

Denton County  
Juli Luke  
County Clerk

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Instrument Number: 148348

ERecordings-RP

RESTRICTIONS

Recorded On: October 20, 2022 08:07 AM

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" Examined and Charged as Follows: "

Total Recording: \$50.00

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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

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STATE OF TEXAS  
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke  
County Clerk  
Denton County, TX

**THIRD AMENDMENT TO  
RESIDENTIAL DESIGN GUIDELINES AND REVIEW PROCEDURES  
NEW CONSTRUCTION**

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STATE OF TEXAS           §  
  §  
COUNTY OF DENTON       §

This THIRD AMENDMENT TO RESIDENTIAL DESIGN GUIDELINES AND REVIEW PROCEDURES NEW CONSTRUCTION (this "**Amendment**") is made this 18<sup>th</sup> day of October, 2022 by PROVIDENCE HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation (the "**Association**").

WHEREAS, the Association is governed by that certain Declaration of Covenants, Conditions and Restrictions for Providence, recorded on June 12, 2002, under Volume 5105, Page 2787 of the Official Public Records of Real Property of Denton County, Texas (together with its amendments and supplements, the "**Declaration**");

WHEREAS, in accordance with the Declaration, the Association is subject to those certain Residential Design Guidelines and Review Procedures New Construction, recorded on April 28, 2008, as Document No. 2008-45290, of the Official Public Records of Real Property of Denton County, Texas, as amended by the First Amendment to the Residential Guidelines and Review Procedures New Construction, recorded on January 11, 2017, as Document No. 4129, of the Official Public Records of Real Property of Denton County, Texas, and the Second Amendment to the Residential Design Guidelines and Review Procedures New Construction, recorded on January 19, 2022, as Document No. 9317, of the Official Public Records of Real Property of Denton County, Texas (collectively, the "**Guidelines**");

WHEREAS, pursuant to Section 3.4 of the Declaration, the Architectural Review Committee/Reviewer shall have the authority to interpret and amend the Design Guidelines; and

WHEREAS, the Architectural Review Committee/Reviewer desires to amend the Guidelines and has so voted to amend the Guidelines as detailed herein.

NOW, THEREFORE, the Architectural Review Committee/Reviewer hereby amends the Guidelines as follows:

1. Fencing. Section 3.1.4 of the Guidelines entitled "Fencing, Walls and Screen" is hereby deleted and restated to read as follows:

**3.1.4 Fencing, Walls and Screen**

- (1) General - Wall enclosures may be used to control privacy by reducing noise and visual intrusions. Fencing should be used to screen or buffer private areas. No fences over five feet (5') tall will be allowed. Fences are provided for:

- a. Privacy for yards and patios; and
- b. Screening of equipment and garbage containers in rear and side yards.

(2) Amenity Lots - Special fencing and planting requirements may exist for designated amenity lots.

(3) Permanent Fencing

- a. Location/Materials - Fences shall be white PVC material (no recycled material shall be used). Panels shall be solid, scored to resemble pickets and have a flat top (see details). **All fences shall be constructed with the finished side facing out. No post shall be visible from outside the yard, including the alley side of the home being constructed (see design guidelines).** All fences require ARC approval.
- b. Use of masonry in combination with the standard fence details shall be restricted as follows:
  - 1. Front yard fencing and/or side yard along the building setback line;
  - 2. Corner Lot fencing five feet (5') inside the lot line;
  - 3. Masonry shall match house masonry if brick or stone or be compatible in color if stone and brick combinations are used;
  - 4. Masonry pilasters/columns should be of uniform design and materials to a maximum size of eighteen inches (18") square;
  - 5. Masonry pilasters/columns should be spaced at a maximum twenty feet (20') o/c or conform to the same section spacing as the post of the PVC fence and be placed on every other support column basis; and
  - 6. Fences that front on designated open space/common green areas are to be four-foot (4') PVC, resembling an open wrought iron fence (see details) with one (1) four-foot (4') gate as depicted in the Standard Details. Fences on corner lots shall be set back an additional five feet (5') from the street. Fences that abut the front of the home shall be solid PVC.

(4) Perimeter Fencing Requirements

For purposes of this provision, a "Perimeter Fence" means any fence, wall, or similar barrier located on, along, parallel to, and/or near the perimeter boundaries of the property, notwithstanding applicable setback lines.

- a. Prior Approval - The construction, installation, and/or replacement of a Perimeter Fence on an Owner's Lot requires the written approval of the ARC prior to commencement of the work. This includes, without limitation, the ARC's prior approval of the design, color, construction materials, height, location, and all other attributes of any Perimeter Fence;

- b. Rear and Side Perimeter Fences - Approved Perimeter Fences to be installed on, along, parallel to, or closest to the rear and side property lines of the property, whichever the case may be, shall comply with this Section 3.1.4 and all existing restrictive covenants, bylaws, policies, and/or guidelines previously or henceforth adopted by the Association, as such may be further amended or supplemented at any time in the future.
  - c. Front Perimeter Fences - Approved Perimeter Fences to be installed on, along, parallel to, or closest to the front property line shall: (a) be constructed only of white PVC material resembling an open wrought iron fence; (b) not be less than or more than four feet (4') in height measured from the surface of the ground to the uppermost portion of the Perimeter Fence or its post, (c) not encroach on any building line or easement appearing on the applicable subdivision plat and/or survey of the Lot in question, and (d) not be installed within three feet (3') of any existing sidewalk. Furthermore, no landscaping, hedge, bush, vines, greenery, or other vegetation shall be planted adjacent to a Front Perimeter Fence, so as to avoid visual line-of-sight obstructions. Any fence to be installed behind the front elevation of the residence, such as a backyard privacy fence, is not subject to the requirements of this Section 3.1.4(4)(c), but must comply with all other Association policies, guidelines, and restrictions with respect to such fences and is subject to prior written approval of the ARC.
  - d. Gates - A Perimeter Fence must have a closing gate approved in writing by the ARC that runs across a sideway or driveway that falls within the enclosed area.
- (5) Additions and Maintenance - No lattice work on top of white vinyl fences is allowed. All fences must be maintained in a neat and attractive manner at all times. Fences that are damaged, leaning or otherwise not in good repair shall be immediately repaired.

2. Security Measures. Section 3.1.18 entitled "Security Measures" is hereby added to the Guidelines as follows:

### **3.1.18 Security Measures**

- (1) Authorization - An Owner is permitted to build and/or install certain security measures on the Owner's Lot, including security cameras and motion detectors (collectively, "Security Devices," and, individually, a "Security Device"), provided any such Security Device is installed only on the Owner's Lot(s) and complies with all the provisions of these Guidelines. The installation of a Security Device by an Owner (or his or her agent or representative) in a place other than the Owner's private property, including without limitation on the Common Area and Common Properties, is strictly prohibited.
- (2) Location - To the extent reasonably possible, Security Devices should be (a) installed in such a manner that such devices do not extend beyond the trim or eaves of the dwelling, and (b) mounted flush with the exterior siding or fascia of the dwelling.

Installation of any Security Device in or on trees, poles, tripods, free-standing poles and/or similar items is prohibited.

(3) Color - The colors of Security Devices should be limited to black, white, or metallic. Any other color must be pre-approved in writing by the ARC.

(4) Scope of Camera Coverage and Protection of Privacy:

- a The position of any security camera should avoid the invasion of the privacy of any of the Owner's neighbors and not willfully intrude on another Owner's property without the express written consent of that Owner;
- b Security cameras should not be pointed in a direction of any room or space that a neighbor would reasonably expect to be private and hidden from the view of others;
- c The "scope of coverage" of any security camera should be limited to the following portions of an Owner's Lot and permitted adjacent areas: (i) between the front door of the home and the street curb; (ii) the front lawn area; (iii) the back door and back lawn areas; (iv) the rear patio areas; (v) areas where the vehicles of an Owner (or that of his or her tenants, guests, or invitees) are parked; (vi) areas where air conditioning and/or pool equipment are located; (vii) garage areas, and (viii) adjacent public areas such as streets, sidewalks, and greenbelts;
- d Accessory devices such as lights, alarms, and other sound generating devices connected to a motion detector shall not be a nuisance to other Owners. All light and sounds emanating from such devices must be confined to the Owner's property and must be of a brightness, volume, and intensity that a reasonable person with normal sensitivities would not regard as a nuisance. Lights must turn off within a reasonable period of time. A motion detector must not be used to activate any device that could cause physical harm to persons or animals;
- e In the event a neighbor files a complaint with the ARC or the Board regarding the scope of coverage of another neighbor's security camera, the ARC and Board have the authority to investigate whether the Security Device has been properly placed and if the scope of coverage is reasonable. If necessary, the ARC or the Board may require that the Owner of the security camera adjust its location and/or angle to avoid intruding on the privacy of the Owner's neighbors; and
- f The Association will not become involved in regulating, monitoring, or otherwise policing an Owner's viewing, keeping, sharing, or otherwise using any recorded materials, video footage, still photos, and related media (collectively, "Recorded Materials"). Any illegal or improper use of Recorded Materials will be a private matter between the Owner alleged to be illegally or improperly using said Recorded Materials and the affected third party; the

Association will not be party to any such dispute. Furthermore, the Association specifically disclaims any responsibility, liability, or obligation with respect to the use of Recorded Materials, improper security camera placement, or any claim of invasion of privacy.

3. Terms. Any term used but not defined herein shall have the meaning assigned to such term by the Declaration.

4. Effective. This Amendment is effective upon recordation in the Official Public Records of Real Property of Denton County, Texas. Except as affected by this Amendment, all other provisions contained in the Guidelines and/or any other dedicatory instruments of the Association shall remain in full force and effect.

5. Conflict. In the event of any conflict or inconsistency between the terms and provisions contained in this Amendment and those set forth in the Guidelines, this Amendment shall control. The Association hereby ratifies and affirms the Guidelines, as amended hereby, and declares the same to be in full force and effect.

IN WITNESS WHEREOF, the Architectural Review Committee/Reviewer has caused this Amendment to be executed as of the date set forth in the first paragraph hereof.

*[SIGNATURE PAGE(S) TO FOLLOW]*

**ASSOCIATION:**

**PROVIDENCE HOMEOWNERS ASSOCIATION, INC.,**  
a Texas nonprofit corporation

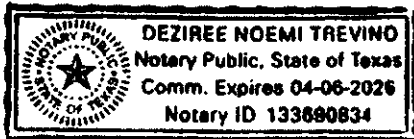
By: *Dustin W. Clay*

Name: Dustin W. Clay

Title: Chairman of the Architectural Review Committee/Reviewer

STATE OF TEXAS           §  
   §  
COUNTY OF DENTON       §

On this 17<sup>th</sup> day of October, 2022, before me, the undersigned notary public, personally appeared Dustin W. Clay, Chairman of the Architectural Review Committee/Reviewer of PROVIDENCE HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein contained and in the capacity therein stated.



*Deziree Noemi Trevino*  
Notary Public, State of Texas

**ATTEST:**

I, as Secretary of the Association, hereby certify that the Architectural Review Committee/Reviewer voted to adopt this Amendment as detailed herein above.

By: *Melanie Ecker*

Melanie Ecker, Secretary

STATE OF TEXAS           §  
   §  
COUNTY OF DENTON       §

On this 18<sup>th</sup> day of October, 2022, before me, the undersigned notary public, personally appeared *Melanie Ecker*, Secretary of PROVIDENCE HOMEOWNERS ASSOCIATION, INC. a Texas nonprofit corporation, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that she or he executed the same for the purposes and consideration set forth therein.

*Sheila M. King*  
Notary Public, State of Texas

