

Rules and Regulations for Outbuildings

These Rules and Regulations for Outbuildings (“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 Outbuildings. 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 4.23 (outbuildings), 4.4 (setbacks), 4.6 (masonry), 4.10 (roofing requirements), 4.18 (construction over utility easement), 5.8 (temporary structures), 5.11 (drainage), and 6.1 (design), 6.3 (criteria for approval), 8.1 (general duties and powers). The term “Outbuilding” means any temporary, portable, or permanent out-buildings, sheds, barns, garages, pergolas, gazebos, playgrounds, or any other structures that are enclosed or will be used in whole or in part for storage, excluding such structures that are used during initial construction of the residential dwelling or that will only be located on the Lot for no more than 60 days and then permanently removed.

No Outbuilding may be constructed, installed, or placed anywhere in The Crossing, nor may the exterior or location be altered, unless it is approved by the ACC Committee or the Board; provided that approval is not required for an Outbuilding that is not greater than 5' tall (above ground graded level) and is located within a fully enclosed privacy fence except other fencing can be used on sides facing Lick Creek Park or Pebble Creek (“Excluded Outbuildings”).

There were several existing Outbuildings in The Crossing as of September 24, 2020, many of which have already been submitted and either approved by the developer or by the previous ACC. Anyone who has not had their Outbuilding, other than playgrounds, approved should submit an application to the Association's management company within 30 days from the effective date of these Rules for consideration by the ACC Committee and determination by the Board. All playgrounds installed prior to September 25, 2020 are grandfathered but this does not set any precedence as to playgrounds installed on or after that date.

An application for Association approval of an Outbuilding, except Excluded Outbuildings, shall be submitted to the Association's management company for consideration by the ACC Committee. The application shall include the following:

1. A plot plan showing the location and dimensions of the Outbuilding, any landscaping to be added, and all related Improvements. The plot plan shall also show the Outbuilding Improvements' proximity to existing Improvements on the Lot and all setbacks shown on the plat and per Section 4.4 of the Declarations.
2. A picture, drawing, or acceptable detailed description of the proposed Outbuilding should be provided, and all entry doors, windows, or roll-up doors should be clearly identified. The materials and colors to be used for the exterior of the Outbuilding (including roof), any proposed exterior lighting, and the proposed foundation or any means to affix the Outbuilding to the ground should be specified.
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 Outbuildings, but this is not a complete list of all requirements:

1. No Outbuilding may be located in the front yard. No Outbuilding, except an Excluded Outbuilding, may be located in a side yard unless (i) the Outbuilding will not reasonably fit in the back yard due to the shape of the Lot and location of other Improvements and taking into account required setbacks and easements, and (ii) it is located within a fence. If an Outbuilding is permitted in a side yard, the ACC Committee can require that it be located as far from the front yard as reasonably possible.
2. No more than one (1) Outbuilding, not including Excluded Buildings and playgrounds, shall be located on a Lot for its intended purpose (ex. shed and playground are acceptable). Structure size should not exceed a total of 192 square ft.(which would be equivalent to 12'x16')
3. All building materials should complement and match the existing main structure, including colors, roofing material, and siding. The ACC Committee is authorized to approve a roof pitch that is less than 8 x 12. The total height of any Outbuilding shall not exceed 15'.
4. Any utilities servicing the Outbuilding must be underground. No above ground utilities will be permitted. Also any proposed lighting shall be submitted with the plans to determine possible impact on neighboring properties.
5. In consideration of existing Outbuildings already located in The Crossing other than pergolas, gazebos, and playgrounds, the Board has agreed to grant a variance to permit 100% Hardie board or equivalent Fiber Cement siding to meet the masonry requirements. Brick, stone or stucco may still be used if desired. The ACC Committee is authorized to approve variances, consistent with the neighborhood aesthetics and the intent for longevity of life before an Outbuilding looks in disrepair, for exterior materials used for pergolas, gazebos, and playgrounds. No plastic, fiberglass, or metal Outbuildings are allowed other than for "Excluded Buildings" & playgrounds.
6. Pre-fabricated sheds are permitted so long as they meet all of the Outbuilding requirements and the area around the foundation must be backfilled; no exposed space under the Outbuilding will be permitted.
7. All stored items must be kept inside the Outbuilding. Nothing can be hung or attached to the outside of the structure for storage purposes.
8. Once construction has started, the Outbuilding or alterations must be completed within 60 days or an explanation of delay must be submitted to the ACC Committee and approved. If the time line is not adhered to and no attempts have been made to explain the delay, it would be considered under section 6.12 to be in noncompliance and the Board could take appropriate action.
9. Any future modifications made to Outbuildings that don't meet these Rules will be required to adhere to these Rules. Example roofing or siding needs to be replaced.
10. No portion of an Outbuilding, except an Excluded Outbuilding that is not permanently affixed, may be located in a side setback. No portion of an Outbuilding, except an Excluded Outbuilding that is not permanently affixed, may be located in the rear setback unless (i) it is no closer than 10 feet to the rear property line, (ii) it is no more than 120 ft.² in size, (iii) it is not within an easement, (iv) if the back property line of the Lot abuts another Lot within The Crossing, then the Owner must obtain the written consent from each Owner of the abutting Lot and provide the consent to the ACC Committee, and (v) a permit should be obtained from the City of College Station if required.

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 January 7, 2021.