

RECORDED 04-15-2016 01:08 PM

FEE: \$118.00

CLERK &amp; REG OF DEEDS

DAVID DOWLING

CEDAR COUNTY, NE

SUBMITTED BY: Monson &amp; Holloway Law Offices - Laurel

ELECTRONICALLY RECORDED BY: CTS

BOOK 62 PAGE 386

adopt rules of procedure, subject to the prior approval and adoption of the Board of Directors, which rules of procedure shall include provisions substantially to the following effect:

- a) The Committee shall hold regular meetings as necessary;
- b) A majority of the members of the Committee present at any meeting shall constitute a quorum;
- c) The Committee shall maintain minutes of its meetings and a record of the votes taken;
- d) All meetings of the Committee shall be open to the Members of the Association and any vote of the Committee shall be taken at an open meeting. Nothing contained herein, however, shall prevent the Committee from meeting in closed session or executive session in accordance with State laws or regulations;
- e) A copy of all minutes, rules, regulations, and policy statements of the Committee shall be filed with the records of the Association and shall be maintained by the Association as a permanent public record. The Association shall make copies thereof available to any interested Member for copying.

**5.07 Expenses of the Committee.** The Association shall pay all ordinary and necessary expenses of the Committee; provided, however no member of the Committee shall be paid any salary or receive any other form of compensation.

**5.08 Right of Entry.** The Association and the Committee through their authorized officers, employees, and agents shall have the right to enter upon any Lot at all reasonable times for the purpose of ascertaining whether such Lot or the construction, erection, placement, remodeling, or alteration of any structure thereon is in compliance with the provisions of this Article and Article VI without the Association or the Committee or such officer, employee, or agent being deemed to have committed a trespass or wrongful act solely by reason of such action or actions.

#### Article VI:

##### General Restrictions on the Use of Lots and Improvements to be Made Thereon

**6.01 Governing Document Restrictions.** Use of the Lots and Common Area is subject to the restrictions described in the Association's Governing Documents.

**6.02 Zoning Regulations.** The Property shall not be used for any purpose other than as permitted in the Cedar County, Nebraska zoning ordinances or the laws, rules, or regulations of any governmental authority in force and effect on the date of recording of this Declaration as the same may be hereafter from time to time amended.

**6.03 Restrictive Covenants and Building Restrictions.** The following restrictive covenants and building restrictions are established for the purpose of enhancing and protecting the value, desirability and attractiveness of the Property:

- a) Construction of any improvement shall be completed within two (2) years from the date of commencement of excavation or construction of the improvement.
- b) No Lot shall be used except for residential purposes and each Lot is only permitted to have three (3) buildings or structures located on each Lot, including, but not limited to, campers, RVs, tents, and cabins. No Lot shall be permitted to have a mobile home or trailer house located thereon, either temporarily or permanently. The terms "mobile home" and "trailer house" shall be given their ordinary and customary meaning and shall not include within their meaning a RV or camper.

RECORDED 04-15-2016 01:08 PM

FEE: \$118.00

CLERK &amp; REG OF DEEDS

DAVID DOWLING

CEDAR COUNTY, NE

SUBMITTED BY: Monson &amp; Holloway Law Offices - Laurel

ELECTRONICALLY RECORDED BY: CTS

BOOK 62 PAGE 387

- c) No animals, livestock, or poultry or any other kind of animals shall be raised, bred, or kept on Lot except that of dogs, cats, or other household pets can be kept, provided they are not bred or maintained for any commercial purpose. No roaming pets permitted.
- d) No noxious or offensive trade or activities shall be carried on upon any Lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. All weeds and grass shall be kept cut down to a maximum height of twelve (12) inches above ground level and all Lots shall be kept free of all types of trash and debris.
- e) No signs promoting or advertising commercial activity of any kind shall be permitted to be placed on the property unless written prior approval is granted by the Committee.
- f) All Lots shall be used only for residential and associated recreational purposes. No person may engage in any business or occupation upon a Lot or Lots except by written consent of the Association.
- g) The exterior color of a building or structure must be consistent with a more traditional color that typifies a more natural and neutral tone color/scheme and not any unnatural/untypical bold color.
- h) No building permanent structures within ten (10) feet of Lot lines and within twenty (20) feet of Lot lines which abut private roads on the Plat.
- i) Owners and their guests must comply with all local rules and regulations regarding fire safety and the operation of a fire pit. Any fire pit on a Lot must be dug into the ground at least six (6) inches and surrounded by rock or cement blocks as a barrier.
- j) Owner shall comply with all other requirements imposed by the Association through its adoption of regulations as hereafter permitted and shall also comply with all applicable regulations imposed by Cedar County, Nebraska or the State of Nebraska relating to construction standards.
- k) No tower or radio or television antenna shall be permitted without the prior approval of the Association or the Committee.
- l) No digital satellite dish larger than twenty (20) inches in diameter shall be permitted and any such permitted satellite dish shall be located and screened so as to be as unobtrusive as is reasonably possible.
- m) Each Owner shall be responsible for the proper storage and disposal of all construction debris and materials associated with the construction of any improvement upon their Lot. During construction on any Lot, the Owner shall be responsible to erect and maintain adequate erosion control measures to prevent soil runoff upon adjoining Lots or streets.

**6.04 Leases.** No Owner of a shall lease to another any such Lot or part thereof unless such lease shall be in writing for an initial term of not less than six (6) months and shall expressly provide that the terms of such lease shall be subject in all respects to the provisions of this Declaration and the Articles of Incorporation, Bylaws, and rules and regulations of the Association, and that any failure by the lessee to comply with the terms of such documents shall be a default under such lease. The Board shall be provided with copies of leases on request.

**6.05 Maintenance of Premises and Improvements.** Each Owner or resident shall at all times keep his premises, buildings, improvements, and appurtenances in a safe, clean, neat, and sanitary condition. The Owner or resident shall comply with all laws, ordinances, and regulations pertaining to health, safety, and pollution, and shall provide for storage and removal of trash and rubbish from the Lot in a manner to be approved by the Committee.

## **"M-R" MISSOURI RIVER RECREATIONAL DISTRICT**

The intent of the Missouri River Recreational District shall be to protect water quality and other natural or cultural resources while allowing for residential development, limited agricultural uses, mining operations and recreational activities and preserving the use of this land primarily for such purposes.

**SECTION 1. PERMITTED PRINCIPAL USES.** The following principal uses are permitted in the Missouri River Recreational District.

1. General agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises with the exclusion of livestock feeding operations, provided all requirements of these Regulations are met.
2. Single Family dwellings on lots of ten (10) acres or more.
3. Utility substation, pumping stations, water reservoir and telephone exchange.
4. Public parks and recreation areas, playgrounds, community centers, forest and conservation areas, private non-commercial recreation areas including country clubs, swimming pools and golf courses but not including commercial miniature golf, golf driving ranges, motorized cart tracks.

Provided, however, no residence or LFO is permitted within 200 yards of any public hunting area in the M-R District. Also, no residence, LFO, or water well is permitted within 1,000 feet of any existing public supply well.

**SECTION 2. CONDITIONAL USES.** The Governing Body may, by conditional use permit, authorize the following exceptions subject to such conditions as the Governing Body deems necessary:

1. New single-family dwellings on lots no less than one (1) acre provided the Intensity of Use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts include those that have frontage on a minimum maintenance or undeveloped primitive road. The Conditional Use Permit shall include the cost of improving the road as a condition of the permit.
2. Privately owned parks, playgrounds, golf courses, dude ranches, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges. All uses requiring buildings or structures shall conform to the flood plain regulations.
3. Privately owned cabins and seasonal dwellings subject to the flood plain regulations and subdivision regulations.
4. Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirement

of the Supplementary District Regulations.

5. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, and museums.
6. Radio and television towers and transmitters.
7. Airports.
8. Cemetery.
9. Community sewage disposal facilities.
10. Church, seminary and convents.
11. Public and parochial school.
12. Sanitary landfill siting or expansion conducted in a manner and method approved by the County Board of Supervisors, provided said landfill is not closer than one thousand (1000) feet to a municipal well and/or one (1) mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution.
13. Lawn and Garden Nurseries.
14. Seed and feed sales, machine repair shop, livestock equipment construction and sales, as a primary occupation in conjunction with an agricultural operation and operated on the premises.
15. Commercial Kennels and facilities for raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.
16. The spreading or stockpiling of sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the County.
17. Livestock Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Cedar County Comprehensive Plan as fully set out in the regulations for A-1 District.

### SECTION 3. HEIGHT AREA AND INTENSITY REGULATIONS

In the Missouri River Recreational District the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows set forth in the A-1 District, provided, however minimum lot size for seasonal dwellings is three (3) acres.

(Road R.O.W to be considered and used as frontage of lots ONLY. Rev.1-20-09)

## DISTRICTS, BOUNDARIES AND MAPS

SECTION 1. PURPOSE OF DISTRICT. The purpose of this resolution is to encourage the most appropriate use of land, to promote the highest and best use and conserve and stabilize property values, to aid in providing space for public uses, and to promote orderly growth, public health, safety and general welfare.

SECTION 2. This zoning regulation divides the zoning area into districts designated on the zoning map and described in specific articles herein.

SECTION 3. DISTRICT ZONING MAP. The boundaries of the district are shown on the map and/or sections thereof attached hereto and made a part of this regulation, which map is designated as the "Official Zoning Map". The Official Zoning Map and all notations, references and other information shown thereon are a part of this regulation and have the same force and effect as if said map and all the notations, references and other information shown thereon were all fully set forth or described herein. The Official Zoning Map is properly attested and is on file in the office of the Clerk having jurisdiction.

SECTION 4. ANNEXATION RULE. All territory which may hereafter become the zoning jurisdiction of the County as a result of a city or village jurisdiction boundary change, shall be in the "A-2" Agricultural-Transitional District and be confirmed by amending the Zoning District map following the procedures outlined by these regulations. Should the use of the property not conform to the permitted use in the "A-2" Agricultural-Transitional District, the property shall be considered a legal and non-conforming use and shall remain so until rezoned to the appropriate zoning district following the rezoning procedures outlined in these regulations.

SECTION 5. RULES WHERE UNCERTAINTY MAY ARISE. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this regulation, the following rules apply:

1. The district boundaries are the centerline of either streets or alleys unless otherwise shown.
2. Where the property has been or may hereafter be divided in blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this regulation are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.

"R-1" RESIDENTIAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The R-1 district is established for the purpose of low density single-family dwelling control and to allow certain public facilities. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes. The intent of this district is to recognize the gradual urbanization near cities and to provide for the proper development and facilities necessary for future growth.

SECTION 2. PERMITTED PRINCIPAL USES. The following principal uses are permitted in the R-1 Residential District.

1. Single-family dwellings.
2. General agricultural operations, but this shall not include or permit:
  - A. Livestock feeding operations.
  - B. The spreading, accumulation, feeding or use of garbage or animal waste in any manner on the open surface of the land.
  - C. A use or activity engaged in within three hundred (300) feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise.
  - D. The construction of agricultural buildings or structures closer than sixty (60) feet from the right-of-way.
3. Public parks and recreational areas and community buildings owned and operated by a public agency.
4. Churches, synagogues, and other similar places of worship.
5. Public and parochial schools.
6. Golf courses, pitch and putt golf courses and driving tees. Miniature golf is permitted if it is a part of the total golfing operation.
7. Home occupations.
8. Accessory buildings and uses.

SECTION 3. CONDITIONAL USES. The Governing Body may, by conditional use permit, authorize the following exceptions, subject to such conditions as the Governing Body deems necessary:

1. Any public building erected on land used by any department of the City, County, State or Federal Government.

2. Telephone exchange, electric substations, communication towers and structures, regulatory stations or other public utilities.
3. Medical Clinic, hospitals, rest homes, and nursing homes.
4. Vocational, private and business schools.
5. Multi-unit dwellings.

SECTION 4. LOT REQUIREMENTS. In the R-1 Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot or tract, shall be as follows subject to the sanitary requirements of these Regulations: (Road R.O.W to be considered and used as frontage of lots ONLY. Rev.1-20-09)

1. There shall be a front yard of not less than thirty (30) feet.
2. There shall be a side yard on each side of a building not less than eight (8) feet, except on corner lots, the setback for all buildings shall be a minimum of thirty (30) feet on the side abutting a street/road.
3. There shall be a rear yard of no less than twenty-five (25) feet.
4. The minimum width of a lot shall be one hundred (100) feet
5. Every dwelling or accessory building or structure hereafter erected, constructed, reconstructed, moved or altered, shall provide a lot area, excluding road R.O.W., of not less than five (5) acres or not less than one-third (1/3) acre per family subject to the sanitary requirements of these Regulations.
6. Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than eighty-three (83) feet from the road centerline when such yards are contiguous to a County road or state highway.
7. Height of Buildings.
  - A. Maximum height for principal uses: thirty-five (35) feet, except as part of a multi-unit dwelling maximum height shall be fifty (50) feet.
  - B. Maximum height for accessory uses: twenty (20) feet.