

Rules and Regulations for Pools

These Rules and Regulations for Pools (“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 pools. 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 4.20 (pools), 4.4 (setbacks), 4.12 (exterior lights), 5.11 (drainage), and 6.1 (design). The term “pool” means any swimming pool, hot tub, or similar Improvement and all related Improvements.

No pool may be constructed or installed anywhere in The Crossing unless it is approved by the ACC Committee or the Board.

An application for Association approval of a pool 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 pool, any landscaping to be added, and all related Improvements. The plot plan shall also show the pool Improvements' proximity to existing Improvements on the Lot and all setbacks shown on the plat and per Section 4.4 of the Declarations. Finally, the plot plan shall show the location of any exterior lighting that will be added other than underwater lighting in the pool.
2. If exterior lighting will be added other than underwater lighting in the pool, the application must provide an explanation of such lighting, including the brightness and the direction of the lighting.
3. If any impervious surface is constructed within a setback line, the Owner must provide a plot plan showing the drainage direction of water after construction of the pool and related Improvements, and the Owner must identify any changes in water drainage flow as a result of such construction.
4. The application should provide an explanation of where any drainage from the pool will discharge, including overflow drains.
5. If any existing Improvements will be altered, the application should include an explanation of the alterations.

The pool must be professionally installed. The Owner's contractor installing the pool must obtain a City of College Station permit to install the pool and must obtain a Certificate of Completion from the City of College Station confirming completion of the pool. A copy of the Certificate of Completion should be provided to the Association's management company.

The elevation of the pool and surrounding surface improvements can be no higher than the lower of the back porch or the foundation of the house.

If water is drained from the pool, the water must be drained into the sanitary sewer system. Note that the City of College Station advised that swimming pool water is not permitted to be drained into the City's storm sewer drainage system, which City restriction supersedes the provision in Section 4.20 of the Declarations stating that “drains must be piped into the storm sewer drainage system”. An Owner must contain water from cleaning the pool filter, including back wash, in the Owner's Lot. The pool should be constructed so that surface water follows the established drainage pattern for the property. If

any portion of the surface water flow is diverted as a result of the construction, then the Owner must make drainage improvements to prevent added water from flowing into another Lot or Common Area.

A pool Owner cannot use any portion of another Owner's Lot or Common Areas in connection with access or otherwise related to construction of a pool except to the extent the pool Owner obtains the express consent of the Owner of the other Lot or of the Association for Common Areas for such use.

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. Additionally, if an adjacent Lot Owner has objections related to drainage from a pool that has been or is being installed, the Association is not responsible to mediate or resolve the drainage issue; the adjacent Lot owner can pursue any claims that the adjacent Lot Owner has related to the pool and drainage directly against the pool Owner.

These Rules were adopted by the Board on and effective November 18, 2020.