



**SUPPLEMENTAL AMENDMENT TO SECTIONS A, E & F OF  
CERTAIN POLICIES & GUIDELINES REGARDING DEED RESTRICTION MATTERS FOR  
PROVIDENCE COMMUNITY ASSOCIATION, INC.**

" THIS WILL SPECIFY THAT PART OR ALL OF THE REFERENCED PROPERTY IS IN FORT BEND COUNTY."

- I. Name of the subdivision: Providence
- II. Name of association: Providence Community Association, Inc.
- III. Subdivision recording data (i.e. the map or plat recording data for each section in the subdivision):

<u>Subdivision Name/Section</u>	<u>Map /Plat Recorded in Clerks File/Film No.</u>
Providence Section 1	Vol. 26, Pg. 15
Providence Section 2	Vol. 28, Pg. 13
Providence Section 3	Slide #601A & 601B
Providence Section 4	Slide #837A

- IV. Declaration of Covenants, Conditions and Restrictions recording data: (the recording data for each Declaration for each section in the subdivision):

<u>Subdivision Name/Section</u>	<u>Declaration Recorded in Clerk's File No.</u>
Providence Section 1 Amendment	8901481
Providence Section 1 Correction	82020585
Providence Section 1	81044620
Providence Section 2	82020586
Providence Section 3 Amendment	84009763
Providence Section 3	84009023
Providence Section 4	8631105

V. Pursuant to new requirements of Sections 202 and 209 of the Texas Property Code, a Supplemental Amendment to replace Sections A, E in their entirety and replace them with the following, and to add Section F to Certain Policies & Guidelines Regarding Deed Restriction Matters was approved by a regular meeting of the Board of Directors for the Providence Community Association, Inc., hereinafter referred to throughout as the "Association", said meeting being properly called and a quorum being present on the 19 day of November, 2013. The Original CERTAIN POLICIES & GUIDELINES REGARDING DEED RESTRICTION MATTERS filed of record for the Association, except as expressly amended herein, shall remain in full force and effect, and is hereby ratified and confirmed.

**A. FLAG DISPLAY POLICY**

1. ARCHITECTURAL CONTROL/REVIEW COMMITTEE APPROVAL REQUIRED. The Association may adopt or enforce reasonable dedicatory instrument provisions to regulate the size, number, and location of flagpoles on which flags are displayed, except that the regulation may not prevent the installation or erection of at least one flagpole per property that: (i) is not more than 20 feet in height and, subject to applicable zoning ordinances, easements, and setbacks of record, is

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located in the front yard of the property; or (ii) is attached to any portion of a residential structure owned by the property owner and not maintained by the property owners' association. A written architectural application must be submitted, and written approval be granted by the Architectural Control/Review Committee prior to erecting a permanent flagpole or exterior illumination.

2. **ARCHITECTURAL CONTROL/REVIEW COMMITTEE SUBMISSION REQUIREMENTS.** A copy of the existing site plan showing the house and other structures, fences, significant vegetation, property and setback lines with the following information: the proposed location and dimensions of the flag and flagpole, materials and finish of flagpole, materials and finish of proposed lighting fixture, location and bulb color and wattage.
3. **FLAGS.** This policy is only for the display of the flag of the United States of America; the flag of the State of Texas; and an official or replica flag of any branch of the United States Armed Forces on any property. No disrespect should be shown to the flag of the United States of America. Flags shall be no larger than 3 feet by 5 feet. The Association may adopt or enforce reasonable dedicatory instrument provisions that require that: (i) the flag of the United States be displayed in accordance with 4 U.S.C. Sections 5-10; and (ii) the flag of the State of Texas be displayed in accordance with Chapter 3100, Government Code;
4. **FLAGPOLES.** No more than one building or pole-mounted flagpole not to exceed 20 feet in height will be permitted on any property. Any flagpole attached to a dwelling or a freestanding flagpole in a front yard must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling. "Front yard" means a yard within a lot having a front building setback line with a setback of not less than 15 feet extending the full width of the lot between the front lot line and the front building setback line. The display of a flag, or the location and construction of the supporting flagpole, shall comply with applicable zoning ordinances, easements, and setbacks of record. Flagpoles should be located so as to minimize their impact on neighboring properties. When locating freestanding flagpoles, the size of the property, relationship to adjacent residences, the size of the flag, the height, color and material of the pole shall be considered.
5. **CONDITION.** A displayed flag and the flagpole on which it is flown shall be maintained in good condition. Any deteriorated flag or deteriorated or structurally unsafe flagpole shall be repaired, replaced, or removed.
6. **NOISE.** Flags shall be displayed in such a manner so as to abate noise caused by an external halyard of a flagpole so as to not be a nuisance, irritant or adversely impact other neighboring property owners.
7. **LIGHTS.** Any lighting used to illuminate a displayed flag must not be a nuisance or impact neighboring properties with regard to glare or intensity. Lighting which is part of the original structure may not be altered without prior approval. Proposed replacement or additional fixtures must be compatible in style and scale with the existing property. Exterior lighting shall not be directed outside the owner's property, and should not have an adverse visual impact upon adjoining neighbors.
8. **ASSOCIATION PROPERTY.** Property Owners may not locate a displayed flag or flagpole on property that is owned or maintained by the Association, or owned in common by the members of the association.

**E. COMPOSTING, RAIN HARVESTING, WATER CONSERVATION & IRRIGATION POLICY**

1. ARCHITECTURAL CONTROL/REVIEW COMMITTEE APPROVAL REQUIRED. A written architectural application must be submitted and written approval be granted by the Architectural Control/Review Committee prior to the installation of any composting device, rain barrel/rain harvesting system, water conservation or irrigation system. In addition the Association requires owners to submit a detailed description or plan for the installation of drought-resistant landscaping or water-conserving natural turf for review and approval by the Association ensure, to the extent practicable, maximum aesthetic compatibility with other landscaping in the subdivision. The Association may not unreasonably determine that the proposed installation of drought-resistant landscaping or water-conserving natural turf is aesthetically incompatible with the other landscaping in the subdivision; such approval may not be unreasonably denied or unapproved.
2. COMPOSTING. The Association will not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from implementing measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass. However, the Association will regulate requirements, including size, type, shielding, and materials, for or the location of a composting device so long as the restriction does not prohibit the economic installation of the device on the owner's property where there is reasonably sufficient area to install the device. Composting devices must be installed in fenced yard or patio of an owner's property.
3. IRRIGATION SYSTEMS. The Association will not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from implementing efficient irrigation systems, including underground drip or other drip systems. However, it will regulate the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes.
4. DROUGHT RESISTANT LANDSCAPING/WATER CONSERVATION. The Association is not prohibited from regulating the installation or use of gravel, rocks, or cacti or yard and landscape maintenance, if the restrictions or requirements do not restrict or prohibit turf or landscaping design that promotes water conservation. The Association may regulate yard and landscape maintenance. However, the Association cannot include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from using: (i) drought-resistant landscaping, (ii) water-conserving natural turf, or (iii) turf or landscaping design that promotes water conservation.
5. RAIN BARRELS OR RAINWATER HARVESTING SYSTEMS. The Association will not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing rain barrels or a rainwater harvesting system. However, the Association will not permit a rain barrel or rainwater harvesting system to be installed in or on a property: (i) if the property is located between the front of the property owner's home and an adjoining or adjacent street; or (ii) the barrel or system is of a color other than a color consistent with the color scheme of the property owner's home; or (iii) displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured. The Association will regulate the size, type, and shielding of, and the materials used in the construction of, a rain barrel, rainwater harvesting device, or other appurtenance that is located on the side of a house or at any other location that is visible from a street, another lot, or a common area if the restriction does not prohibit the economic installation of the device or appurtenance on the property owner's property; and there is a reasonably sufficient area on the property owner's

property in which to install the device or appurtenance.

6. **ASSOCIATION PROPERTY.** Property Owners may not locate a composting device, rain harvesting or irrigation system on property that is owned or maintained by the Association.

**F. ADJACENT LOTS FOR RESIDENTIAL PURPOSES**

1. In this section, "adjacent lot" means: (i) a lot that is contiguous to another lot that fronts on the same street; (ii) with respect to a corner lot, a lot that is contiguous to the corner lot by either a side property line or a back property line; or (iii) if permitted by the dedicatory instrument, any lot that is contiguous to another lot at the back property line.
2. In this section, "residential purpose" with respect to the use of a lot: (i) means the location on the lot of any building, structure, or other improvement customarily appurtenant to a residence, as opposed to use for a business or commercial purpose; and (ii) includes the location on the lot of a garage, sidewalk, driveway, parking area, children's swing or playscape, fence, septic system, swimming pool, utility line, or water well and, if otherwise specifically permitted by the dedicatory instrument, the parking or storage of a recreational vehicle.
3. Except as provided by herein, the Association may not adopt or enforce a provision in a dedicatory instrument that prohibits or restricts the owner of a lot on which a residence is located from using for residential purposes an adjacent lot owned by the property owner.
4. An owner must obtain the approval of the Association or, if applicable, an architectural committee established by the association or the association's dedicatory instruments, based on criteria prescribed by the dedicatory instruments specific to the use of a lot for residential purposes, including reasonable restrictions regarding size, location, shielding, and aesthetics of the residential purpose, before the owner begins the construction, placement, or erection of a building, structure, or other improvement for the residential purpose on an adjacent lot.
5. An owner who elects to use an adjacent lot for residential purposes under this section shall, on the sale or transfer of the lot containing the residence: (i) include the adjacent lot in the sales agreement and transfer the lot to the new owner under the same dedicatory conditions; or (ii) restore the adjacent lot to the original condition before the addition of the improvements allowed under this section to the extent that the lot would again be suitable for the construction of a separate residence as originally platted and provided for in the conveyance to the owner.
6. An owner may sell the adjacent lot separately only for the purpose of the construction of a new residence that complies with existing requirements in the dedicatory instrument unless the lot has been restored to the original condition before the addition of the improvements allowed under this section to the extent that the lot would again be suitable for the construction of a separate residence as originally platted and provided for in the conveyance to the owner.
7. A provision in a dedicatory instrument that violates this section is void.

**CERTIFICATION**

"I, the undersigned do hereby certify that I am the duly elected and acting President of Providence Community Association, Inc. and the Supplemental Amendment to replace Sections A, E and add Section F to the Certain Policies & Guidelines Regarding Deed Restriction Matters for the Association was adopted at a regular meeting of the Board of Directors, said meeting being properly called and a quorum being present on the 19 day of November, 2013."

IN WITNESS WHEREOF, I have hereunto subscribed my name this the 19 day of November, 2013.

By: Kelly Davis, President  
Printed Name: Kelly Davis

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

BEFORE ME, on this day personally appeared Kelly Davis, the President of Providence Community Association, Inc., known by me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this the 19 day of November, 2013.



Sharon Griffith  
Notary Public - State of Texas

**After recording, return to:**  
SCS Management Services, Inc.  
7170 Cherry Park Drive  
Houston, TX 77095

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**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**

*Dianne Wilson*

Dianne Wilson, County Clerk  
Fort Bend County, Texas

December 10, 2013 11:38:51 AM

FEE: \$27.00 DP2  
AMENDMNT

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