

# APPLEWOOD HEIGHTS HOMEOWNERS ASSOCIATION COVENANTS & RESTRICTIONS

The Applewood Heights Homeowners Association (the "Association") is governed by three separate covenants: Phase I (lots 1 through 213), Phase II (lots 215 through 365), and Phase III (lots 366 through 523). While the covenants are substantially similar, they do vary with regards to the obligations for fencing and trees (see below). The following is a summary of the material provisions of the covenants. Please pay close attention to those provisions dealing with architectural control and vehicle/equipment storage. Most complaints result from these two covenants. Refer to the full Declaration of Covenants, Conditions, and Restrictions (available at [www.applewoodhoa.com](http://www.applewoodhoa.com)) for a complete legal description.

## **Air Conditioning Units**

Air conditioning condenser units must be in the rear yard. For lots 366 through 523, air conditioning condenser and heat pump units must be in the rear yard at least twelve feet from the lot line.

## **Amendments**

The covenants may be amended with the written consent of seventy-five percent (75%) of the lot owners in each Phase. The covenants may be revoked by the written consent of a majority of lot owners in each Phase.

## **Architectural Control**

**No external improvement, above or below the surface, may be made without the written approval of the Association through the Architectural Control Committee.** Improvements are anything built, erected, placed, altered, maintained, or planted on the lot. They may include, but are not limited to, dwellings (and their exterior colors), fences, driveways, water drainage, patios, patio enclosures, gazebos, decks, rock gardens, swimming pools, television or radio antenna, solar collecting panels, air conditioning equipment, and wind-generated power equipment. Documents submitted for committee approval shall be clear, concise, complete, consistent, and legible. **Detached accessory buildings, incinerators, and clotheslines are strictly prohibited.**

## **Fences**

**Lots 1 to 365:** Fences shall be constructed only of wood, brick or stone and are subject to approval of the Architectural Control Committee. No fences may be built forward of the rear-most wall of the house. Fences on corner lots may not be closer to the adjoining street than the closest point of the residence.

**Lots 366 through 523:** Fences must be approved by the Architecture Control Committee. No fence may be built within thirty feet of the front lot line. Fences on corner lots may not be closer than that allowed by the Municipal Code of the City of Omaha. Wire, chain-link, and snow fences are strictly prohibited.

## **Fireplaces**

Fireplace flues protruding from the front or side, or visible above the roofline from the front of the dwelling shall be constructed or finished with clay-fired brick or stone.

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Fireplace flues at the rear of a dwelling shall be finished with the same material as the dwelling. Corner dwellings shall have fireplace flues of clay-fired brick or stone if they protrude beyond the dwelling or above the roof.

## **Garage Doors**

Garage doors must remain closed except when entry and exit are required.

## **Gardens**

Vegetable gardens and rock gardens may be maintained, but only in rear yards. The Architectural Control Committee must approve rock gardens.

## **Home Occupations**

Home occupations, as defined in the Zoning Code of the Municipal Code of the City of Omaha, are not permitted to take place in any residential dwelling.

## **Pets and Pet Shelters**

No external shelter for any animal is permitted. No animals, livestock, fowl, or poultry of any kind may be raised, bred or kept on any lot. Dogs, cats, or other household pets may be maintained in the dwelling provided they are not kept for commercial purposes. Pets may not run loose outside the owner's lot.

## **Public Nuisance**

No noxious or offensive activity may occur on any lot. Activities resulting in annoyance or nuisance to the neighborhood are not allowed.

## **Rights of the Association**

The Association has the right to promote the appearance, safety, and recreation of the area through the enforcement of covenants and the assessment of dues or other charges. The process for assessment of dues or other charges are described in the Association's Articles of Association or By-Laws. No sale or transfer relieves the lot from liability for any unpaid dues or other charges.

## **Shingles**

All dwellings shall be roofed with:

wood shakes or wood shingles;

synthetic shake shingles with the appearance, color, texture, and thickness of natural wood shakes;

minimum two-piece laminated fiberglass shingles including the Heritage® Series Laminated Asphalt Shingles manufactured by TAMKO®, the Landmark™ Series Shingles manufactured by CertainTeed, or the Presidential Shake™ manufactured by CertainTeed; provided, however, that the exclusive color of all such shingles shall be "Weathered Wood" and shall weigh no less than 235 pounds per 100 square feet; or

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any material pre-approved by the Architectural Control Committee provided, however, that the Architectural Control Committee shall only approve of materials similar in appearance, texture and quality as those materials enumerated in items (i), (ii) and (iii) above.

## **Sidewalks**

Maintenance of public sidewalks is the responsibility of each lot owner.

## **Trash Containers**

Outside trash containers must be completely screened from the street and other lots. For lots 215 through 523, trash may not be placed for pickup prior to 10:00 P.M. the day before scheduled pickup. And, trash containers must be removed by 6:00 P.M. the day of pickup.

## **Trees**

No trees may be planted in the dedicated street right-of-way between the pavement and the lot line.

**Lots 1 to 213:** Two trees shall be planted in the front yard. One of these trees shall be one of the following: Greenspire Linden, Marshall Seedless Ash, Skyline Honeylocust or Emerald Ash.

**Lots 215-365:** Two trees shall be planted on the lot with at least one in the front yard. The trees shall be of the deciduous variety on the “recommended” or “highly recommended” list of the Forestry Division of the City of Omaha.

**Lots 366-523:** No tree designations.

## **Vehicle Storage**

**No vehicle shall be “stored” outside of the garage.** Vehicles include, but are not limited to, automobiles, boats, camping trailers, van-type campers, auto-drawn trailers, mobile homes, motorcycles, and snowmobiles. “Stored” means parking the vehicle on the driveway or lot (including dedicated street right-of-way) for seven or more consecutive days. All repairs on personal vehicles must occur in the garage. Vehicles parked on the premises or upon the streets must be in operating condition. **No garden, lawn or maintenance equipment may be stored outside of any dwelling.**

## **Yard Signs**

No advertising signs or posters may be placed on any lot. “For Sale” signs not exceeding six square feet are the only exception.