



## SWIMMING POOL ENCLOSURES POLICY

**Sienna Residential Association  
Sienna Community Association**

STATE OF TEXAS §  
  §  
COUNTY OF FORT BEND §

### **I. PURPOSE**

The purpose of this Swimming Pool Enclosures Policy (“Policy”) is to provide guidance regarding the appearance of swimming pool enclosures authorized by Texas Property Code Section 202.022 and to establish a process relating to the installation of swimming pool enclosures on Lots within Sienna (defined below).

### **II. APPLICABILITY AND AUTHORITY**

This Policy pertains to the following entities and encumbers that property restricted by the Covenant and Declaration (defined below):

1. Sienna Plantation Community Association, Inc., sometimes doing business as Sienna Community Association (“SCA”) as referenced in the Sienna Plantation Amended and Restated Master Covenant (Sienna Plantation Community Association, Inc.), filed under Clerk’s File No. 2019035843 in the Official Public Records of Fort Bend County, Texas (“Covenant”), as same has been or may be amended from time to time and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the SCA.
2. Sienna Plantation Residential Association, Inc., sometimes doing business as Sienna Residential Association (“SRA”) as referenced in the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sienna Plantation (Sienna Plantation Residential Association, Inc.) recorded under Clerk’s File No. 2012104699 in the Official Public Records of Fort Bend County, Texas (“Declaration”), as same has been or may be amended from time to time, and any other property which has been or may be subsequently annexed thereto and made subject to the authority of SRA.

Any reference in this Policy to “**Board**”, “**Boards**”, “**Association**” or “**Associations**” applies to all of the above-mentioned entities. Any reference in this Policy to “**Sienna**” collectively means that property encumbered by the Declaration and the Covenant. Any reference in this Policy to “**Common Area**”, “**Lot**”, “**Owner**” or “**Occupant**” has the corresponding meaning ascribed to that term in the Declaration or Covenant, as applicable. Any reference in this Policy to “**ARC**” shall mean the committee or entity having architectural review authority as established in the Declaration or the Covenant, as applicable.

Each Board is authorized by its respective dedicatory instruments to adopt policies pertaining to the governance of the Association that it serves. Invalidation of any one or more of the covenants, restrictions, conditions, or provisions contained in this Policy shall in no way affect any of the other covenants, restrictions, conditions, or provisions which shall remain in full force and effect.

### **III. SWIMMING POOL ENCLOSURES**

#### **A. DEFINITIONS**

For purposes of this Policy, “**Swimming Pool Enclosure**” shall mean a fence that:

1. Surrounds a water feature, including a swimming pool or spa located on a Lot within the Property;
2. Consists of transparent mesh or clear panels set in metal frames;
3. Is not more than six feet (6’) in height; and
4. Is designed to not be climbable.

#### **B. APPROVED SWIMMING POOL ENCLOSURES**

The installation of a Swimming Pool Enclosure that is black in color, consists of transparent mesh set in metal frames, is less than or equal to six feet (6’) in height, and conforms to all applicable state or local safety requirements (“Approved Swimming Pool Enclosure”) is considered pre-approved by the ARC and does not need to be submitted to the ARC for review and approval.

#### **C. SWIMMING POOL ENCLOSURES REQUIRING ARC APPROVAL**

The installation of a Swimming Pool Enclosure on a Lot, other than an Approved Swimming Pool Enclosure, requires prior written approval from the ARC. Any such Swimming Pool Enclosure is subject to the following parameters:

1. Swimming Pool Enclosures may not exceed six feet (6’) in height, unless otherwise approved by the ARC.
2. Swimming Pool Enclosures shall conform to all applicable state or local safety requirements.

3. Swimming Pool Enclosures may contain frames (a) composed of materials such as, by way of illustration and not limitation, metal, wood, and/or polycarbonate plastic; and (b) composed of colors such as, by way of illustration and not limitation, white, silver, transparent, or black tones.
4. Swimming Pool Enclosures may contain panels or screens (a) composed of materials such as, by way of illustration and not limitation, transparent mesh, glass, or polycarbonate plastic; and (b) composed of colors such as, by way of illustration and not limitation, clear, white or light blue.

The submission of plans related to a Swimming Pool Enclosure must include a completed application for ARC review, a site plan showing the proposed location of the Swimming Pool Enclosure, the type of Swimming Pool Enclosure to be used, and a copy of the manufacturer’s brochures or a sample of material, if applicable. In considering the appearance of a Swimming Pool Enclosure, the ARC may take into account such factors including, but not limited to, the overall size of the pool, the size and configuration of the Lot, the location of the Lot in the Property, the location of the pool and Swimming Pool Enclosure on the Lot and the visibility of the Swimming Pool Enclosure from streets, other Lots, and/or Common Areas.

The installation of a Swimming Pool Enclosure that is not in compliance with this Policy will be considered a violation of the dedicatory instruments governing Sienna.

<b>Policy Name</b>	<b>Approved/Finalized</b>	<b>Revised</b>
Swimming Pool Enclosures Policy	July 26 & 28, 2021	

[SIGNATURE PAGES FOLLOW]

**CERTIFICATION**

**SIENNA COMMUNITY ASSOCIATION/TOLL-GTIS PROPERTY OWNER, LLC**

I hereby certify that, as President of the Sienna Plantation Community Association, Inc., the foregoing Swimming Pool Enclosures Policy was approved on the 28<sup>th</sup> day of July, 2021, at a meeting of the Board of Directors at which a quorum was present.

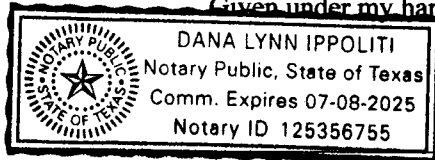
DATED, this the 28<sup>th</sup> day of July, 2021.

By: \_\_\_\_\_  
Print Name: Jimmie F. Jenkins  
Title: President

STATE OF TEXAS §  
  §  
COUNTY OF FORT BEND §

BEFORE ME, on this day personally appeared Jimmie F. Jenkins the President of Sienna Plantation Community Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 28<sup>th</sup> day of July, 2021.



Dana Lippoliti  
Notary Public – State of Texas

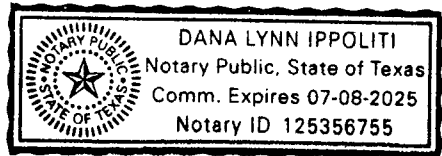
APPROVED, this the 28<sup>th</sup> day of July, 2021.

TOLL-GTIS PROPERTY OWNER, LLC, a Texas limited liability company

By: \_\_\_\_\_  
Printed Name: Jimmie F. Jenkins  
Title: Authorized Representative

THE STATE OF TEXAS §  
  §  
COUNTY OF Fort Bend §

This instrument was acknowledged before me this 28<sup>th</sup> day of July, 2021, by Jimmie F. Jenkins, Authorized Rep. of Toll-GTIS Property Owner, LLC, a Texas limited liability company, on behalf of said company.



Dana Lippoliti  
Notary Public – State of Texas

**CERTIFICATION**

I hereby certify that, as Secretary of the Sienna Plantation Residential Association, Inc., the foregoing Swimming Pool Enclosures Policy was approved on the 26<sup>th</sup> day of July, 2021, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 26<sup>th</sup> day of July, 2021.

*Derek Goff*  
Derek Goff, Secretary

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND   §

BEFORE ME, on this day personally appeared Derek Goff, Secretary of the Sienna Plantation Residential Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 26<sup>th</sup> day of July, 2021.

*Dana Ippoliti*  
Notary Public – State of Texas

After Recording, Return To:  
Dana Ippoliti  
Sienna Plantation Residential Association, Inc.  
9600 Scanlan Trace  
Missouri City, TX 77459

