (30) feet between the two signs.
4. **Gasoline stations** Gasoline stations, whose principal business is the sale of motor fuel, may display signs in addition to those hereinabove authorized. Such signs shall be limited to the following:
- a) One non-illuminated, double-faced sign not exceeding five square feet on a side is permitted for each set of motor fuel pumps identifying “self service” or “full service.”
 - b) Price and grade information can be displayed only on the permitted sign, in manually changeable copy. Changeable copy for these purposes shall not include liquid crystal display (LCD), light emitting diodes (LED), or other similar electro/mechanical displays. This is the only circumstance in which changeable copy may be used.
 - c) Signs limited to the identification of the brand name, logo or type of fuel sold and other signs as may be required by law shall be permitted on the motor fuel pumps. Fuel pumps shall not be illuminated. No signs projecting above the pumps may be permitted, except as required by law.
 - d) Any other such signs as may be required by law.
5. **Joint Identification Signs** (Free standing sign to identify commercial development including name of complex and key tenants.) One (1) joint identification free standing sign may be authorized by the Zoning Commission to identify a complex or mix of uses as opposed to a single use, provided that

such identification sign shall not exceed the following requirements:

- a) The total display area of all surfaces shall not exceed one (100) square feet.
- b) A maximum height of twenty (20) feet
- c) A minimum setback of thirty (30) feet from all public right(s)-of-way.
- d) A joint identification sign shall be permitted in lieu of pylon signs. No free standing signs other than one (1) joint identification sign shall be permitted within the development.

6. Outdoor Advertising or Billboards Outdoor advertising or billboards for one or more products or services not located upon the premises on which the sign is located shall be a permitted use only in B-15 and M-2 zoning districts.

- a) No billboards shall exceed three hundred (300) square feet in total area nor have more than two (2) sides or surfaces, and the display area of any one (1) side or surface does not exceed one-half of the total display area permitted.
- b) No billboard shall exceed fifteen (15) feet in height nor have a length in excess of four (4) times the height of the sign face.
- c) No billboard shall be located closer than one thousand (1,000) feet to a dwelling, public park, public or parochial school, church, or similar institution.
- d) All billboards shall be located in compliance with all state and federal regulations controlling the same.
- e) All billboards shall be located behind the building set back lines established for the district in which the sign is located.
- f) All billboards shall be setback two hundred (200) feet from the public right of way.
- g) No billboard or outdoor advertising sign shall be located nearer than fifty (50) feet to any side lot line.
- h) All billboards must be five hundred (500) feet from any intersection.
- i) All billboards must be a minimum of one thousand (1,000) feet apart.

Section 805 Table of Area, Height, and Setback Requirements (Eliminated as of 12/7/05)

Section 806 Temporary Signs/Special Temporary

(Amended 12/7/05) Temporary signs shall include signs indicating or promoting the development of land, facilities or structures. Such signs must comply with the provisions of Section 803 with the exception that temporary signs shall not be illuminated. They shall be limited to thirty-two (32) square feet in area and eight (8) feet in height and be a minimum of ten (10) feet from the public right-of-way. Application shall be made to the Zoning Inspector and upon his approval a permit issued and fee will be assessed. Approval shall be for a period not to exceed one (1) year and may be renewed upon application. Failure to secure a renewal permit shall not constitute an automatic renewal or approval or a waiver of any fees or applicant obligations. A temporary sign may not be renewed more than twice (2 years).

Section 807 Special Conditions

(Amended 12/7/05) In addition to the requirement and regulations previously listed, the following special conditions shall apply as applicable:

- 1. Non-Conforming Signs - All existing signs that do not conform to the standards of this Section must be brought into conformity within five (5) years.
- 2. Upon any change of use of the property all signage shall be brought into compliance.
- 3. Upon alterations to the existing sign, the following regulations shall apply.

- a.) Structural - No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Article.
- b.) Repainting - The repainting of signs shall not be deemed to be an alteration within the meaning of this Section.
- 4. Conditional Uses - A conditional use shall be subject to the same sign requirements as if such use were a permitted use.

Section 808 Fees; Maintenance

(Amended 12/7/05)

- 1. Fees - Prior to the erection of any sign, except as otherwise noted, a permit shall be secured from the Zoning Inspector. In applying for such permit, a scale drawing or drawings of proposed sign as well as the proposed sign lighting and landscaping, and a plot plan showing its proposed location and location of adjacent buildings shall be submitted to the Zoning Inspector. A fee schedule may be obtained from the Zoning Inspector. NOTE: No fee is required for signs exempted in Section 802.
- 2. Re-inspection and Maintenance - All signs for which a permit shall be issued in accordance with this Article shall be subject to the following provisions:
 - a) The Zoning Inspector shall re-inspect each sign once every twenty-four (24) months following erection of such sign to determine its compliance with applicable building regulations of the Township and to insure proper operating conditions and maintenance.
 - b) Whenever the inspecting official, when making a re-inspection, finds a sign in need of repair, support, replacement, cleaning, repainting or any maintenance service necessary to maintain reasonable and proper appearance and public safety, he shall issue an order to the owner of such sign allowing thirty (30) days to effect needed repairs or maintenance.
 - c) Failure of an owner to comply with the provision listed above shall be cause for the inspecting official to order the permit used for the sign void and issue an order for the sign to be removed within fifteen (15) days.

Section 809 Abandoned Signs

(Amended 12/7/05) A sign shall be considered abandoned:

- 1. When the sign is associated with an abandoned use.
- 2. When the sign remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this determination only if they have been operational within the last twelve (12) months.
- 3. When the sign on its immediate premises is not adequately maintained and the repairs or maintenance ordered under Section 808 are not affected within the specified time.
- 4. When the sign does not conform to the provisions of this Article or is not brought into conformity in accord with Section 807 (a).

Abandonment shall be determined by the Township Trustees. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Board Inspector shall issue an order for the sign to be removed within thirty (30) days. Any abandoned sign still standing after thirty (30) days following an order for removal may be removed by the Township and the cost of the removal billed to the owner of the property.

Section 810 Prohibited Signs.

(Added 12/7/05)

The following signs shall be prohibited in Jerome Township:

1. Signs not otherwise specifically authorized by this Resolution.
2. Portable signs
3. Signs with flashing lights
4. Rotating or animated signs
5. Changeable copy signs
6. Roof signs
7. Projecting signs
8. Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
9. Use of Product displays with graphics, lettering or other features intending to promote commerce.
- 10. Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the roof of any building or structure.
11. No sign shall be attached to any fence within the right-of-way of any road and no sign shall be attached to any board or fence, post, pole or tree, regardless of location without the permission of the owner of the property.
12. Signs or advertising devices which attempt or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.
13. Pennants, Flags, Banners and Streamers, except as approved by Special Temporary Permit; the duration of which shall not exceed seven (7) consecutive days per permit, nor more than a total of twenty-one (21) days per calendar year for any and all forms of special temporary permits. Special Temporary Permits shall not be granted more than once per calendar year quarter and shall not be issued concurrent with any other Special Temporary Permit.
14. Aerial or Inflatable signs, including air and gas balloons of all types, except as approved by Special Temporary Permit; the duration of which shall not exceed three (3) consecutive days, nor more than a total of twenty (20) days per calendar year for any and all forms of Special Temporary Permits. Special Temporary Permits shall not be granted more than once per calendar year quarter and shall not be issued concurrent with any other Special Temporary Permit.
15. Beacons, searchlights or other devices projecting any form of light or visible energy across property lines per regulations in Section 518 or skyward; excepting those necessary for emergency, health or safety purposes.

Section 811 Cancellation or Removal

(Added 12/7/05) Cancellation of a Sign Permit: In the event that the owner of any sign or property fails to comply with the terms of this Zoning Resolution said permit may be revoked subject to the following terms:

1. Notice: The zoning inspector shall notify the owner of any deficiency or violation of this regulation. Notice shall be given personally or by certified U.S. mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Section 803 of this Resolution dealing with Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within thirty (30) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this resolution.
2. Removal of Signs: The Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within this township. The zoning inspector shall maintain said sign and shall notify the owner thereof of its location by ordinary mail. If the owner of any sign fails to claim the same within one hundred and eighty (180) days after mailing of notice by the zoning inspector said sign may be destroyed.

ARTICLE IX NON-CONFORMING USES

Section 900 Intent.

Within the districts established by this resolution or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendment. It is the intent of this resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 901 Incompatibility of Non-Conforming Uses.

Non-conforming uses are declared by this resolution to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

Section 902 Avoidance of Undue Hardship.

To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 903 Non-Conforming Lots of Record.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action on the Board of Zoning Appeals.

Section 904 Non-Conforming Lots of Record in Combination.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this resolution, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this resolution.

Section 905 Non-Conforming Uses of Land.

Where at the time of passage of this resolution lawful use of land exists which would not be permitted by the regulations imposed by this resolution and where such use involves no individual structure with a replacement

cost exceeding One Thousand Dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this resolution;
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this resolution;
3. If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located;
4. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such non-conforming use of land.

Section 906 Non-Conforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this resolution;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 907 Non-Conforming Uses of Structures or of Structures and Premises in Combination.

If lawful use involving individual structures with a replacement cost of One Thousand Dollars (\$1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this resolution, that would not be allowed in the district under the terms of this resolution the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this resolution;

4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.

Section 908 Repairs and Maintenance.

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it becomes non-conforming shall not be increased. If a non-conforming structure or portion of a structure containing a non-conforming use become physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE X ADMINISTRATION AND ENFORCEMENT

Section 1000 Office of Zoning Inspector Created.

A zoning inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. If the zoning inspector shall find that any of the provisions of this resolution are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this resolution to ensure compliance with or to prevent violation of its provisions.

Section 1001 Building Permits Required.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the zoning inspector except in conformity with the provisions of this resolution unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review, or variance as provided by this resolution.

Section 1002 Application for Building Permit

All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the zoning inspector, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this resolution. One copy of the plans shall be returned to the applicant by the zoning inspector; after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the zoning inspector.

Section 1009 Expiration of Building Permit.

If the work described in any building permit has not begun within one hundred eighty (180) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the zoning inspector; and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two and a half years of the date of issuance thereof, said permit shall expire and be cancelled by the zoning inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

Section 1010 Construction and Use To Be as Provided in Applications, Plans, and Permits.

Building permits issued on the basis of plans and applications approved by the zoning inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this resolution, and punishable as provided by Section 1025 hereof.

Section 1011 Applicants.

(Added 9/6/89) Applicants or their official representative (attorneys, power of attorneys, etc.) must be present for rezoning hearings, Conditional Use Permit hearings, or for Variance hearings to provide appropriate knowledge and/or pertinent answers to questions before an application may be passed on.

Section 1012 Board of Zoning Appeals Established.

A board of zoning appeals is hereby established, which shall consist of five members to be appointed by the Board of Township Trustees each for a term of five years, except that the initial appointments shall be one each for one, two, three, four and five year terms. Each member shall be a resident of the unincorporated area of Jerome Township. Members of the board of zoning appeals may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

Section 1013 Proceedings of the Board of Zoning Appeals.

The board of zoning appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the board of zoning appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of the witnesses. All meetings shall be open to the public. The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board of zoning appeals.

Section 1014 Hearings; Appeals; Notice.

Appeals to the board of zoning appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer or bureau of the governing body of the Township affected by any decision of the zoning inspector. Such appeals shall be taken within twenty (20) days, after the decision by filing, with the zoning inspector and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The zoning inspector shall forthwith transmit to the board of zoning appeals all papers constituting the record upon which the action appealed from was taken. The board of zoning appeals shall fix a reasonable time for the hearing of appeal, give at least ten (10) days notice to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

Section 1015 Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning inspector from whom the appeal is taken certifies to the board of zoning appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the board of zoning appeals or by a court of record on application, on notice to the zoning inspector from whom the appeal is taken and on due cause shown.

Section 1016 Powers and Duties of the Board of Zoning Appeals.

The board of zoning appeals shall have the powers and duties set forth in Sections 1017 to 1027, inclusive.

Section 1017 Administrative Review.

The board of zoning appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of this resolution.

Section 1018 Conditional Uses.

(Amended 8/14/96) The board of zoning appeals shall hear and decide only such conditional uses as the board of zoning appeals is specifically authorized to pass on by the terms of this resolution; decide such questions as are involved in determining whether conditional uses should be granted; and grant conditional uses with such conditions and safeguards as are appropriate under this resolution, or deny conditional uses when not in

harmony with the purpose and intent of this resolution. A conditional use shall not be granted by the board of zoning appeals unless and until:

- (1) A written application for a conditional use is submitted indicating the section of this resolution under which the conditional use is sought and stating the grounds on which it is requested. The application for a conditional use permit must designate the exact location, width and depth of the section of the owner's property for which the conditional use permit is to be considered.
- (2) Notice shall be given at least ten (10) days in advance of the public hearing by publication in a newspaper of general circulation in the area. The notice shall state the date, time and place and the nature of the proposed hearing. The same information shall be mailed by first class mail to all parties in interest. These shall include the applicant and property owners contiguous to and directly across the road (street) from the property concerned.
- (3) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- (4) The board of zoning appeals shall within thirty (30) days make a finding that it is empowered under the section of this resolution described in the application to grant the conditional use and that the granting of the conditional use will not adversely affect the public interest.
- (5) Before any conditional use shall be issued, the board of zoning appeals shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:
 - (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - (b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
 - (c) Refuse and service areas, with particular reference to the items in (a) and (b) above;
 - (d) Utilities, with reference to locations, availability, and compatibility;
 - (e) Screening and buffering with reference to type, dimensions, and character;
 - (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (g) Required yards and other open space;
 - (h) General compatibility with adjacent properties and other property in the district.
 - (i) In the event the property being considered for a Conditional Use Permit has a house or other structure on it, the Conditional Use Permit **MAY** be issued for only the section of property that is to be used for the conditional use and **SHALL** not include the house or other structures unless otherwise designated in Section 1018 (1).

Section 1019 Variances; Conditions Governing Applications: Procedures.

To authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of

this resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. A variance from the terms of this resolution shall not be granted by the board of zoning appeals unless and until:

- (1) A written application for a variance is submitted demonstrating:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - (b) That literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution;
 - (c) That the special conditions and circumstances do not result from the actions of the applicant;
 - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this resolution, to other lands, structures, or buildings in the same district;
- (2) Notice of public hearing shall be given as in Section 1018 (2) of this resolution;
- (3) The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- (4) The board of zoning appeals shall make findings that the requirements of Section 1019 (1) have been met by the applicant for a variance;
- (5) The board of zoning appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) The board of zoning appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this resolution and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Section 1020 Supplementary Conditions and Safeguards May be Prescribed.

In granting any variance, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this resolution and punishable under Section 1025 of this resolution. Under no circumstances shall the board of zoning appeals grant a variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district.

Section 1021 Board Has Powers of Zoning Inspector on Appeals; Reversing Decision of Zoning Inspector.

(Amended 3/8/2007) In exercising the powers in Section 1017 to 1020, inclusive, the board of zoning appeals may, so long as such action is in conformity with the terms of this resolution reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning inspector from whom the appeal is taken. The concurring vote of three (3) members of the board of zoning appeals shall be necessary to reverse any order, requirement, decision, or determination of the zoning inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to effect any variation in the application of this resolution.

Section 1022 Duties of Zoning Inspector, Board of Zoning Appeals, Governing Body, and Courts on Matters of Appeal.

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the zoning inspector, and that such questions shall be presented to the board of zoning appeals only on appeal from the decision of the zoning inspector, and that recourse from the decisions of the board of zoning appeals shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this resolution as provided by law, approving planned unit development projects and of establishing a schedule of fees and charges as stated in Section 1023 of this resolution.

Section 1023 Schedule of Fees, Charges, and Expenses.

The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, zoning appeals and other matters pertaining to this resolution. The schedule of fees shall be posted in the office of the zoning inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1024 Complaints Regarding Violations.

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the zoning inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this resolution.

Section 1025 Penalties for Violation.

Violation of the provisions of this resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances) shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Hundred Dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

ARTICLE XI AMENDMENTS

Section 1100 General Requirements.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution - after receipt of recommendation thereon from the zoning commission, and subject to the procedures provided by law -amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. It shall be the duty of the zoning commission to submit its recommendations regarding all applications or proposals for amendments to the Board of Township Trustees.

Section 1101 Procedure for Change in Zoning Districts.

Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the zoning commission, at its public office, upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the zoning commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each proposal for a zone change shall be accompanied by a reproducible vicinity map at a scale approved by the zoning inspector, showing the property lines, streets, and existing and proposed zoning. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the zoning commission shall be accompanied by its motion pertaining to such proposed amendment. The procedure for amendment of the zoning resolution shall follow the Ohio Revised Code, Chapter 519 (Townships).

Section 1102 Application Fees.

At the time that an application for a change of zoning districts is filed with the zoning commission, as provided herein, a fee of _____ shall be paid to the zoning inspector, who shall deliver same to the Township Clerk, for investigation, legal notices, and other expenses incidental to the determination of the zoning charge. Said fee shall be for one lot or part of one lot. Such sums so deposited shall be credited to the general fund of the Township.

(Amended 8/19/09)

ARTICLE XII DEFINITIONS

Interpretation of Terms or Words

For the purposes of this resolution certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is mandatory; the word "may" is permissive.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
5. The word "lot" includes the words "plot" or "parcel".

Accessory Building

(Amended 9/6/89) (Amended 8/21/91) (Amended 12/31/97) An accessory building is a garage, pole barn, etc., in a non-business district used for private storage.

Agriculture

The word "agriculture" shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Buffer Zone

(Added 11/17/93) A land area that cannot be included in the front, side or rear yard dimensions. This area must be in addition to standard minimum yard dimensions. It must be landscaped and/or mounded to provide a visual barrier.

Building

Any structure designated or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Height of

The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building, Principal

A building in which is conducted the main or principal use of the lot on which said building is situated.

Conditional Use

A use permitted within a district other than a permitted use, requiring a conditional use permit and approval of the board of zoning appeals.

Conditional Use Permit

A permit issued by the board of zoning appeals to allow a use other than a permitted use to be established within the district.

Corporate Office Facility

(Added 12/31/97) A facility that serves as a principal or regional office of a larger corporation as opposed to one of a smaller type that is permitted in the B-11 district.

Dwelling

Any building or structure (except a mobile home as defined elsewhere in this resolution) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling Unit. Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooling, bathing, and toilet facilities, all used by one family and its household employees.

1. **Dwelling, Modular Unit:** A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other prefabricated sub-elements which are to be incorporated into a structure at the site.

Modular Home. (Added 8/18/86) Pre-built house in two or more sections. Requires a foundation and is permanently attached to foundation. Has pitched roof, ceiling joists, floor joists, rafters, composition roof. It is a house built in two (2) or more sections.

2. **Dwelling, Sectional Unit.** A dwelling made of two (2) or more modular units transported to the home site, put on a foundation and joined to make a single dwelling.

Family. Those persons 1 are related by blood, adoption, or marriage, and no more than two unrelated individuals.

Dwelling, Mobile Home

A mobile unit built on a chassis, with body width exceeding eight (8) feet or body length exceeding thirty-two (32) feet, designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

1. **Double-wide or Triple-wide:** A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
2. **Expandable Mobile Home:** A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

Dwelling, Multi-Family

A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided, including public housing units and industrialized units.

Dwelling, Single-Family

A detached residential dwelling or housing unit other than a mobile home, designed for and occupied by one family only, including public housing units and industrialized units.

Enclosed Storage

(Added 8/18/86) (Amended 12/31/97) Any building such as a warehouse, pole barn, etc., fully enclosed on all sides and with roof. Pole barns, warehouses, business structures, etc. that are business related must be within a B or M zoning classification.

Essential Services

The erection, construction, alterations, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, mains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Farm

(Added 8/18/86) Five (5) acres or more used to raise crops or livestock for agricultural purposes.

Filling Station

Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

1. Sales and servicing of spark plugs, batteries, and distributor and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps and lines;
8. Minor servicing and repair of carburetors;
9. Emergency wiring repairs;
10. Adjusting and repairing brakes;
11. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
12. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operations;
13. Provisions of road maps and other informational material to customers; provision of rest room facilities.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Food Processing

(Added 9/6/89) The preparation, storage or processing of food products, examples of these activities include baker, dairy, canneries and similar activities.

(Public or Private) Gun Club

(Added 8/21/91) Any private or public facility for the discharge of firearms operated on a fee or membership basis.

Hazardous Wastes

(Added 9/6/89) Means those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

Home Occupation

An occupation conducted in a dwelling unit, provided that:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. No home occupation shall be conducted in any accessory building;
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Incinerator

(Added 9/6/89) A furnace or other device for burning material, objects or things.

Junk

(Added 9/6/89) Means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junk, dismantled automobiles or parts thereof, iron or steel and other old or scrap ferrous or non-ferrous materials.

Junk Yard

(Added 9/6/89) Means an establishment or place of business which is maintained or operated or any other land used for the purpose of storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard. It shall also include scrap material, processing facilities which are located within one thousand (1,000) feet of the nearest edge of the right of way of a highway or street.

Kennel/Animal Boarding

(Added 9/6/89) Any lot or premise on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensation.

Limited Business Classification

(Added 9/6/89) A small business (commercial or industrial enterprise) operated in an existing building or structure (no new structure construction shall be allowed) self-employed and/or privately owned business with no more than five (5) employees inclusive of owners, officers and relatives. No more traffic shall be generated by the Limited Business than would normally be expected in the present zoning district. Separate off street parking as provided for under Section 510 and Section 511 will be required other than just yard type parking.

Equipment or processes used in said business which creates objectionable noise, vibration, glare, fumes, odors, or electrical interference to the adjoining properties shall not be allowed.

A Limited Business classification will operate within a very defined parameter which will be established by the Jerome Township Board of Zoning Appeals per Section 1018 (5) (a-h).

Litter

(Added 7/22/05) Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private property not owned by the person, or in or on waters of the state unless one of the following applies:

1. The person has been directed to do so by a public official as part of a litter collection drive;
2. The person has thrown, dropped, discarded, placed, or deposited the material in a receptacle in a manner that prevented its being carried away by the elements;
3. The person has been issued a permit or license covering the material pursuant to Chapter 3734. or 6111. of the Revised Code.

Loading Space, Off-Street

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot

For purposes of this resolution, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
4. A parcel of land described by metes and bounds.

However in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this resolution.

Lot Coverage

Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as frontage.

Lot Frontage

(Amended 8/14/96) The front of a lot shall be construed to be the portion nearest the street or road right-of-way line. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street or road right-of-way lines shall be considered frontage, and yards shall be provided as indicated under "Yard" (Section 1241) of this resolution. Also, see Lot Measurements, Width, Section 1220.

Lot Measurements

(Amended 8/14/96) A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured perpendicular across the rear of the required front yard, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirements shall not apply. Also, see Section 1218 Lot Frontage.

Lot, Minimum Area of

The area of a lot is computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot of Record

A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types

Terminology used in this resolution with reference to corner lots, interior lots, and through lots is as follows:

1. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. An interior lot is a lot other than a corner lot with only one frontage on a street.
3. A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Manufacturing, Heavy

Manufacturing, processing, assembling, mining, storage, research, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district.

Manufacturing, Light

Manufacturing or industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating within enclosed structures; and generate little industrial traffic and no nuisances.

Motor Vehicle, inoperable

(Added 11/5/08) A car, truck, bus, or van that cannot be started and moved under its own power or does not meet Ohio Revised Code requirements for operation on a public streets. A vehicle that is without a valid, current registration decal and/or license, including recreational vehicle or trailer that is designed for travel on the public roads, is also considered an inoperable vehicle.

Motor Vehicle Salvage Facility

(Added 9/6/89) Means any establishment or place of business which is maintained, used or operated for buying or selling wrecked, scrapped or ruined, or dismantled motor vehicles or motor vehicle parts.

Non-Commercial Recreation

(Added 8/18/86) Any quasi-public related recreational use.

Non-Conforming Use

A building, structure or use of land existing at the time of enactment of this resolution, and which does not conform to the regulations of the district or zone in which it is situated.

Nuisance

(Added 7/22/05) A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, and debris. Additionally "Nuisance" means any of the following:

1. That which is defined and declared by statutes to be a nuisance;
2. Any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or

exists, or any place, in or upon which lewd, indecent, lascivious, or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen or exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for such purpose.

3. Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured or sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture of beer or intoxicating liquor and beer or intoxicating liquor contained in the room, house, building, boat, structure, or place, or the operation of such a room, house, building, boat, structure or place where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. "Violation of law" includes, but is not limited to, sales to any person under the legal drinking age.

Nursery Business

(Added 9/6/89) A horticultural type business (tree and/or plant) whose main purpose is the buying, warehousing and/or temporary growing of transitional plants for the purpose of resale, both wholesale and retail.

Parking Space, Off-Street

For the purposes of this resolution, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for ten or more automobiles shall have individual spaces marked, and shall be so designated, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. For purposes of computation, an off-street parking space and necessary access and maneuvering room shall be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all resolutions and regulations of the Township.

Ponds

(Added 12/2/02) Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout. Definition for ponds include **retention** basins designed to permanently hold water. This definition would not apply to **detention** basins designed for short-term storm water containment. This would not include landscape water features less than 150 square feet.

Portable Pools

(Added 7/2/08) Those pools which are not permanently installed; do not require water filtration circulation, and purification; do not exceed 18 inches in depth; do not exceed a water surface of 100 square feet; and do not require braces or supports.

Public Service Facility

(Amended 9/6/89) (Amended 8/11/00) The erection, construction, alteration, operation or maintenance of government regulated public buildings, power plants, substations, water treatment plants or pump stations, sewage disposal plants or pump stations, electrical, gas, water and sewerage service and other similar public service structures or facilities whether publicly or privately owned; but excluding sanitary landfills and incinerators.

Public Use

A public school, park, administrative, cultural or recreational building, excluding public service facilities.

Quasi-public Use

Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable, philanthropic or non-profit nature.

Refuse

(Added 7/22/05) "Refuse" means anything thrown away or rejected as worthless or useless, waste (combustible and noncombustible) trash or rubbish. "Refuse" also includes all foreign substances and pollutants in water other than liquid sewage.

Research Activities

(Added 12/31/97) Research, development and testing related to such fields as chemicals, pharmaceutical, medical, electrical, transportation and engineering, all of which are conducted within entirely enclosed buildings.

Residence, Low Density

(Amended 12/31/97) Land to be utilized for single family units, including public housing, not to exceed one (1) family per acre.

Residence, Medium Density

(Amended 12/31/97) Land to be used for single and multi-family units including public and industrialized housing, not to exceed two (2) families per acre.

Retail Business, Convenience Type

A small retail business whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Examples of convenience-type businesses are drug stores, food stores, cleaners and barber shops.

Retail Business, Shopping Type

A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and service, jewelry stores and clothing shops.

Rubbish

(Added 7/22/05) Combustible and noncombustible waste materials.

Sanitary Landfill

(Added 9/6/89) Means a disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.

Sewers, Central or Group

A publicly approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

Sewers, On-Site

A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Signage

(Added 12/7/05) Any permanent or temporary object, image or fixture which is exposed to the exterior, whether free standing, inflatable or attached to the ground, building, roof, other structures or on natural materials, whether illuminated or not, which displays wording, lettering, noise, motion, color or illustration, or which provides direction or instruction, or which conveys a concept or message intending to suggest presence or to draw attention to a particular location, product or service for purposes of advertising or promotion. A sign includes, but is not limited to, ground based or aerial displays using fixtures, noise, electronic or neon lighting/illumination, paint, paper, posters, drawings or graphics, pennants, flags, banners, streamers, wind, water or other powered devices, and all other demonstrations or exhibits that proclaim the activity of commerce. See Sections 800, Signs – Intent and 801, Signs – Definition.

Glossary of terms

Aerial – means a sign of any material that is principally airborne, whether or not attached, anchored or tethered to the ground directly or indirectly.

Animated or Moving sign – a sign, or any part thereof, which changes its physical appearance/position by any movement or rotation, or which emits a visual impression of such movement or alteration.

Area of sign – the entire display area including the advertising surface of one or more sign faces, trim and molding. The area of individual elements of a sign placed against a non-localized background (i.e. window, canopy or wall) shall be measured by calculating the area of the smallest single rectangle which would encase all elements in that sign.

Billboard – any off-premise outdoor ground sign exceeding 50 square feet in area.

Canopy, Awning, and Marquee – means a projection (permanent or temporary) from a structure made from any material which is cantilevered, suspended or supported on columns or braces and intended for shelter or ornamentation.

Changeable copy sign (manual or mechanical/electronic) - means a sign, or a portion thereof, on which characters, letters or illustrations may be changed within in a field without altering the face or surface of the sign.

Flag – means any fabric or material or bunting containing distinctive colors, patterns used as a symbol.

Flashing lights – any device which contains an intermittent or flashing light source or graphics, or which projects the illusion of such by animation or any other external source.

Height of sign – The vertical distance to the top of the sign structure measured from the adjacent street grade or upper surface of the nearest street curb, exclusive of any elevated roadways. In the event the site is elevated above the adjacent roadway (or upper curb surface), the height shall be determined from the lowest ground elevation point where the sign is mounted to the top of the sign structure, but in no instance shall the maximum height of the permitted sign and the lowest ground elevation point adjustment be allowed to increase more than twelve (12) inches from the street grade or upper curb surface. In the event the sign must be mounted on an earthen mound mandated by township landscaping and screening regulations, and such mound equals or exceeds the district height

requirement, a sign may be erected on top of said mound subject to a sign height limitation not to exceed two (2) feet, including any visible structural support above the advertising surface.

Inflatable sign – means a sign of any material in which air or gas is inserted with the intent of vertical lift and/or horizontal spread.

Joint Identification sign - a sign intended to provide identity (by name, logo, type, graphics or other symbols) of two or more uses in a building or property.

Monument/Ground sign – a freestanding sign (permanent or temporary) six (6) feet in height or less placed on the ground or attached to a supporting structure that is not attached to any building, but is constructed on the subject property and contains graphics directly related to the specific business(s) on that property.

Pennant, Streamer, and Banner – means any lightweight plastic, fabric or other material, regardless of whether it contains a message that is suspended from a rope, wire, string or similar instrument, usually in a series and designed to move in the wind.

Permanent sign – means a sign constructed and mounted on a footed structure, or similar, and intended for use as an informational center for a year or more.

Portable sign – means a sign designed or constructed in such a manner that it is moveable and can be relocated without involving structural or support changes.

Projecting sign – a sign which is wholly or partially dependent upon the structure for support and which projects outward more than twelve (12) inches.

Pylon/Pole sign – a freestanding sign (permanent or temporary) greater than six (6) feet in height supported by braces or uprights that is not attached to any building, but is constructed on the subject property and contains graphics directly related to specific the business(s) on that property.

Roof sign – a sign mounted on the roof of a structure or which is wholly dependent upon that structure for its support and which projects above the eave line of the structure.

Temporary/Special Temporary sign – a temporary sign means a sign set or erected on the property, which is designed to provide information for a limited period of time, not to exceed one (1) year. A Special Temporary sign means a sign displayed for short duration not to exceed the limits specified in this resolution.

Wall sign – a sign or mural and all associated graphics, whether painted, drawn or fastened to a building wall, where the wall becomes the supporting structure or forms the background, and which does not project outward more than twelve (12) inches.

Window sign – A sign, poster, graphic, painting or other similar message or image that contains information about the purpose or use of the premises that is physically affixed to the glass or is within two (2) feet of the window and intended to be viewed from the exterior of the premises (This does not include an information window sign of two (2) square feet or less bearing information about the business hours, accepted forms of payment and similar basic functional notices).

Slaughterhouse

(Added 9/6/89) Processing of livestock, fowl, fish (and/or game animals) into meat by-products.

Solid Wastes

(Added 9/6/89) Means such unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, and slag and other substances which are harmful or inimical to public health, and includes, but is not limited to, garbage, combustible and non-combustible material, street dirt, and debris. For purposes of this definition, "material from construction operations" and "material from demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

Structure

(Amended 2/17/95) Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, walls and billboards; other than property line fences as defined in Section 555 Fences, Walls, and Hedges.

Toxic or Hazardous Material

(Added 9/6/89) Means any substance or mixture by physical characteristic such as flammability, corrosivity, toxicity, reactivity, or infectious characteristics as to pose, a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the township or community.

Trailer

(Added 11/17/93) A trailer is any vehicle with an integrated frame which has or has had an axle and/or wheels and/or electric brakes and/or a towing device (tongue or hitch).

Transitional Plantings

(Added 9/6/89) Plantings that are potted, balled or otherwise temporarily stored for resale.

Use

The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance

A variance is a modification of the zoning resolution where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the resolution would result in unnecessary and undue hardship. As used in the resolution a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Veterinary Hospital and Clinic

(Added 8/18/86) A place for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodation on the premises for treatment, observation and/or recuperation. (It may also include boarding that is incidental to the primary activity.)

Warehouse, Wholesale and Distribution Facility

(Added 12/31/97) A facility which houses a business which primarily stores, sells and distributes large quantities of goods or commodities to customers throughout a regional territory.

Yard

A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front

A yard extending between side lot lines across the front of a lot adjoining a public street. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of three (3) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of three feet and ten feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning inspector may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of all corner lots, a front yard of the required depth shall be provided on all frontages. The minimum depth of required front yards shall be measured horizontally from the property line or right-of-way line to the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch.

Yard, Rear

A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side

A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half-depth front yards have been established shall be considered side yards. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

ARTICLE XIII INTERPRETATION AND ENACTMENT

Section 1300 Provisions of Resolution Declared To Be Minimum Requirements.

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

Section 1301 Separability Clause.

Should any section or provision of this resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1302 Repeal of Conflicting Resolutions, Effective Date.

All resolutions or parts of resolutions in conflict with this zoning resolution, or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law.

PASSED _____
ADOPTED _____
ATTEST _____
(Township Clerk)

Chairman of Board of Township Trustees

AMENDED August 18, 1986
AMENDED September 6, 1989
AMENDED August 21, 1991
AMENDED November 17, 1993
AMENDED February 17, 1995
AMENDED August 14, 1996
AMENDED December 31, 1997
AMENDED January, 2006
AMENDED August 19, 2009

Jerome Township Zoning Resolution
Published 01/06

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JACKIE KETCHUM
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INVESTIGATOR

ERIC YOAKAM

DAVID W. PHILLIPS

PROSECUTING ATTORNEY
UNION COUNTY · OHIO

MEMORANDUM

To: LUC REGIONAL PLANNING COMMISSION
FR: THAYNE GRAY, ASSISTANT PROSECUTING ATTORNEY, UNION COUNTY
RE: REVIEW OF JEROME TOWNSHIP, UNION COUNTY, PROPOSED ZONING RESOLUTION
DT: MARCH 10, 2015

I have reviewed the proposed revised Jerome Township Zoning Resolution, dated February 23, 2015. I have also reviewed comments from David Phillips on the January 2013 version of a proposed Zoning Resolution. The 2015 proposed revision addresses many of the concerns from the earlier version. The following analysis included comments on the 2015 draft as well as the 2013 draft to the extent relevant.

§ 110 "Repealer" language has been clarified.

§200 Record keeping provision has been addressed.

§210.03 There remains a potential problem with the statement on how to perfect an appeal to the BZA. As written, the notice of appeal must be filed with, that is, served upon, the Zoning Inspector because that is only "officer from whom the appeal" could be taken. Still recommend considering changing to perfecting the appeal by filing the Notice of Appeal with the Township Fiscal Officer.

§220 Requirement for "plans, as applicable" to be prepared by a licensed design professional. Given the breadth of activities that require a "plan," I am not certain that the addition of "as applicable" changes the potential for onerous obligations to present drawings prepared by a licensed design professional. It seems that the real concern is that drawings/plans be accurately dimensioned. It does not take a licensed design professional to do that. Consider whether an attestation or affirmation of accuracy is sufficient.

§220.01(5) Does requiring the PTI from the Health Department at the point of applying for a Zoning Certificate still make sense in light of changes to the Household Sewage Treatment regulations that became effective on January 1? Not certain how the requirements under the new HST regulations mesh with the proposed Zoning Certificate process.

§220.03 The time lines for beginning and completing work addressed previous concerns. Continues to suffer from redundant, potentially inconsistent, and certainly ambiguous statements about what happens when work is not 'substantially completed within the prescribed time.

§220.04 Addresses the public records concern regarding copies of the Zoning Certificate.

§220.06 Addresses previous concern about extending BZA authority beyond its statutory limit. Addresses previous concern about the standard of "any" or "materially" false/incorrect information in an application. However, the section does not address how a Zoning Certificate would be "declared void" or who, and on what authority, would issue the "notice of revocation." Given the nature of the interests involved, that process may require a court order.



- §235.03/04 Concerns remain regarding potential equal protection issues for a single owner of contiguous non-conforming lots compared to separate owners of adjoining non-conforming lots.
- §235.05 Concern about *when* a non-conforming use of land begins/exists appears to remain.
- §235.06 Addresses concern regarding determining value
- §235.08(1) This is blank.
- §240.05 Addresses concern about termination of CU on sale of property.
- §300(30) Concerns about the definition of “Family” remain.
- §440.04.4, and similar provisions including §§455.04, 460.04, 470.05, 510.04 The provisions regarding “design, and orientation on the lot” present several concerns. The scope of authority of a township zoning regulations is set out in R.C. §519.02(A). That provision specifically *excludes* “exterior building materials” from the scope of township zoning authority. The “blank walls” provision may and the “building materials” provision certainly violate that restriction. Township zoning authority extends to “the location, height, bulk, number of stories, and size of buildings and other structures....” There may be a fair question about whether that statement of authority extends to specifying where the “main entrance” to a building must be located.
- §500.06.12(b) Open Space Ownership – other provisions refer to an (unspecified) association owning the open space/common area; however, (ii) refers only to a “Condominium Association.” Also, (iii) refers to a “private” nonprofit; not certain if a nonprofit that is deemed a “public foundation” (for tax purposes) would still be “private” or not, but it certainly would/could be an appropriate organization to hold title to conservation lands. Also, “nonprofit” does not necessarily mean charitable; only means that the organization has self-selected to organize under the non-profit laws of a state. “Charitable” or IRC 501(c) organization may be more in line with what you intend.
- §500.08/.09 Is a creating a “development plan” part of the process to establish a Planned Development (e.g. the district “regulations” required by R.C. 519.021(B)) or is the “development plan” distinct from the Planned Development district regulations?
- §615; §300(82) Signs – It appears that many of the previous concerns regarding sign regulation have been addressed.
- Is it correct that the current definition of sign and the sign regulations make some nexus with commercial/professional/economic activity the “trigger” for regulation? While commercial speech has the benefit of 1st Amendment protections, it can be subject to content neutral regulation that would be more problematic for speech by a natural person. That said:
- At top of p. 6-10, what is meant by “personal gain”? If “commercial,” no so much an issue, but if intended as a springboard to generalized “gain,” then it may be problematic.
- §615.03.12 Probably unenforceable; “obscene” has a specialized, if ill-defined, meaning, but “sexual, provocative, or promiscuous” all could easily described protected – even if objectionable – speech.
- §615.03.20 Broad-based prohibition of “realtor signs” just because they are at the entrance to a subdivision is likely to be a problem. Restrictions on placement due to public right of way or visibility issues is another thing; but “entrance” ban may not work.
- 615.04.5 This is a good start, but it is not an adequate description of the breadth of individual speech the 1st Amendment would protect. For example, a “Go Bucks” sign, a large – I mean really big – pink “ribbon” sign, or a huge “yellow” ribbon tied around a big tree, would be examples of other speech through a sign for which you would be hard-pressed to require a permit or regulate as to placement – outside of objective safety criteria.
- §620.05 Not clear that the Township has legal authority under the zoning resolution to *prohibit* planting or cultivating “invasive plants.” Not accepting the specified plants for purposes of meeting landscape requirements is probably okay *if* the township has a fact-based reason for doing so. May not arbitrarily or capriciously ban plants.

§625.01(1) Reference to “apparent drainage course” is probably not enforceable.

§625.01(7) May cross over from zoning regulation to “property maintenance” which may be something the township could do – just not as a “zoning” regulation.

§665 What is the source of the setback/buffer distances? Is it from fact-based research, or “thin air”? Location regulations are permitted under zoning resolutions, but they must be reasonable and the Township should be prepared to defend its choices with evidence for why it made those choices. Consider whether it is possible to comply with all of those setback/buffer restrictions and find a location in a permissible district in the township.

I have not reviewed for any changes in the use of the NAICS codes or the potential effect of any changes that were made.

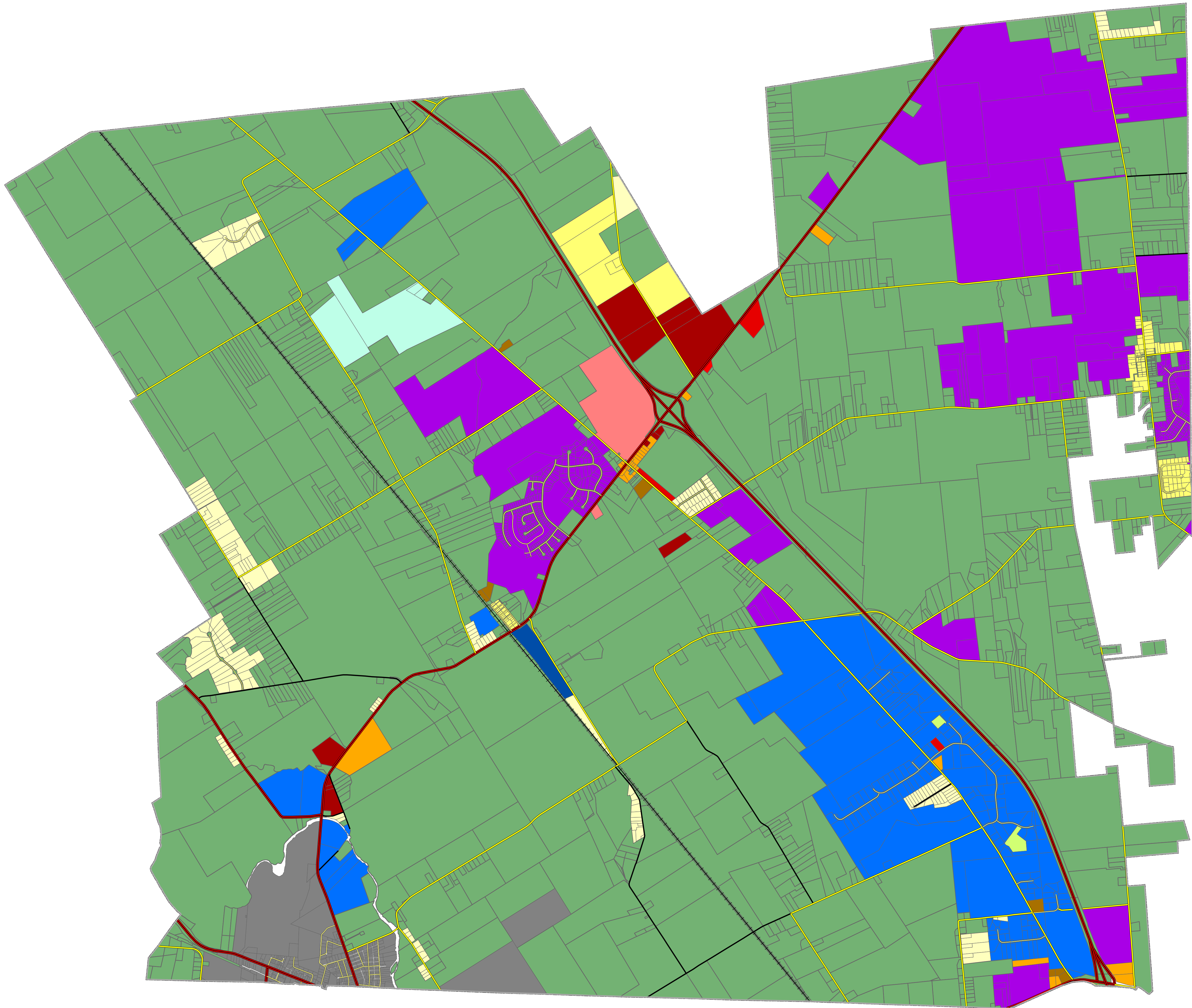
I have not reviewed for changes relating to how the proposed Resolution addresses “agriculture” or the potential effect of any such changes.

Jerome Township Zoning Map



Logan-Union-Champaign
Regional Planning Commission
9676 E. Foundry St.
East Liberty, OH 43319
(937) 666-3431

Map Created: July 2004
Map Revised: December 2014



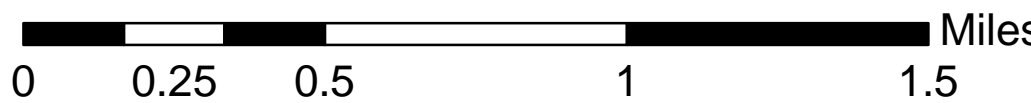
Jerome Roads

- Ramp; State Highway; US Highway
- County Highway
- Township Highway
- Township Road
- ++++ Railroad

- Jerome
- Parcels

Zoning

- U-1
- R-1
- R-2
- B-1
- B-11
- B-12
- B-13
- B-14
- B-15
- M-1
- M-2
- PUD
- SR-1
- SR-2
- Plain City



Union County



Jerome Township Proposed Zoning Map



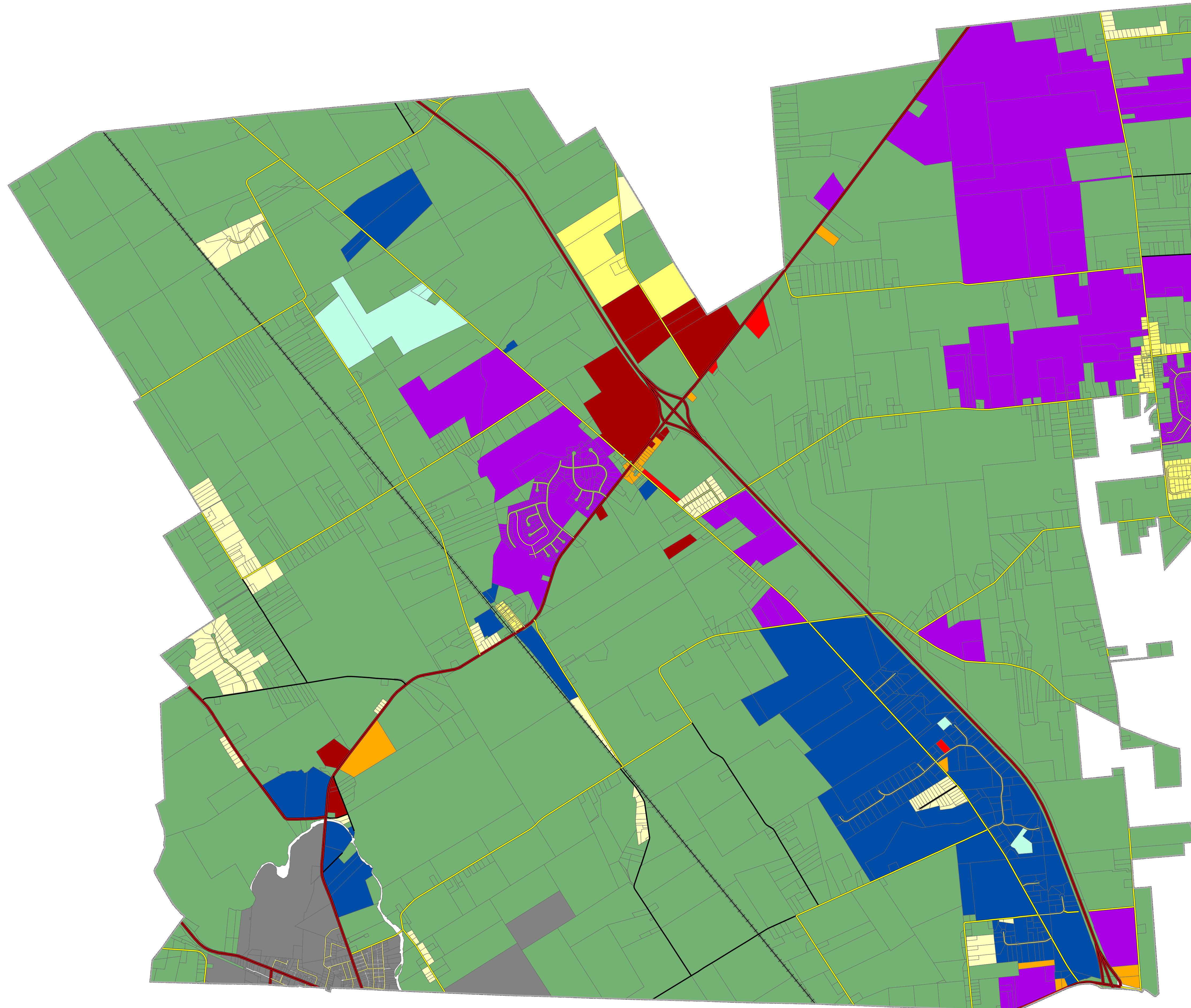
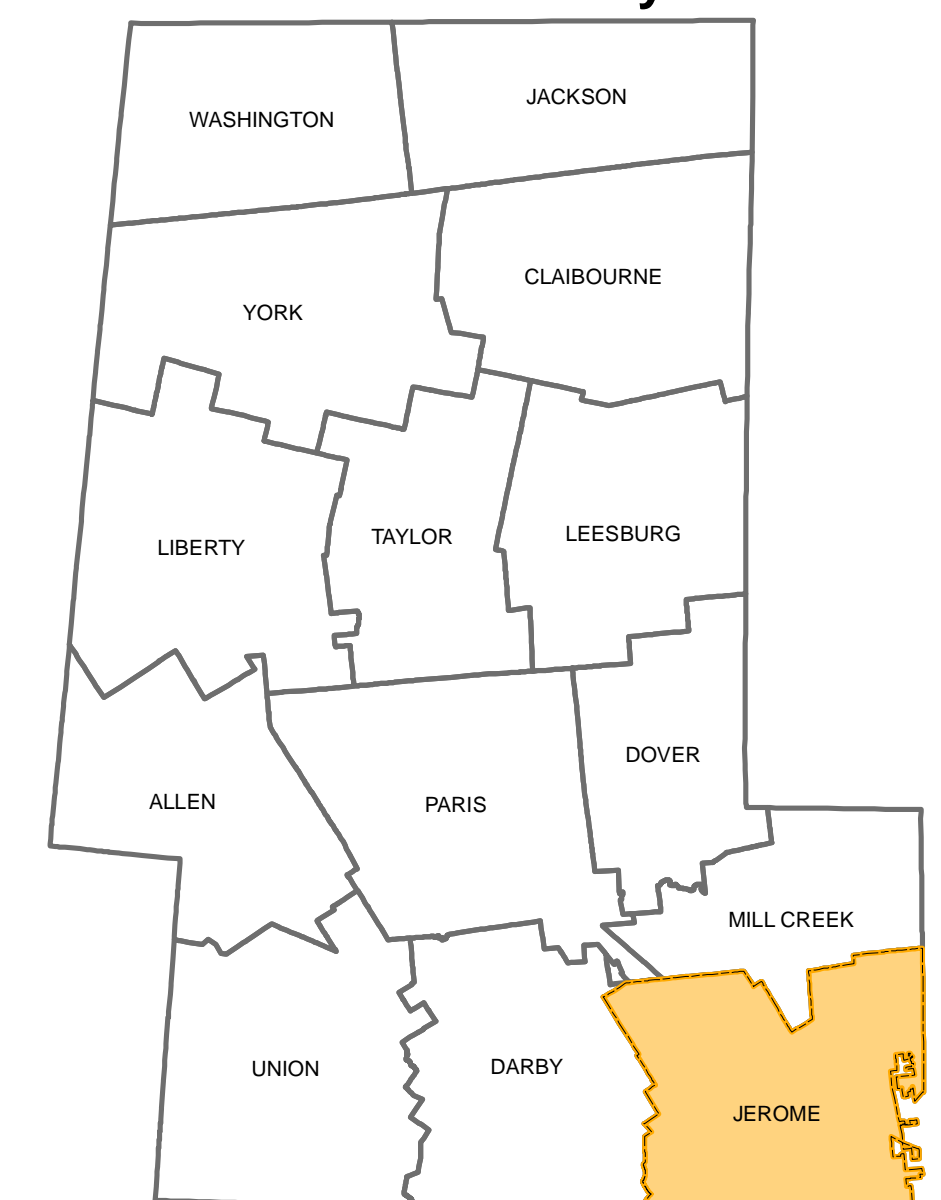
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Jerome Roads	Zoning
Ramp; State Highway; US Highway	RU
County Highway	LDR
Township Highway	MDR
Township Road	ORM
Railroad	LR
Jerome	RR
Parcels	COM
	PD
	SRE
	Plain City

0 0.25 0.5 1 1.5 Miles

Union County





Zoning & Subdivision Committee
Thursday, March 12, 2015

The Zoning and Subdivision Committee met in regular session on Thursday, March 12, 2015, at 12:03 pm at the LUC East Liberty Office. Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Scott Coleman, Greg DeLong, Wes Dodds, Charles Hall, Paul Hammersmith, Heather Martin, Steve McCall, Jeff Stauch, Skyler Wood and Andy Yoder. Absent Member: Pam Babjack.

Guests included: Todd Faris, Fairs Planning & Design; Joe Thomas, Metro Development; Matt Gerken, Terrain Evolution; Steve Lenker ELTI, LLC; Gus Crim, Joseph Skilken & Co; Steve Skilken, Joseph Skilken & Co; Dean Baumgartner, Ford & Associates Architects; Roger Brown, Village of Russells Point.

Scott Coleman chaired the Zoning & Subdivision Committee Meeting.

Charles Hall moved a motion to approve the minutes from the February 12, 2015 meeting as written and Andy Yoder seconded. All in favor.

1. Review of Britonwood Preliminary Plat (Union County) – Staff Report by Brad Bodenmiller, given by Dave Gulden
 - Bill Narducci stated the Health Department is asking that the developer provide services to the properties to the north for future potential connection and the Union County Engineer's office supports that. Bill has concern that this won't be done because there isn't technically a review agency that will review the sanitary plans because it's a quasi-public system.
 - Andy Yoder – In regards to going from 2" water lines to 8", is where they're tapping it into an 8"?
 - Bill Narducci – There is an 8" line on Wells Road and a 12" line on Jerome. They are tying in at Jerome, so it would be a 12" line.
 - Steve Lenker – Would we need to be below footer or would it intersect with the current system? I'm concerned about lowering it or making the entire parcel deeper due to grade. Any clarification?
 - Bill Narducci – If you can serve them today, if you can intercept what they currently have then sufficient depth would be provided as the property sets today.
 - Paul Hammersmith – Are there any turn lane improvements on Jerome Road?
 - Bill Narducci – Not in regards to this development.
 - Paul Hammersmith – There's no northbound turn lane planned?



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Director: Dave Gulden, AICP

- Bill Narducci - No
 - Steve Lenker – In the letter from Bill there was a request for an additional 10 feet right away. Was that in addition to what we've provided?
 - Bill Narducci – No.
 - Greg DeLong moved a motion to recommend approval of the Britonwood Preliminary Plat with staff and reviewing agency comments and Andy Yoder seconded. All in favor.
2. Review of Dublin Green Zoning Parcel Amendment (Union County) – Staff Report by Brad Bodenmiller
- Greg DeLong – Where are we at with the Traffic Impact Study?
 - Dean Baumgartner reported they completed the study.
 - Bill Narducci reported that they did receive the study on Friday. The City of Dublin, Franklin County and ODOT should also have copies.
 - Jeff Stauch moved a motion to recommend approval of the Dublin Green Zoning Parcel Amendment with staff comments and Steve McCall seconded. All in favor.
3. Review of Northern Lakes PUD Amendment (Union County) – Staff Report by Brad Bodenmiller
- Bill Narducci – We appreciate the comment about the pond in the Staff Report, it was hard to determine how close it was to the road looking at the plans. It looks closer than we would recommend. Our standard is 100 feet from the right of way. We've had discussions recently regarding this and they're working with us to address the issue. We'd also like the development to provide some kind of secondary access for the development based on the existing zoning. It's a fairly dense development and regarding fire access, we would strongly recommend a secondary access.
 - Scott Coleman – Do you know what the fire district recommend?
 - Paul Hammersmith – Was there any sort of traffic impact study?
 - Bill Narducci – I think it's on the way. We haven't seen the final study yet, but I think it's just gotten underway.
 - Paul Hammersmith – Until the traffic study is done, I don't think this should be here for approval. This just seems like an odd development there. I believe it's to tie into the current residential developments. It's hard to just approve this sort of land use and not know those impacts. My guess is that it will just get deferred and nothing will happen with it.
 - Charles Hall – I agree, a Traffic Impact Study is essential with everything going on in that area.
 - Paul Hammersmith – Was anything submitted?

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- Bill Narducci – We do have an MOU but it doesn't have any proposed improvement.
- Jeff Stauch – I don't believe we've talked to the township in any detail about this proposal at this point.
- Dave Gulden pointed out that the township comprehensive plan calls for this type of use in this location.
- Greg DeLong – Do we have a map of the comprehensive plan? Because this development just seems odd to me too.
 - Brad Bodenmiller showed the committee the map from page 6-3 of the current Jerome Township Comprehensive Plan that clearly shows high density residential at the corner of Warner Rd and Industrial Pkwy.
- Charles Hall – So their sewage is going where? Marysville? And the pond, how close to the road are those?
 - Todd Faris – The pond is showing 50 foot but it's conceptual, the 100 foot would be possible.
 - Charles – Is there any protection to the pond?
 - Todd – They have a low shallow slope going in; I don't know about the barriers. There are provisions within the pond.
- Matt Gerkin - As far as barriers for the pond, we could possibly do that.
 - Bill Narducci – We're going to set some minimums. The less berms and barriers the better. But getting the pond away from road. We require a 100 feet from the right of way.
- Scott Coleman – You have no traffic impact study yet? But you have an MOU?
 - Bill Narducci – Correct.
- Greg DeLong – Has consideration to a secondary access been considered?
- Roger Brown – With the ponds and all the houses, what if something happens at the front preventing access to the development, how does anyone get in and out of the development?
 - Joe Thomas - We'll work with the Union County Engineer's office for the matters that have been brought up.
- Paul Hammersmith – I'd recommend a denial or a conditional approval until we have more information.
- Charles – I agree.
- Joe Thomas, Jr of Metro Development requested a tabling until such time that the Traffic Impact Study and other issues have been resolved.
- Paul Hammersmith moved a motion to accept the developer's request to table the Northern Lakes PUD Amendment and Charles Hall seconded. All in favor.

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4. Review of Jerome Township Zoning Code Re-write (Union County) – Staff Report by Brad Bodenmiller
 - Brad Bodenmiller provided the committee with the Union County Prosecutor's Office March 10 memo that provided further comment into the proposed zoning code.
 - Paul Hammersmith – What do you think the intent is for the PUD section 500.09?
 - Bill Narducci – I think it's just allowing more control.
 - Andy Yoder – Won't that limit what they can do for any issues that happen?
 - Brad Bodenmiller – They should be able to go back to what the development plan says. They should be very specific in the development plan regarding the landscaping.
 - Dave Gulden – Can you touch on how RV's are affected by that section 610.07?
 - Brad Bodenmiller –RV's would have to be parked in garages.
 - Wes Dodds – In regards to the Farmer's Markets, there are circumstances that determine whether it can be regulated or not. If more than 50% of the products sold is produced on site then it can be exempted but if not, then it isn't.
 - Greg DeLong moved a motion to recommend approval of the Jerome Township Zoning Code Re-write with staff comments and the Union County Prosecutor's Office comments and Charles Hall seconded. All in favor.

The Zoning and Subdivision Committee adjourned at 12:53 pm with Steve McCall moving the motion to adjourn and Paul Hammersmith seconded. All in favor.

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