

## Rules and Regulations for Detached Wall & Fences

These Rules and Regulations for Detached Wall and Fences (“Rules”) are adopted by the Board to provide clarity and uniformity as to the interpretation and application of the covenants in the Declarations related to Detached Walls and Fences. Defined terms in the Declarations and Bylaws shall have the same meaning when used in these Rules.

The primary references for these Rules are in the Declarations Sections 4.7 (detached walls & fences), 6.1 (design), 6.3 (criteria for approval), and 8.1 (general duties and powers).

No detached wall or fence may be constructed, installed, or placed anywhere in The Crossing, unless it is approved by the ACC Committee or the Board.

An application for Association approval of a detached wall or fence shall be submitted to the Association's management company for consideration by the ACC. The application shall include the following:

1. A plot plan showing the proposed location and dimensions of the wall or fence..
2. A picture, drawing, or acceptable detailed description of the proposed wall or fence should be provided showing materials and colors to be used.
3. If any existing Improvements will be altered in conjunction with construction, include an explanation of the alterations.
4. Any variances being requested from the requirements of the Declarations or these Rules.

The following rules and regulations apply to all detached walls & fences, but this is not a complete list of all requirements:

1. Backyard fences are not required unless the lot has a pool. Unless otherwise approved by the ACC, fences that are visible from the street or adjoin another Lot must be picket privacy fences; except iron clad gates and fences can be used where it is not along an adjoining Lot. Iron clad gates and fences must be a color approved by the ACC and the paint (or other surface coloring) must be well maintained.
2. No wall or fence shall extend past the front plane of the side of the residential dwelling (including the garage) on which it is installed except as provided in item 3 below.
3. Any decorative detached wall that is going to be used as accent landscaping which can be seen from the street, must be no greater than 4’ high and be approved by the ACC.
4. “Temporary” fences installed to protect materials during construction must be promptly removed after construction activities requiring the protection are complete.
5. No chain link fences are allowed, except “temporary” fence for construction.
6. All privacy fencing should be the standard 6’ high to maintain the aesthetics of the neighborhood. If privacy issues exist along the side or rear of property and there is a request for a fence higher than 6’ it will be considered by the ACC, but no fence higher than 8’ will be allowed. It has already been agreed that any Lot that abuts the “Pebble Creek Development” will be allowed to increase fence height to 8’ along the Pebble Creek side, but an ACC application is still required. All fences visible from a street or

from the neighborhood park or nature trail must be maintained in good condition and repair, any missing pickets / fencing, warped, broken, or rotted wood must be replaced.

7. Only one set of posts shall be used between any adjoining Lots for stringers and pickets installed on both sides. Therefore, permission shall be granted by adjacent Lot Owners for use of the set of posts by both parties. Pickets installed on the second side of a fence shall be materially and aesthetically the same and of the same height as the first set installed.

8. The portion of any fence that extends past the front plane of the side of a house must have pickets installed on the side of the fence that can be seen from the street which pickets must be stained.

9. Picket fences along the street shall be the same height and stained “materially” the same color as the front Commons HOA fence, that being **Sherwin Williams SuperDeck English Walnut SW 3574**. The term “materially the same color” shall mean an oil based stain with a natural brown tone wood color or an exterior, clear, long lasting sealant which has been approved by the ACC or Board. The developers idea with this language was to ensure fences were not painted or stained with a water based material that would develop maintenance issues or take away from the natural feel of the neighborhood. All fence surfaces which face the street must be stained the same color on each Lot. All fences surfaces which face Rock Prairie Road or the Park will need to remain the same color as originally stained by the HOA but will be required to be maintained by the homeowner whose property the fence is located. The stain on fences must be well maintained. We encourage Lot Owners with fence surfaces that may face their neighbor’s Lot and are required to be stained as part of these Rules, to have a conversation about whose color to use and who will manage those sections of fence but ultimately they would be the responsibility of the Lot Owner whose property the fence is on if an agreement cannot be reached. Any fences which have already been stained are not required to be restained at this time but such fences need to be maintained as described above. At such time as the majority of the stained fence needs to be replaced, then all pickets required to be stained should be replaced or restained so that the fence stain complies with these Rules. The HOA is currently pursuing a contractor to provide residents an option for volume pricing. Pricing and available colors will be available soon. Fence staining requirements need to be met by September 30, 2021, except a fence that was stained prior to the effective date of these Rules must meet the restaining requirements as specified herein.

10. Fences shall tie into any pillars or columns previously constructed on a lot by the Developer for the purpose of aesthetically breaking up a long fence line. Any such pillars or columns shall be maintained by the HOA for regular maintenance, and shall not be removed. Any pillar or column damage will be repaired at the cost of the HOA, except any Owner will be responsible for the cost of repair if caused by the Owner or the Owner's guest, invitee, contractor, or tenant or a guest, invitee, or contractor of the Owner's tenant.

The Board may develop more standards for walls and fences to maintain a consistent, high quality, and an aesthetically pleasing appearance throughout and fitting with the community.

The Association is not assuming responsibility to identify or enforce an Owner's responsibilities related to any easement, any City of College Station setback or other ordinance requirement, or any other requirement affecting an Owner's Lot (“Other Requirements”) except as to the Declarations of The Crossing. Each Owner is responsible to identify and determine its own responsibilities related to any

Other Requirements affecting the Owner's Lot and to comply with those Other Requirements. Any approval, including any variance, given by the Association does not amend or waive the requirements of the Declarations and only relates to enforcement of the Declarations (i) by the Association or (ii) that is otherwise affected by the Association's approval as to the Declarations, and such approval does not constitute an approval or otherwise affect an Owner's responsibilities related to any Other Requirements affecting the Owner's Lot.

These Rules were adopted by the Board on and effective March 5, 2021.