

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF THE JEFFERSON COUNTY INDUSTRIAL PARK**

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ARTICLE I. NECESSITY OF REVIEW AND APPROVAL

From and after January 1, 2000, no improvement shall be commenced, constructed, erected, placed, maintained or permitted upon any part of the Jefferson County Industrial Park ("Industrial Park"); nor shall any addition or exterior alteration be made thereof; nor shall any landscaping or mounding be initiated or any sign be erected or altered, unless and until the plans and specifications for the same, in such form and detail as the Industrial Park Committee (as defined in Article II) may deem necessary, shall have been submitted to and approved by the Committee, as provided in Article III.

ARTICLE II. INDUSTRIAL PARK COMMITTEE

A. Committee The Industrial Park Committee shall be made up of one (1) representative from each property and/or business located in the Industrial Park, the Chairman and/or the Vice President of the Jefferson County Port Authority Board of Directors, the Director or designee of the Director of the Jefferson County Port Authority, the Director of the Jefferson County Regional Planning Commission, the Chairman of the Board of the Jefferson County Commissioners or his/her appointed representative, the Director of the Brooke-Hancock-Jefferson Metropolitan Planning Commission, and one (1) Island Creek Trustee.

A majority of the members of the Industrial Park Committee shall constitute a quorum of such committee and are vested with authority to make any decision, perform any acts and execute any written instruments of approval or consent required by these restrictions. The Industrial Park Committee shall have full power to select, appoint, retain and use any agents or subcommittee of any type and nature as it deems advisable to render such assistance to said Industrial Park Committee and to perform such acts as said Industrial Park Committee shall determine.

The Industrial Park Committee shall have full power and authority to enact regulations for procedures for the conduct of its meetings, and all other matters necessary or incident to the proper functioning of said Industrial Park Committee as representative of the owners of land within the Industrial Park.

Members of the Industrial Park Committee who own property and/or businesses located within the Industrial Park ("Owners") shall avoid conflicts of interest when voting on items pertaining to their property and/or business by abstaining from such votes.

B. Limitations on Liability Neither the Owners, the Industrial Park Committee, nor individual members of the Jefferson County Port Authority or their respective agents, successors, heirs or assigns shall be liable in damages to anyone submitting plans and specifications to the Industrial Park Committee for approval, or to any person having an interest in any of the Property affected by this Declaration, by reason of (1) the Industrial Park Committee's approval or disapproval of any plans and specifications, whether or not defective; (2) any construction performed or nonperformance by an owner of any work or improvements, whether or not pursuant to approved plan and specifications; (3) any mistake in judgment, negligence, action

or omission in exercising the Industrial Park Committee's powers and duties hereunder; or (4) the enforcement or failure to enforce any of the terms of the Committee's plans and standards.

Every person who submits plans to the Industrial Park Committee for approval agrees, by submission of such plans and specifications, and every Owner or other person who acquires an interest in any portion of the Industrial Park agrees, by acquiring title or an interest therein, that he or she will not bring any action or suit to recover any such damages. The Industrial Park Committee's approval of any submitted plans and specification shall not constitute the assumption of any responsibility by, or impose any liability upon the Industrial Park Committee or its members or agents as to the accuracy or sufficiency thereof.

ARTICLE III. PLAN REVIEW

A. Approval or Disapproval of Plans and Specifications The Industrial Park Committee shall approve or disapprove any plans and specifications submitted to it predicated on the Industrial Park Committee's sole opinion as to whether the improvements conform to its duly adopted plan and standards provided; however, the Industrial Park Committee shall exercise its powers in a reasonable manner and in good faith, and shall not arbitrarily or unreasonably withhold its approval of plans and specifications. If plans and specifications are not sufficiently complete or are otherwise inadequate, the Industrial Park Committee may reject them as being inadequate or may approve or disapprove them in part, conditionally or unconditionally, and reject or approve the balance. The decision of the Industrial Park Committee may be appealed to the Jefferson County Port Authority. The decision of the Jefferson County Port Authority shall be final, conclusive and binding on the applicant and all other persons.

B. Required Development Plans Development plans shall be in such form and contain such information as may be required by the Industrial Park Committee but shall contain the following information at a minimum. All plans must be prepared at a reasonable scale for review. These plans may be combined together to simplify submittal. The applicant shall submit three (3) copies of all development plans.

1. **Site Development and Grading Plan** Shows nature, kind, shape, composition and location of all main and accessory structures with respect to lot and adjoining lots. Front, rear and side setback lines must be designated on the site plan.
2. **Building Elevation Plan** Shows the height and bulk of structures, exterior building materials, colors and textures to be used and the height and bulk of any roof-mounted mechanical equipment.
3. **Parking and Service Plan** Shows the location of vehicular access, the number and location of all parking spaces and driveways on the lot and all truck loading spaces. Must include an estimate of the maximum number of total employees and employment total by shifts.
4. **Utility Plan** Shows on-site utility alignments and storm drainage systems including any storm water detention or retention systems.
5. **Landscape Plan** Shows location and nature of all landscaping, provisions for open space, paving, fences and walls planned for the site and location of refuse or storage areas.
6. **Signage Plan** Shows proposed location of signs including dimensions, color and materials and method of illumination.
7. **Lighting Plan** Shows the location and method of exterior lighting.

8. **Architectural Rendering of Proposed Building(s)**

C. Variances In those instances where strict compliance with covenants or restrictions creates an undue physical hardship by depriving the owner or lessee the reasonable use of a parcel, or where there are unusual physical characteristics which affect a parcel or use in question and which would make strict compliance with these covenants or restrictions unfeasible, the Industrial Park Committee may grant the owner or lessee a variance from the covenants or restrictions as long as the general purpose of the covenants or restrictions is maintained.

Any variance approved shall only be applicable to the specific parcel and shall in no respect constitute a change in or affect the terms or conditions set out in the covenants or restrictions as same apply to other parcels or conditions. The Jefferson County Port Authority reserves the right to review any decision by the Industrial Park Committee to grant or deny a variance.

D. Inspection and Enforcement Industrial Park Committee members or their agents may from time to time at any reasonable hour and upon reasonable prior notice enter any parcel of property within the Industrial Park and inspect the improvements to ascertain compliance with this Declaration. If any portion of the parcel has been altered or improved without prior approval of the Industrial Park Committee, or deteriorates in condition through casualty or lack of maintenance, then the Owner shall, upon demand of the Industrial Park Committee, cause the improvements to be restored to conform to the plan and standards of the Industrial Park Committee then in effect. The Owner shall bear all costs and expenses of such restoration and the costs of the Industrial Park Committee including reasonable attorney fees. Any processes, methods or products observed by members of the Industrial Park Committee during inspections under this Section shall not be disclosed.

ARTICLE IV. GENERAL PROVISIONS

A. Permitted Uses All individual parcels in the Industrial Park shall be used for offices, laboratories, manufacturing processes, testing, repair, research/development and distribution activities.

B. Prohibited Uses Uses which create objectionable noise, odor, vibration, fumes, glare, heat, hazard, radiation or waste problems are prohibited. The following uses are expressly prohibited:

- Residential Construction
- Commercial incineration
- Auto wrecking or salvage yards of any types
- Open storage of waste paper, rags, scrap metals, scrap glass
- Central mixing plant for asphalt or concrete
- Processes emitting excessive odor, dust, fumes, noise, smoke or vibration
- Sanitary landfills

C. Required Standards

1. **Setback Line** All structures or buildings erected shall comply with the following dimensions. Setbacks shall be measured from the wall of the building or the end of the loading dock, whichever is closer to the property line.

- **Front Construction Line** All buildings and structures shall be setback not less than fifty (50) feet from the street right-of-way. Only walks, driveways, visitor and executive parking and landscaping shall be permitted in the setback area.
 - **Side Construction Line** All buildings and structures shall be setback not less than twenty (20) feet from side property lines.
 - **Rear Construction** All buildings and structures shall be setback not less than twenty (20) feet from rear property lines.
2. **Building Height Limitations** No building or structure shall exceed two stories or forty-five (45) feet in height. Any building or structure over thirty-five (35) feet in height will require a setback from the nearest property line at least 25% greater in linear footage than the height of the building.
 3. **Land-to-Building Ratio** To assure adequate space for parking, loading, and aesthetics, the land-to-building ratio shall be no less than 2 to 1.
 4. **Off-Street Parking and Loading** No parking on streets is permitted. With the exception of executive and visitor parking, all parking is to be located to the side or the rear of building. There shall be one (1) parking space for every 1.3 employees on combined shifts and the lesser of one (1) visitor space for every 1.5 employees or twenty (20) parking spaces shall be required. All surfaces must be paved with concrete or asphalt. All paved areas shall be appropriately drained so storm water will not create erosion. All loading and unloading shall be conducted upon the parcel and not on any right-of-way.
 5. **Landscaping** The total ground area of the parcel not covered by buildings, paved parking, interior roadways and service areas is to be landscaped with suitable cover material and maintained in a neat and attractive condition at all times. Suitable landscape treatment may include the use of lawns, ground covers, shade and ornamental trees, specimen and flowering trees and shrubs, hedges, decorative mulches and terraces. No more than fifteen (15) percent of the landscaped area may be covered with a non-vegetative treatment or decorative mulch. All slopes greater than 25% shall be covered entirely by grass/ground cover. Landscaping shall be completed within one (1) year after substantial completion of construction.

A landscaped buffer strip must be provided around the perimeter of the parcel under one ownership. Measured from the property line, the landscaped buffer strip must be ten (10) feet in the front yard, three (3) feet wide at each side yard and three (3) feet wide in the back yard. In addition, a landscaped strip ten (10) feet wide must be provided around the perimeter of the building(s).

6. **Signs** No billboards or advertising signs other than those identifying the names, business and products of the firm or business occupying the premises shall be permitted. No flashing, animated or glaring signs shall be permitted. Except for entrance and directional signs or a ground mounted identification sign as an alternate to an identification sign on the building, all signs shall be placed on the front of the building.

No building-mounted sign shall project above the roof line of the building. Lettering shall be at a size appropriate to the scale of the building; however, each letter will not exceed a maximum height of six (6) feet. Directional signs shall be of a uniform type and permanent quality and will

not exceed four (4) square feet in area. Ground-mounted identification and entrance signs will not exceed thirty-five (35) square feet in area. "For Sale" or lease signs may not exceed sixteen (16) square feet in area.

7. **Building Materials** All exterior walls of buildings are to be finished in materials of pleasing and harmonious appearance. Factors to be considered for approval by the Industrial Park Committee include design, compatibility, color and texture.
8. **Storm Water Detention** Peak storm runoff, if not connected to a public storm sewer system, shall be limited to an amount or quantity that is no greater than the existing peak storm water discharge before proposed development. The peak storm runoff shall be computed, applying the "rational method," with the basis of an average rainfall intensity of 5.16 inches per hour. U.S. NPDES standards and Ohio State EPA standards must be complied with to receive the required state permits.
9. **Storage Areas** Outdoor storage of materials, supplies, products and equipment shall be permitted only in areas which do not front on streets, and only if enclosed or screened by an approved wall, planting, earthen mound or other suitable barriers, providing year-around visual screening from adjacent properties. Tanks for the above-ground storage of liquids or gases shall be permitted to the rear of the property only.
10. **Waste Disposal and Storage** All refuse, trash and waste, if stored outside of a building, is to be kept in closed, screened, fire resistant sanitary containers. All disposal and storage areas shall be shown on the site plan and landscape plan. Refuse containers, in and of themselves, will not be considered adequate screening devices. Refuse containers shall not be stored in front of building(s).
11. **Transmitting, Receiving Towers, Dishes or Antennas** All visible towers, dishes or antennas shall be identified on site plan and approved by the Industrial Park Committee before installation.
12. **Utilities and Services** All on-site utility lines are to be placed underground. The primary or secondary power service and telephone service to the building shall be placed underground from the utility company's facilities in the street or adjacent right of way. Ground mounted power transformers shall be located in the side or rear yards and must be screened from view with appropriate vegetative cover. Natural or manufactured gas piping, including but not limited to propane, nitrogen, etc., shall not be located in the front yard and shall be screened from view.
13. **Exterior Lighting** An overall illumination plan indicating the placement of lights, type of fixtures and pole heights shall be approved by the Industrial Park Committee. Wiring for exterior lighting fixtures shall be installed underground. Lighting shall be in keeping with the design and function of the building. In order to minimize the trespass of light onto adjacent properties, only lighting fixtures utilizing shielded or screened lamps and designed to control glare shall be considered by the Industrial Park Committee. Flood lighting is only permitted at the rear of the building.
14. **Mechanical Equipment** If visible from outside a building, mechanical equipment, including air handlers, condensers, compressors, ventilators, chimneys, stacks, duct work, vents and conductors must be screened, erected, used and installed as approved by the Industrial Park Committee. All mechanical equipment which is roof-mounted and projects more than eighteen (18) inches from roof surfaces must be screened by an enclosure. No mechanical equipment is to be exposed on the wall surface of a building unless painted consistent with wall color schemes. Vents/louvers, flashing and

framed openings in wall surfaces are to be painted in accordance with the color scheme of the building.

15. **Fences and Walls** No fencing is permitted within the setback areas. Limited utility fencing to enclose hazardous or dangerous areas or to secure areas may be approved provided they are designed in harmony with the surroundings and apply landscaping or other suitable screening devices. All screening shall be shown on the site plan and shall be approved by the Approval Committee.

ARTICLE V. OTHER ITEMS

A. Covenants to Run with the Land Each grantee of any portion of the Industrial Park, by the acceptance of a deed of conveyance, accepts the same subject to all restrictions, conditions, covenants, reservations, modifications and the jurisdictions, rights, and powers of the Jefferson County Port Authority, created or reserved by this Declaration, and all rights, benefits, and privileges of every character hereby created, granted, reserved or declared, and all impositions and obligations hereby imposed shall run with the land and each and every part thereof and bind each and every owner as though the provisions of this Declaration were recited and stipulated at length in each and every deed of conveyance.

B. Amendments to Covenants Amendments to the Declaration of Covenants, Conditions and Restrictions of the Jefferson County Industrial Park require concurrence by a vote of the Industrial Park Committee, the Jefferson County Port Authority Board of Directors and the Jefferson County Commissioners.