

PROTECTIVE COVENANTS

AMERICAN DEVELOPMENT COMPANY, a corporation, owners of all of Block 1 in Pacific Heights Addition, a real estate subdivision in Douglas County, Nebraska, as surveyed, platted and recorded, do hereby state, declare and publish that the above described property shall be owned, conveyed and used under and subject to the following covenants, conditions and restrictions:

IV All of Block 1 in Pacific Heights Addition shall be 1st Commercial and no land in the above described property shall be used or occupied, nor shall any structure be designed, erected, altered, used or occupied, except for one of the following retail uses and services:

- 1.) Apparel and accessories store.
- 2.) Auto accessories store.
- 3.) Auto laundry.
- 4.) Auto sales and service.
- 5.) Bakery employing not more than five persons per shift.
- 6.) Bank - including drive-in bank.
- 7.) Barber shop.
- 8.) Beauty shop.
- 9.) Blueprinting.
- 10.) Bookstore.
- 11.) Bowling alley.
- 12.) Camera and photographic supplies store.
- 13.) Confectionery store.
- 14.) Dairy products store.
- 15.) Delicatessen store.
- 16.) Department store.
- 17.) Dry goods store.
- 18.) Dry cleaning pick-up and delivery station.
- 19.) Dry cleaning plant and laundry plant.

(a) That the plant conforms to Class IV requirement as defined by the National Board of Fire Underwriters.

(b). That all work processed at the plant be delivered at retail, and,

(c). That not more than (5) skilled mechanics and production persons per shift are employed, processing dry cleaning and not more than five (5) skilled

mechanics or production persons per shift are employed processing laundry.

- 20.) Drug store.
- 21.) Floral shop.
- 22.) Fruit store.
- 23.) Gasoline filling station, including open air pump, islands which may be located in the rear not closer than twelve feet to the property line.
- 24.) Garden supply store including open air display of trees, shrubs and flowers.
- 25.) Gift store.
- 26.) Grocery store.
- 27.) Hardware store.
- 28.) Hotels and motels.
- 29.) Home furnishings store.
- 30.) Hospital, clinics for treatment of human beings.
- 31.) Household appliance and service store.
- 32.) Interior decorating shop.
- 33.) Institutions of an educational, philanthropic or eleemosynary nature.
- 34.) Jewelry store.
- 35.) Laboratory, dental, medical.
- 36.) Laundry pick-up and delivery station.
- 37.) Laundry, self-service.
- 38.) Liquor store, package.
- 39.) Locksmith.
- 40.) Luggage store.
- 41.) Marine equipment and service store, including open air display of boats.
- 42.) Meat and sea food store.
- 43.) Mortuary.
- 44.) Music and record store.
- 45.) News stand or news sub-station.
- 46.) Notions store.
- 47.) Offices.
- 48.) Paint and wallpaper store.

- 49.) ~~Parking lot, either enclosed or open air.~~
- 50.) ~~Pet store.~~
- 51.) ~~Photo studio and processing.~~
- 52.) ~~Post office.~~
- 53.) ~~Private clubs, fraternities, lodges.~~
- 54.) ~~Radio, Television - repair shop and store.~~
- 55.) ~~Shoe repair shop.~~
- 56.) ~~Shoe store.~~
- 57.) ~~Sporting goods store.~~
- 58.) ~~Stationary store.~~
- 59.) ~~Tailor shop.~~
- 60.) ~~Taxi stand.~~
- 61.) ~~Telephone exchange.~~
- 62.) ~~Theatre, excluding drive-in movie.~~
- 63.) ~~Tabacco store.~~
- 64.) ~~Toy store.~~
- 65.) ~~Utility sub-station.~~
- 66.) ~~Variety store.~~
- 67.) ~~Restaurant, soft drink or other food service establishments. A restaurant may, if properly licenses, sell intoxicating beverages by the drink.~~

II. Enclosure of Uses: Every use shall be operated entirely within a completely enclosed structure unless specifically exempted.

III. Volume of Sound Generated: Every use shall be so operated that the volume of sound inherently and recurrently generated is not perceptible and does not exceed seventy decibels points of any boundary line of the zone lot on which the lot is located.

IV. Vibration Generated; Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the zone lot on which the use is located.

V. Emission of Heat, Glare, Radiation or Fumes: Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the zone lot on which the use is located.

VI. Lighting and Signs: (a) Lighting - Lighting facilities, if installed, shall be designed and arranged so that they do not focus directly on adjacent residential properties or public thoroughfares, thereby creating a traffic hazard; such lighting facilities may be installed in any yard. (b) Signs - All signs shall be designed, erected and located in accordance with the following regulations:

(1). Entrance Signs: One entrance sign designating the business enterprise and direction or place of entrance may be erected at each entrance to any zone lot, provided such sign shall not project over any street right-of-way. Such entrance signs shall not be larger than 24 inches by 48 inches and shall not exceed four feet in height, except where curb parking is permitted such signs may be elevated to a height not to exceed ten feet to the top of the sign.

(2). Ground, pole or pylon signs. One free standing sign identifying the name of the business, enterprise or product sold on the premises may be erected on each zone lot having one street frontage and two such signs may be erected in case of corner zone lots having two street frontages, providing all such signs meet the following requirements:

a.) A free standing sign erected in the front or side yard of the zone lot shall not be located closer than twelve feet to the front property line; shall not exceed 25 feet in height, shall not exceed 75 square feet in area per sign panel; and shall have a visual clearance under the sign of at least 10 feet.

b.) A free standing sign erected on the building area of a zone lot shall not exceed 35 feet in height, and shall not exceed 150 square feet in area per sign panel and shall have a visual clearance under the sign of at least 10 feet.

(3). Wall signs: Any wall sign shall be attached to or erected against the wall of a building with the exposed face of the sign in a place parallel to the wall of the building. Wall signs may project into any required yard, a distance not to exceed 18 inches from the wall of the building.

(4). Projecting signs. Any projecting signs shall be attached to the wall of the building. Projecting signs may not project into any of the minimum yard area.

(5). Roof signs. One roof sign identifying the name of the business, enterprise or the product sold on the premises may be erected on the roof of any building on any zone lot, provided that the maximum height of such roof sign shall not exceed 35 feet.

(6). Flashing signs or revolving beacons shall not be permitted if they are plainly visible in any adjacent residential area and in no case may they be closer than 75 feet to any zone lot property line or street right-of-way.

(7). Height Limitation. No building shall exceed two and one-half stories nor 35 feet in height.

(8). Area regulations. There shall be a front yard of not less than 35 feet from the front lot line. There shall be a side yard of not less than 50 feet adjoining any residential district. Side yards adjoining commercial property shall not be less than 10 feet except that property owners may agree to a party wall.

(9). Parking regulations.

a.) Adequate off-street parking spaces shall be provided for all uses permitted in this commercial district.

b.) Commercial buildings shall provide adequate off-street facilities for loading and unloading of merchandise and goods in such a manner as not to obstruct the freedom of traffic movement upon the public street.

IN WITNESS WHEREOF, we have executed this instrument at Omaha, Douglas County, Nebraska, this 14th day of November, 1961.

AMERICAN DEVELOPMENT COMPANY

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

BY: Bill Peterson

On this 14th day of November, 1961, before me, the undersigned, a Notary Public, duly commissioned and qualified for said County, personally came Bill Peterson, who is the President of American Development Company, a Corp-

oration, to me known to be the identical person whose name is sub-
scribed to the foregoing instrument, and acknowledged the execution
thereof to be his voluntary act and deed and the voluntary act and
deed of said corporation.

WITNESS my hand and Notarial Seal the day and year last above
written.

[Signature]
Notary Public

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THOMAS J. O'CONNOR
REGISTER OF DEEDS
BOSTON COUNTY, MASS.

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WITNESS my hand and Notarial Seal the day and year last above
written.