

BROOKHOLLOW HOA

COMMUNITY RESTRICTIONS

OVERVIEW: Following the completion or construction of any residence or Exterior Structure, no significant landscaping change, significant exterior color change or exterior addition or alteration shall be made thereto unless and until the change, addition or alteration has been submitted to and approved in writing by the Architectural Committee. All replacements of all or any portion of a completed structure because of age, casualty loss or other reason, including, without limitation, roofs and siding, shall be of the same materials, location and elevation as the original structure unless and until the changes thereto have been submitted to and approved in writing by the Architectural Committee.

See Specific Sections Below:

Air Conditioning Units	No air conditioning apparatus or unsightly projection shall be attached or affixed to the front of any residence.
Animals	No animals of any kind. shall be raised, bred, kept or maintained on any Lot except that dogs, cats and other common household pets may be raised, bred, kept or maintained so long as (a) they are not raised, bred, kept or maintained for commercial purposes, (b) they do not constitute a nuisance and (c) the City ordinances and other applicable laws are satisfied, All pets shall be confined to the Lot of the Owner except when on a leash controlled by a responsible person. Owners shall immediately clean up after their pets on all streets, Common Areas and Lots owned by others.
Animal House	All outside animal houses shall be located in the back yard near the residence, shall be painted (where appropriate) the same color of the residence, and shall have roofs that are compatible with the residence.
Animal Run	Prohibited.
Basketball Goals	All basketball goals shall be permanently installed, free standing and not attached to the residence unless the Architectural Committee determines that there are compelling reasons for the basketball goal to be attached to the residence, All backboards shall be transparent or painted white and all poles shall be a neutral color. There shall be only one basketball goal per Lot. The Board shall have the right to establish reasonable rules regarding the hours of use of basketball goals and any such rules shall be binding upon all of the Lots and the Owners. Portable basketball goals Prohibited.
Batting Cage	Prohibited.
Driveway	All driveways and sidewalks shall be concrete, patterned concrete, bornanite, interlocking pavers, brick or other permanent stone finishes. Crushed gravel, asphalt and natural driveways and sidewalks are prohibited.
Exterior Walls	Exterior walls of all residences and all appurtenances thereto shall be

	of stucco, brick, stone, wood shingles, lap siding, plate glass, glass blocks, or any combination thereof
Fence – (different than other subdivisions)	Lots may have only wood fences or privacy screens in the specific styles and colors approved by the Developer. All fences, boundary walls and privacy screens shall be ornamental and shall not disfigure the property or the neighborhood or interfere with drainage. All fences and privacy screens shall be constructed with the finished side out. No chain link or similar fence shall be permitted. Unless and until otherwise specifically approved in writing by the Developer, (A) no fence, boundary wall or privacy screen shall exceed five feet in height, (B) no fence, boundary wall or privacy screen shall be constructed or maintained on any Lot nearer to the street than the rear corners (as defined by the Approving Party) of the residence, (C) no fence shall be constructed or maintained on any Lot more than one foot from the property line of the Lot, except to the extent necessary for such fence to abut the residence, and (D) all fences must be joined to any previously existing fences on adjacent Lots.
Fence – 2	No fence, boundary wall or other Exterior Structure installed by or for the Approving Party anywhere in the District may be removed or altered by any Owner or other person without the prior written consent of the Approving Party.
Fireplace	No metal or other pipe shall be exposed on the exterior of any fireplace or fireplace flue. All fireplace flues shall be capped with a black or color-confirming metal rain cap.
Garage	All residences shall have at least a two-car garage. No car ports are permitted.
Garage Doors	Garage doors shall remain closed at all times except when necessary.
Garage Sale	No garage sales, sample sales or similar activities shall be held within the Subdivision without the prior written consent of the Homes Association.
Gardens	All vegetable gardens shall be located behind the rear corners of the residence and at least five feet away from the boundary of the Lot. No vegetable garden(s) shall exceed 100 square feet in size on any Lot, except with the prior written consent of the Approving Party.
Hot Tub	No above-ground type swimming pools shall be permitted. All pools shall be fenced and all hot tubs shall be fenced or otherwise adequately screened, all in accordance with the other provisions of the Declaration. All pools and hot tubs shall be kept clean and maintained in operable condition at all times.
Landscaping – Lawn	The Owner of each Lot shall keep the lawn uniformly mowed and clipped with a length of grass not to exceed four inches.
Lights	No lights or other illumination (other than street lights) shall be higher than the residence.

Lights - Holiday	Exterior holiday lights shall be permitted only between November 15 and January 15, Except for such holiday lights, all exterior lighting shall be white and not colored.
Outbuilding	No Exterior Structure shall be erected upon, moved onto or maintained upon any Lot except (i) strictly in accordance with and pursuant to the prior written approval of the Architectural Committee as to the applicable building plans, specifications, exterior materials, location, elevations, lot grading plans, landscaping plans and exterior color scheme and (ii) in compliance with the additional specific restrictions set forth in subsection (b) below or elsewhere in this Declaration; provided, however, that the approval of the Architectural Committee shall not be required for (i) any Exterior Structure, erected by or at the request of the Developer or (ii) any Exterior Structure that (A) has been specifically approved by the Developer prior to the issuance of a temporary or permanent certificate of occupancy as part of the residential construction plans approved by the Developer and (B) has been built in accordance with such approved plans. No shed, barn, detached garage or other storage facility shall be erected upon, moved onto or maintained upon any Lot. Storage shall be permitted under a deck provided such area is screened as otherwise authorized herein.
Playsets	Except where specifically authorized by the Developer or the Architectural Committee in writing, all recreational or play structures (other than basketball goals) shall be made of materials approved in writing by the Approving Party and shall be located behind the back building line of the residence.
Pool	No above-around type swimming pools shall be permitted. All pools shall be fenced and all hot tubs shall be fenced or otherwise adequately screened, all in accordance with the other provisions of the Declaration, All pools and hot tubs shall be kept clean and maintained in operable condition at all times.
Roof	Roofs with a pitch of three inches or more per foot shall be covered with wood shingles, wood shakes, slate or concrete tile or with the specific written approval of ACC. Flat roofs or roofs with a pitch less than three inches per foot, shall be covered with tin, built up asphalt, wood shingles, wood shakes, slate or concrete tile or, with the specific approval of ACC.
Satellite Dish	No television, radio, citizens' band, short wave or other antenna, satellite dish (other than as provided below), solar panel, clothes line or pole, or other unsightly projection shall be attached to the exterior of any residence or Exterior Structure or erected in any yard. Should any part or all of the restriction set forth in the preceding sentence be held by a court of competent jurisdiction to be unenforceable under any Federal statute or because it violates the First Amendment or any other provision of the United States Constitution, the Architectural Committee shall have the right to establish rules and regulations regarding the location, size, landscaping and other aesthetic aspects of such projections so as to reasonably control the impact of such projections on the Subdivision, and

	all parts thereof, and any such rules and regulations shall be binding upon all of the Lots. Notwithstanding any provision in this Declaration to the contrary, small satellite dishes may be installed with the prior written consent of the Approving Party, so as not to be readily visible from the street. The Approving Party shall have the right to establish rules and regulations binding upon all of the Lots and specific requirements for each Lot, regarding the location, size, landscaping and other aesthetic aspects of such small satellite dishes so as to control the impact thereof on the Subdivision, and all pails thereof.
Signs	Except for signs erected by or for the Developer or its approved real estate brokerage company for the Subdivision, no sign, advertisement or billboard may be erected or maintained on any Lot except that: One sign not more than 3 feet high or 3 feet wide may be maintained offering the residence for sale; One garage sale sign not to exceed a total of 6 square feet when the neighborhood sale is being held and must be removed within 24 hours of the close of the sale; One political sign per candidate or issue not more than three feet high or three feet wide, not to exceed a total of six square feet, is permitted on the Lot for up to three weeks before the election but must be removed within 24 hours after the election.
Signs – Common Area	No sign shall be placed or maintained in any Common Area without the approval of the Approving Party.
Signs - Rental	No signs offering a residence for rent or lease shall be allowed in the Subdivision.
Tennis Courts	Prohibited.
Trampolines	Prohibited.
Trash	No noxious or offensive activity shall be carried on with respect to any Lot; nor shall any trash, ashes or other refuse be thrown, placed or dumped upon any Lot or Common Area; nor shall anything be done which may be or become an annoyance or a nuisance to the District, or any part thereof. Each Owner shall properly maintain his Lot in a neat, clean and orderly fashion. All residences and Exterior Structures shall be kept and maintained in good condition and repair at all times.
Trash - 2	No trash, refuse, or garbage can or receptacle shall be placed on any Lot outside a residence, except after sundown of the day before or upon the day for regularly scheduled trash collection and except for grass bags placed in the back yard pending regularly scheduled trash collection.
Tree House	Prohibited.
Trees	Each Owner shall properly water, maintain and replace all trees and landscaping on the Owner's Lot (including any trees planted by or for the Developer, but excluding those in a Common Area maintained by the Homes Association).

Vehicle – Overnight	Overnight parking of motor vehicles of any type or character in public streets, Common Areas or vacant lots is prohibited. Motor vehicles shall be parked overnight in garages or on paved driveways only.
Vehicles - Prohibited	Except as otherwise stated in rules, no vehicle (other than an operable passenger automobile, passenger van or small truck), commercial truck, bus, boat, trailer, camper, mobile borne or similar apparatus shall be left or stored over night on any Lot, except in an enclosed garage.
Vehicles - Rec	Trucks or commercial vehicles with gross vehicle weight of 12,000 pounds or over are prohibited except during such time as such truck is actually being used for the specific purpose for which it is designed. Recreational vehicles are prohibited unless stored in an enclosed garage, temporarily parked for the purpose of loading/unloading. Max of one overnight every 14 days. Or with prior written approval of the Approving Party.
Vehicles – repairs	Unlicensed or inoperative motor vehicles are prohibited, except in an enclosed garage.

VIOLATIONS OF RESTRICTIONS:

DECLARATION:

Whenever the Developer or the Board determines that a violation of this Declaration has occurred and is continuing with respect to a Lot, the Developer or the Homes Association may file with the office of the Register of Deeds of Johnson County, Kansas a certificate setting forth public notice of the nature of the breach and the Lot involved.

BYLAWS:

3.2 Suspension of Membership. During any period in which a member shall be in default in the payment of any assessment levied by the Association as provided in the Declaration, the voting rights of such member and rights of a member to receive services provided by the Association and the right to use any Common Areas in or available to the District may be suspended by the Board of Directors until such assessment has been paid. Such rights of a member may also be suspended by the Board of Directors, after notice and hearing, for a period not to exceed 90 days, for violation of any of the rules and regulations established by the Board of Directors governing the use of the Common Areas in or available to the District.

The Board of Directors shall have the power to:

9.2 Rules and Regulations. Adopt and publish rules and regulations governing the use of the Common Areas and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof; provided, however, that the Board of Directors may not, in any event, revoke, limit, restrict, or suspend in any way, the right of any Owner to use and enjoy any street for ingress and egress.