

NICHOLAS COUNTY DEVELOPMENT CORPORATION
DECLARATION OF RESTRICTIONS
FOR LAKE CARNICO ESTATES

REVISED & UPDATED APRIL 25, 2018

This DECLARATION OF RESTRICTIONS, made and executed by the NICHOLAS COUNTY DEVELOPMENT CORPORATION, a Kentucky corporation with its principal office and place of business in Nicholas County, Kentucky, (hereinafter called the "Corporation");

WITNESSETH:

The Corporation does hereby make and impose upon the following described property located in Nicholas County, Kentucky to wit:

The entire area known as Lake Carnico Estates, plat of which is record in Deed Book 60, Page 523, in the office of the Clerk of the County Court of Nicholas County, Kentucky; the following restrictions:

A. RESIDENTIAL AREA

1. Land Use and Building Type: No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling designed for the occupancy of one family, and one accessory building or private garage for the use of the owner and/or occupants of the unit. These buildings shall meet the following requirements:
 - a. Size Requirements for Primary Dwelling: Each new residential dwelling must consist of a minimum of twelve hundred (1,200) square feet within a maximum frame of two and one-half (2 ½) stories; excluding garages, carports, decks, porches and unfinished basements.
 - b. Size Requirements for Secondary Building: Any accessory building or private garage must not exceed six hundred (600) square feet. No accessory building or private garage shall be permitted on a lot that does not have a primary dwelling, unless the owner of the lot has his or her primary dwelling on an adjacent lot.
 - c. Site Layout: All buildings shall be a minimum of twenty (20) feet from the right-of-way line of any public road, and a minimum of fifteen (15) feet from any side property line or rear property line that does not have lake frontage. For lots with lake frontage, buildings may be located up to the rear property line, which is the line designated "100' above water line" on the aforementioned plat of Lake Carnico Estates. No building shall encroach onto Nicholas County Development Corporation property. Location should be considered with respect to topography and finished grade elevation.
 - d. Appearance: Each new residential dwelling and accessory building or private garage shall be harmonious in appearance and external design with the existing buildings in the neighborhood.
 - e. Mobile Homes: No mobile homes or any other prefabricated structure built on permanently attached steel chassis with a vehicle identification number (VIN) shall be permitted.

- f. Determination of Non-Buildable Lots: If a lot is not large enough to construct a primary dwelling of minimum size in compliance with the restrictions laid out in Sections A.1.a, A.1.b, a.1.c, a.1.d, and A.1.e, then that lot will be determined "Non-Buildable".
 - g. Short Term Rentals: No short term rentals of less than one (1) year shall be permitted.
 - h. Docks: Docks shall not protrude into the lake any further than is necessary for practical use. The Architectural Review Board will determine size or shape restrictions on a site by site basis due to the varied geographical configurations of shoreline. In order to avoid lake water contamination, only EPA/Water Quality Control approved flotation blocks, plastic drums or posts may be used to provide dock support.
 - i. Fences: Fences shall not extend past the front of the primary dwelling and shall not encroach beyond the rear property line, which is the line designated "100' above water line" on the aforementioned plat of Lake Carnico Estates.
 - j. Geothermal Drilling: Any drilling for geothermal wells must be restricted to the boundaries of the lot. Geothermal lines are not permitted to be placed in the lake.
- 2. Architectural Control: No building, dock, fence, or other structure shall be erected or altered on any lot until the construction plans and specifications showing compliance with all requirements outlined in Section A.1 have been approved by the Architectural Review Board. Approval shall be as provided in Section D.
 - 3. Easements: Any easements for installation and maintenance of utilities, sewage, and drainage facilities are reserved by the Corporation on all lots.
 - 4. Nuisances: No noxious, offensive, or continuously loud activity shall be carried on upon any lot that could be considered an ongoing nuisance to the neighborhood. This includes, but is not limited to, barking dogs that are kept outside and are unsupervised, discharging firearms, loud generators (except in the case of a power outage), loud music, and construction noises between the hours of 10 pm – 8 am. Inoperable or abandoned vehicles or equipment shall be not allowed to accumulate or be stored on any lot.
 - a. Construction: During any construction activity, construction should be done in a manner so as not to cause undue disturbance to the neighbors. In addition, each lot owner must maintain a good appearance and not allow an excessive amount of debris to collect. Each lot owner is responsible for his or her contractor's compliance with these restrictions.
 - b. Maintenance: All owners of individual lots shall be responsible for the maintenance of their lots and any appurtenant structures. In addition, all owners are responsible for the area from the line designated "100' above water line" on the aforementioned plat of Lake Carnico Estates to the water's edge between his or her lot lines extended and for any dock that may protrude into the lake between his or her lot lines extended. This includes, but is not limited to, mowing, tree removal and other yard maintenance. All lots, appurtenant structures and docks shall be kept neat in appearance and in good repair.
 - c. Animals: All animals shall be confined to the owner's property or on a leash at all times.
 - 5. Temporary Structure: No structure of a temporary character, trailer, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
 - 6. Signs: No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the

property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

7. Oil and Mining Operations: No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations, or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.
8. Livestock and Poultry: No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes.
9. Garbage and Refuse Disposal: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste must be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
10. Water Supply: All new and existing residential dwellings are required to connect to the public water system, Nicholas County Water District, its successors or assigns, and to comply with its regulations. No individual or private water supply shall be permitted on any lot.
11. Sewage Disposal: All new and existing residential dwellings are required to connect to the public sanitary sewer system, Nicholas County Sanitation District #2, its successors or assigns, and to comply with its regulations. No individual or private sewage disposal system shall be permitted on any lot.
12. Land Near Parks and Water Courses: No building shall be placed, nor shall any material or refuse be placed or stored on any lot, within twenty feet of the property line of any park or edge of any open water course, except that clean fill may be placed nearer, provided that natural water course is not altered or blocked by such fill.
13. Existing Trees: No existing trees shall be cut within a lot area except when the removal of the tree is necessary for the construction of structures or driveways, the tree poses a threat to an existing structure, or the tree is diseased or dead. Careful sighting of new construction is stressed in order to preserve large trees, natural clumps, or groves.
14. State owned Land: All lots abutting state owned land shall be subject to the provisions and regulations of such land by the state or by the Corporation under contract with the State.

B. PARK AREA AND COMMON AREAS

1. Right of Access: The Corporation retains the right to use and control the use of Lake Carnico, the water therein, boating, recreational privileges, and any and all commercial or other usages. No deed to any lot shall be deemed to convey any tangible or intangible property rights to said water, the use thereof, or any boating or recreational privileges.
2. Annual Permit Requirements: The owner of each full lot or lots may apply for a permit from the Corporation to operate a pleasure boat or boats on Lake Carnico, subject to such conditions as the Corporation imposes upon the granting of such permit. Such conditions will include the maximum of motor horsepower, type of motors and size of boats which may be operated on Lake Carnico. The owners of lots fronting upon Lake Carnico may apply for and obtain an annual permit to construct, operate, and maintain docks, or boat houses of a type to be subject to the approval of the Corporation.

C. BUSINESS AREA

1. Building Height: No building shall exceed one story or fifteen feet in height.
2. Parking: All businesses shall provide on-site parking at the ratio of three square feet of parking to one square foot of store area.
3. Service Areas: All service areas shall be located and screened from major view, and shall otherwise provide a neat appearance.
4. Sign Control: Signs shall be designed integrally with the business structure, and shall be subject to the approval of the Architectural Review Board.

D. ARCHITECTURAL REVIEW BOARD

1. Membership: The Architectural Review Board is composed of three (3) individuals selected by the stockholders of the Corporation at its annual meeting. No more than one (1) board member of the Corporation may serve as a member of the Architectural Review Board, unless there are not two other stockholders interested in the position. In the event of death or resignation of any member of the Architectural Review Board, the remaining members shall have full authority to designate a successor to serve until the next annual meeting.
2. Procedure: Before the commencement of any construction activities, the applicant must submit a completed "Application for Building Permit" and construction plans and specifications to the Architectural Review Board. The Architectural Review Board shall have thirty (30) days to review and approve or disapprove said application in writing. In the event the board, or its designated representative, fails to approve or disapprove the application within thirty (30) days, or in any event, if not suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with. In the case that an application has been approved, but no construction activity has commenced within one (1) year of approval, the applicant shall be required to resubmit the application along with the accompanying plans and specifications before commencement of construction.

E. GENERAL PROVISIONS

1. Term. These covenants are to run with the land, and shall be binding on all parties and all persons claiming under them for a period of twenty five years, unless changed by a majority of the Stockholders at their annual meeting. After such time, said covenants shall be automatically extended for successive period of ten years unless an instrument, signed by a majority of the then owners of the lots, has been recorded agreeing to change said covenants in whole or in part.
2. Enforcement. Enforcement shall be by proceedings at law or in equity against any person or person violating or attempting to violate any covenant, either to restrain violation or to recover damages.
3. Severability. Invalidation of any one of these covenants by judgment or court order shall in no way affect any other of the provisions which shall remain in full force and effect.
4. Ownership of Realty and Stock. No single person, partnership, corporation, voluntary association, organization, or entity shall own more than two (2) shares of stock of the Corporation.
5. Sale of Realty and Stock: A sale of the realty automatically includes a sale of the owner's stock in said Corporation in accordance with the By-Laws of said corporation unless he or she is a stockholder therein. These covenants shall run with the land and shall be binding upon heirs,

devisees, legatees, executors, administrators, trustees, successors or assigns of any owner of realty or stock purchased from the Corporation.

6. Entire Area. The owners of Lots in Lake Carnico Estates shall not apply for or incorporate any city or other municipal corporation or annex any properties of Lake Carnico to any existing city or other municipal corporation without the written consent of the Corporation.

The herein REVISED AND UPDATED DECLARATION OF RESTRICTIONS, having been approved by vote of the Stockholders at the Annual Meeting of Stockholders, of the Nicholas County Development Corporation, held on May 20, 2018, with final action to approve and adopt the Restrictions having been completed at a meeting of the Board of Directors on August 28, 2018.

The original DECLARATION OF RESTRICTIONS FOR LAKE CARNICO ESTATES, having been filed in the office of the Nicholas County Clerk, on October 21, 1964, of record in Deed Book 60, Page 525. ³ ml

CERTIFICATE OF LAND USE RESTRICTIONS

1. Name and Address of Property Owners:

Nicholas County Development Corporation, P O Box 306, 112 S. Broadway, Carlisle, Kentucky 40311.


2. Address of Property – Lake Road, Carlisle, Kentucky 40311

3. NAME OF SUBDIVISION OR DEVELOPMENT- LAKE CARNICO ESTATES


4. TYPE OF RESTRICTIONS- DECLARATION OF RESTRICTIONS

5. Name and address of body which maintains the original records containing the restrictions: -
Nicholas County Development Corporation, P O Box 306, 112 S. Broadway,
Carlisle, Kentucky 40311.

NICHOLAS COUNTY DEVELOPMENT CORPORATION



Douglas Darbro, President



William M. Klutka, Secretary

STATE OF KENTUCKY
NICHOLAS COUNTY, Sct.

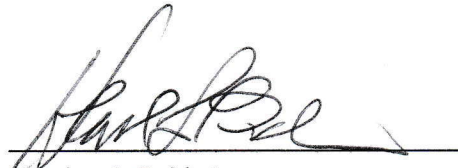
The Foregoing Certificate of Land Use Restrictions having been signed by Douglas Darbro, President, and William M. Klutka, Secretary, of the Nicholas County Development Corporation, this 28th day of August, 2018.



Notary Public, State at Large, Ky.

My commission expires: 12-1-18

This document was prepared by:



Heather L. Baldwin
220 Columbine Drive
Carlisle, Kentucky 40311
DEED RESTRICTION COMMITTEE MEMBER