

## Rules and Regulations for Landscape Criteria and Yard Items

These Rules and Regulations for Landscape Criteria and Yard Items (“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 landscaping and items that are placed in a yard and maintenance and repair of Improvements. These Rules include the Landscape Criteria pursuant to Section 4.8 of the Declarations. 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 4.8 (landscaping), 4.12 (exterior lighting), 4.17 (visual obstructions), 5.1 (maintenance of property), 5.6 (Lot maintenance), 5.9 (utilities), 5.17 (restoration), 6.1 and 6.3 (ACC approvals), and 8.1 (aesthetics). These Rules supplement, but do not replace, the requirements in the Declarations and other Rules and Regulations. When used in these Rules, the following terms shall have the following meanings:

The term “ACC Approval” means approval by the Association in accordance with the Bylaws, Declarations, and these Rules.

The term “back yard” means all portions of a yard that cannot be seen from a street, including all portions that a fence screens from all streets.

The term “front yard” means all portions of a yard that can be seen from a street, excluding any portion that a fence screens from all streets, and any front porch, entryway, or other area with concrete that is visible from a street.

The term “items” means anything placed in a yard excluding an Outbuilding, utilities that are not removable, and landscaping other than ornamental features, and anything that is placed on the exterior of a building and is removable. This specifically includes without limitation items such as patio furniture, stand-alone basketball goals, signs, flags, window screens, ornamental features, and holiday and religious event decorations.

The term “landscape area” means all portions of a yard that are not covered by concrete or a porch/deck.

The term “landscape bed” means all portions of the landscape area that is not covered by grass..

The term “landscaping” means grass, plantings, trees, landscape rocks, mulch, ornamental features, pots and other containers or structures with plantings in them, and any and all other ground coverings that are in a landscape area.

The term “ornamental feature” means architectural, aesthetic, decorative, or other stylistic objects or enhancements, whether part of landscaping, an Improvement, or otherwise, on a front yard, back yard, or the exterior of Improvements, and includes without limitation objects and features such as statues, fountains, ornaments, yard art, gnomes, figures, and wall hangings.

The term “yard” means for each Lot all portions of the Lot that are not covered by a building, which includes garages and Outbuildings, and the area that is directly between the Lot and a street.

1. Improvements. These Rules do not address buildings, other than an item that is placed on the exterior of a building and is removable, or pools and only supplement any other Rules and Regulations related to Improvements. No Improvements may be constructed or placed anywhere in a yard without ACC Approval, except Excluded Outbuildings (as defined in the Rules and Regulations for Outbuildings) and landscaping and items as permitted in these Rules. Maintenance and repair of the exterior of Improvements should comply with Sections 5.1 and 5.17 of the Declarations which for Improvements constructed or placed in a yard shall include, without limitation, meeting the following guidelines: (1) exteriors of Improvements should not aesthetically look in disrepair, (2) exteriors of Improvements should be clean and free of mold and mildew, (3) surfaces that are painted should be cleaned and painted to replace chipping, peeling and faded paint, and a change of paint colors requires ACC

Approval, (4) fence pickets should be in good condition, not warped, broken, or missing and otherwise meet the requirements of the Rules and Regulations for Detached Walls and Fences, (5) window screens must be in good condition (not warped, buckled, torn, or deteriorated) and must be uniform in color and design.

## 2. Landscape Criteria.

a. ACC Approval. The initial location, design, and contents of all landscape beds that are visible from a street must be approved by the ACC Committee. Any material changes to the approved location of a landscape bed must be approved by the ACC Committee. Any lighting desired for landscaping should have ACC Approval. All items are subject to ACC Approval as provided in 3 below. All other landscaping is subject to ACC Approval as provided below.

b. Landscape Beds. There must be a landscape bed abutting all portions of the front of the house (including the dwelling and garage) that face the street. Potted plants may not be used instead of an appropriate amount of permanent landscaping in a landscape bed along the front of a house. No more than one foot of vertical surface of concrete slab shall be exposed to view from any public view or adjacent Lots, including Common Areas.

c. Front Yards. All portions of the landscape area in the front yard that are not landscape beds, an item, or a utility structure must be sodded with grass unless otherwise approved in an ACC Approval. Landscape beds in the front yard must be covered with mulch and/or landscape rocks, contain one or more plants or trees, and otherwise comply with these Rules.

d. Utilities. Utilities that are removable such as dish receivers and antennae, but not including gas, electric, or water meters or cable or phone boxes for entry into the house, should be located and screened so that they are not visible from a street. Existing receivers of a third party provider that are mounted on a wall or roof, or that are visible even though behind a fence, that do not comply are grandfathered, provided that they must be removed as soon as they are no longer being used for reception. Any Owner with any other existing receiver that does not comply can submit a request for variance from the ACC Committee. Additionally, a variance can be granted by the ACC Committee (considering size, appearance, location, and other relevant factors) for 1 receiver proposed to be installed by a third party provider that is not located in the front of the house when reception cannot be acquired by the provider from a permitted location.

e. Maintenance. Owners and occupants (including lessees) of each Lot are jointly and severally responsible, at their sole cost and expense, to keep the yard in a well-maintained, safe, sanitary (clean, not emitting an unpleasant odor, and is not insect infested or attracting rodents), and attractive condition at all times. Proper maintenance of yards is often a subjective standard, but the Association's determination of what is properly maintained will control. In order to comply with neighborhood standards, front yards should appear neat, uncluttered and maintained. In no event shall a yard be used for storage of materials or equipment except for normal residential requirements or incident to construction of Improvements (for a reasonable time) on the Lot; provided that materials or equipment may be stored in a back yard if not higher than 5' (from graded ground level) and otherwise kept screened so as to conceal them from view of adjacent Lots and streets. Required maintenance includes, but is not limited to, the following:

i) Removing all litter, trash, dead vegetation, refuse and waste, including without limitation trash, garbage and debris, unused construction materials, brush and yard trimmings, discarded items, items

that are broken or beyond repair, and pots that are empty, cracked, or contain dead plants (subject to the Rules and Regulations for Trash and Garbage).

ii) Lawn mowing on a regular basis (maximum grass height for front yards of developed Lots- 6” grass blades)

iii) Lawn edging on a regular basis including without limitation along all concrete, landscape beds, Improvements, items, and trees.

iv) Tree and Shrub pruning, including without limitation (1) shrubs in front of a first floor window must be pruned to allow visibility of at least 1/2 of the top of the window, (2) dead wood and branches in shrubs and trees should be removed, (3) tree branches shall not interfere with people walking on sidewalks and shall adhere to City of College Station requirements for right-of-ways.

v) Keeping exterior lighting facilities in working order.

vi) Keeping front yard lawns alive with minimal weeds and landscape beds alive, reasonably free of weeds, and attractive, including without limitation (1) landscape areas that are missing turf, plants in landscape beds as approved by the Association, and required trees should be replaced in order to be in compliance, (2) bare spots in turf should be replaced, (3) ACC Approval should be obtained to use ornamental features or potted plants to substitute for permanent landscaping.

vii) Complying with Section 5.7 of the Declarations and the Rules and Regulations for Trash and Garbage.

f. Trees. The front yard of each Lot should have at least two shade trees, with the diameter of each of the two tree's trunk (which includes adding each trunk of a multi-trunk tree) being no less than three inches measured at 3 feet from the ground or just below the lowest branch if it is lower than 3 feet. A tree with a published, expected mature height range that includes 20 feet shall be deemed a “shade tree”. Each Owner who does not comply with this requirement on the effective date of these Rules will have 6 months to comply. Any Lot that loses a tree so that the Lot no longer complies with these Rules will have 6 months to plant another tree to comply with these Rules. Posts or stakes used to stabilize a new tree should be removed once the tree has had opportunity to stabilize.

g. Visual Obstructions. No planting or object, including an Improvement or item, which obstructs sight lines at street intersections is permitted per Section 4.17 of the Declarations.

### 3. Items Placed in Yards.

a. Front Yards. Any item placed in a front yard is subject to ACC Approval, provided that an Owner may place an item in a front yard without ACC Approval, but each such item may be determined by the Association, whether a Committee or the Board, as unacceptable. If an item that has not received ACC Approval is determined by the Association to be unacceptable, notice will be given to the Owner and the Owner will have 15 days from the notice being given to remove such item. An item is permitted that is used for recreation or children and is not in the yard for more than 3 consecutive days and is used only occasionally. Examples of items that may not be acceptable, which is solely based on the view of the Association, are (i) aesthetically the number or arrangement looks cluttered, (ii) aesthetically it is not consistent with the neighborhood, and (iii) items being placed in the grass area of the landscape area other than items commonly placed in a grass area such as a pot for plants and a hose and hose holder (ornamental features are preferred not to be in grass areas).

b. Back Yards. Any item placed in a back yard is subject to ACC Approval, provided that (i) an item is not subject to ACC Approval if it is not greater than 5' tall (above ground graded level), (ii) basketball goals are permitted, (iii) an item is permitted that is used for recreation or children and is not in the yard for more than 5 consecutive days and is used only occasionally, and (iv) an Owner may place an

item in a back yard without ACC Approval, but each such item may be determined by the Association, whether a Committee or the Board, as unacceptable except those permitted in (i), (ii), and (iii) above.

c. Holiday Decorations. Owners can put out/have put out decorations appropriate for a holiday or religious event during times customary for those decorations for the respective holiday or religious event. No decorations that are offensive (which includes something determined to be inappropriate for a child to see), a nuisance to others, or inconsistent with the aesthetics of the neighborhood as determined by the Association are permitted. Any complaint about decorations can be submitted to the Association's management company for review by the Restrictive Covenants Committee.

d. Flags. Any flag in the front yard or visible from the street is subject to Association approval except the following are acceptable: the flag of a nation, a U.S. State, a branch of the U.S. Military, or a college, and any others that law requires to be permitted.

e. Signage. Signage must comply with Section 5.10 of the Declarations and the Rules and Regulations for Signage.

4. Responsible Committee. The ACC Committee is responsible for approval of initial landscaping, material changes to the configuration of landscaping, and items and other matters specified in these Rules requiring ACC Approval. An Owner can request approval from the ACC Committee of any item to confirm whether it is acceptable/appropriate. The Restrictive Covenants Committee is responsible for maintenance and violations related to landscaping, items covered by these Rules, flags, utilities, and holiday or religious event decorations.

5. Approval. If approval is required or desired from an Association Committee or the Board, an application should be submitted to the Association's management company for consideration by the applicable Committee or the Board. ACC Committee applications should be obtained from the Association's management company. Approval by a Committee or the Board must be obtained pursuant to the Bylaws, Declarations, and these Rules. For purposes of the Declarations and these Rules, whether something does or does not comply with requirements, including without limitation whether something is offensive, a nuisance, or inconsistent with the aesthetics of the neighborhood, is determined solely by the Association (in accordance with the Declarations and Rules) and not individual Owners.

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 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.