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DOMINION HOMEOWNERS ASSOCIATION

Bexar County, Texas

SUPPLEMENT TO THE AMENDMENT AND RESTATEMENT TO COMMUNITY MANUAL

[SUPPLEMENT TO THE ACC RULES - DEMOLITION POLICY]

Cross-reference the Declaration of Covenants, Conditions, Easements and Restrictions for The Dominion Planned Unit Development, recorded under Volume 2956, Page 61, in the Official Public Records of Bexar County, Texas, as amended and with any supplements and annexations thereto (the "Declaration"), and that certain Supplement to The Dominion Amendment and Restatement to Community Manual recorded as Doc. No. 20170193406, Official Public Records of Bexar County, Texas.

THE DOMINION

**SUPPLEMENT TO THE DOMINION
AMENDMENT AND RESTATEMENT TO
COMMUNITY MANUAL**

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THE DOMINION HOMEOWNERS ASSOCIATION

ACC RULES

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THE DOMINION HOMEOWNERS ASSOCIATION

DEMOLITION POLICY

The Board of Directors of The Dominion Homeowners Association (the "Association") has adopted the following demolition policy for owners within the community. This policy is adopted pursuant to the Board's rule-making authority contained in the Declaration of Covenants, Conditions, Easements and Restrictions for The Dominion Planned Unit Development, recorded in Volume 2956, Page 0061, Bexar County, Texas, as amended (the "Declaration"), the Bylaws of the Association as contained in that certain Dominion Community Manual recorded in Document No. 20110225839, and in accordance with Texas law. Terms used but not defined herein shall have the meaning subscribed to such terms in the Declaration.

Section 1: DEFINITIONS

Demolition shall mean any intentional or unintentional act of dismantling, pulling down, destroying, removing, razing, or moving a structure or any structural portion thereof, or commencing the work of moving or of total or substantial destruction of a structure or portion thereof.

For the purposes of demolition review as described for this policy, demolition is defined quantitatively as:

Removal or encapsulation of more than fifty (50) percent of the framed structure of all exterior walls and/or roofs. *Exception:* Minor repair and routine maintenance.***

***Those activities which constitute ordinary/minor repair and maintenance include, but are not restricted to:

- a. Repair using the same material and design as the original.
- b. Repainting, using the same color; and
- c. Reroofing, using the same type and color of material.

NOTE: The foregoing minor repair and routine maintenance exceptions only apply to improvements that were approved to begin with and otherwise comply with all applicable restrictions and rules.

Section 2: PURPOSE AND INTENT

The policy is intended to:

- 2.1 Provide notice of proposed demolition of structures within the Dominion Planned Unit Development.
- 2.2 Encourage property owners and Dominion residents to seek out persons or agencies who might be willing to purchase, preserve, rehabilitate or restore such structures rather than demolish them.
- 2.3 Promote conservation of significant structures and limit the detrimental effect of demolition on the traditional architectural resources of residential and commercial neighborhoods; and
- 2.4 Encourage compatible design solutions that reinforce and enhance the existing character of the Dominion residential and commercial neighborhoods.

This article is not intended to permanently prevent demolition, but rather to provide an opportunity to develop compatible design concepts for properties where demolition is deemed necessary, for which design concepts are available for architectural review and comment.

Section 3: SCOPE OF REGULATIONS

- 3.1 This article shall apply to all proposed demolition located within the jurisdiction of the Association.
- 3.2 This article shall regulate all activities that result or may result in the demolition of an existing structure, except where such demolition is necessary to protect public health, safety, and welfare, as determined by the Association.

Section 4: DEMOLITION PERMIT REQUIRED

- 4.1 No demolition of any structure or any portion of a structure shall be permitted except as set forth in this article.
- 4.2 All demolitions shall require a permit application to be submitted to the Association office and permit issued prior to actual demolition.

Section 5: PERMIT PROCESS FOR DEMOLITION

- 5.1 Proposed demolitions in which the scope of work does not meet the regulations as defined in Section 1 for demolition, or when the scope of work involves any structure

or project specifically exempted in Subsection 6.3 shall meet the permit regulations as listed in this section, and as well as Section 4.

- 5.2 The person or entity submitting an application for a demolition permit for any structure must be the owner of record or the authorized agent of the owner(s) as evidenced by a power of attorney.
- 5.3 Once the plan review is completed for a proposed demolition permit regulated by this article, the Association shall notify the applicant, in writing, of additional requirements for demolition review as described in Section 6 if applicable.
- 5.4 A demolition permit shall be valid for a period of six (6) months from the date of issue by the Association and shall not be transferable. Where no demolition activity has occurred within a six (6) month period, the demolition permit shall be null and void, unless extended at the discretion of the Association upon written request by the property owner or authorized agent.
- 5.5 Builders/Owners are required to adhere to a timeline of 30 days to demolish the existing structure as follows if it is less than 3500 sq. ft. 30 days. If larger than 3500 sq. ft 60 days are provided.

Section 6: DEMOLITION REVIEW PROCEDURES

- 6.1 The goal of the demolition review process is to allow review and comment regarding the impact that the proposed demolition, and any replacement structures, may have on the surrounding neighborhood.
- 6.2 The demolition review process is intended to complete both the determination of significance of existing structures proposed for demolition and the compatibility review of any replacement structures within the same process. However, the significance and compatibility process may be completed in separate processes if requested in writing by the property owner.
- 6.3 Proposed demolitions in which the scope of work meets the regulations as defined in Section 1, or when the scope of work involves any structure or project not specifically exempted below shall meet the permit regulations for demolition review as listed in this article.

Exceptions from the demolition review process regarding significance of an existing structure to allow for administrative review:

- 6.3.1 Existing structures not supported by a permanent foundation,

- 6.3.2 Existing structures which have an exterior grade footprint of two hundred (200) square feet or less,
- 6.3.3 Existing one- and two-story detached accessory structures,
- 6.3.4 Replacement or alteration of existing exterior finish materials on roofs or walls with new exterior finish materials which match the existing in color and design,
- 6.3.5 Replacement or alteration of roof decking and finish materials only,
- 6.3.6 Exterior alterations that do not substantially alter, modify, cover, or encapsulate existing framing components, and
- 6.3.7 Ordinary repair and maintenance as referenced in Section 1 definition for demolition.

Exceptions from the demolition review process regarding compatibility of any proposed structures to allow for administrative review:

- 6.3.8 New structures for projects not governed previously under demolition ordinances,
 - 6.3.9 Replacement or alteration of existing exterior finish materials on roofs or walls with new exterior finish materials which match the existing in color and design,
 - 6.3.10 Replacement or alteration of roof decking and finish materials only,
 - 6.3.11 Exterior alterations that do not substantially alter, modify, cover, or encapsulate existing framing components, and
 - 6.3.12 Minor repair and routine maintenance as referenced in section 5-13 definition for demolition,
 - 6.3.13 One-story replacement accessory structures.
- 6.4 The following proposed structure(s) or project(s) shall be governed by demolition review regarding compatibility regardless of whether any significance determination was reviewed:
- 6.4.1 Two-story detached accessory structures intended to replace previously permitted demolitions of exempt accessory structures.

- 6.5 Plans for demolition review submitted under this article shall be submitted along with the demolition review application to the Association office for review and must contain all the information required in the ACC's application forms to be considered complete.
- 6.6 If no plans are submitted for a replacement structure at the time of the request for demolition review, the Association shall forward any future development plans for replacement structures to the ACC for review of the replacement structure's compatibility, as defined in this chapter before issuing a building permit.
- 6.7 When all demolition review application packets have been submitted, along with a non-refundable application fee, the Association shall place the proposed project request on the agenda for the next available ACC meeting.
- 6.8 The ACC shall consider the following criteria when determining the significance, as defined in this chapter, of existing structures:
 - 6.8.1 The existing condition of the structure, as presented by the applicant and as reviewed by the Association; and
 - 6.8.2 The potential for reuse or rehabilitation of the structure.
- 6.9 The ACC shall consider the following criteria when determining the compatibility, as defined in this chapter, of replacement structures:
 - 6.9.1 Architectural design,
 - 6.9.2 Scale relative to height, form, and massing,
 - 6.9.3 Lot coverage,
 - 6.9.4 Setbacks,
 - 6.9.5 Materials,
 - 6.9.6 Roof pitch, and
 - 6.9.7 Landscaping.
- 6.10 The ACC shall take one (1) of the following actions after the close of the public hearing:

- 6.10.1 Determine that the structure is not a significant structure, and that the replacement structure is compatible with other structures in the adjacent and immediate block area, and recommend approval of demolition, or
- 6.10.2 Determine that the structure is a significant structure, and make a recommendation for demolition delay to allow collaboration with the property owner to explore alternatives to demolition; or,
- 6.10.3 Determine that the proposed replacement structure is incompatible with other structures in the adjacent and immediate block area, and:
 - 6.10.3.1 Defer the review to a subsequent ACC meeting if sufficient information has not been presented to allow the ACC to make a determination or to allow the applicant to resubmit a revised design to address the compatibility issues identified by the ACC, or
 - 6.10.3.2 Make a recommendation for demolition delay to allow the applicant to resubmit a revised design to address the compatibility issues identified by the ACC.
- 6.11 Where the ACC recommends approval for either the demolition of an existing structure and/or for the construction of a replacement structure, the Association shall issue a demolition permit upon application by the property owner or authorized agent per Section 4 and upon payment of the required permit fee of 5,000 and demolition refundable deposit is scheduled as a minimum of \$5,000 for ½ acre lots. A permit fee of 10,000 and minimum of \$10,000 for more than ½ acre lots. The deposit must be submitted prior to commencement of demolition. If the deposit is not submitted within this time, approval of the demolition review shall become null and void.
- 6.12 Any projects that present a potential negative impact to neighboring properties or the community may be forwarded to the ACC for compatibility review.
- 6.13 No demolition of any structure or any portion of a structure shall be permitted where such structure has determined to be a significant structure by the ACC and final action given by the Association, except as set forth in this article.

Section 7: DEMOLITION DELAY

- 7.1 Where a demolition delay is determined necessary, the ACC may delay the issuance of the demolition permit for a maximum of ninety (90) days from the date of the action designating the existing structure as significant. This delay may be extended by the ACC for an additional ninety (90) days at any time prior to expiration of the

- original delay, but such extension shall occur only once, for a maximum delay not to exceed one hundred eighty (180) days from the date of action designating the structure as significant. If the ACC and property owner have not reached a mutual agreement on the future of the structure, within said one hundred eighty (180) days, the demolition review shall be approved.
- 7.2 Where a demolition delay has been determined necessary, the community has the opportunity to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such structure rather than demolish the structure, and to limit the detrimental effect of demolition on the historical architectural resources of the city. Likewise, the owner has the opportunity to resubmit a revised application to the Association for review and comment.
- 7.3 Notwithstanding the designation of a structure as a significant structure, the Association may issue a demolition permit at any time after receipt of written advice from the ACC to the effect that the committee is satisfied that there is no reasonable likelihood that either the owner or some other person is willing to purchase, preserve, rehabilitate or restore such structure, or when additional information warrants a termination of the demolition delay.
- 7.4 In a case where the property owner or authorized agent desires only to have the ACC decide of a structure's significance, the property owner or authorized agent shall submit a request for such action along with a non-refundable fee. The Association and the property owner or authorized agent shall then follow in similar manner the requirements set out in Section 6.
- 7.5 All extensions must be requested to, reviewed, and approved by the ACC.

Section 8: DEMOLITION REVIEW APPROVAL

- 8.1 Demolition review approval shall be granted for the following conditions:
- 8.1.1 When a demolition delay has been established and the maximum delay period of one hundred eighty (180) days has expired, or
- 8.1.2 The existing structure proposed for demolition is not determined significant, and
- 8.1.3 The replacement structure for any structure previously approved under demolition review is determined to be compatible, as defined in this chapter.
- 8.1.4 Owner/Builders are required to submit preliminary plans for a new structure at time of request to demolish or provide resolution to sod or plant on vacant lot.

- 8.2 Once demolition review approval is granted by ACC, the Association shall have the authority to issue a demolition permit upon request by the property owner or authorized agent.

Section 9: RESPONSIBILITY OF THE OWNER

- 9.1 Once a demolition delay has been established, the owner shall be responsible for properly securing the structure, if vacant, to the satisfaction of the Association. Should the owner fail to so secure the structure, a subsequent destruction of the structure at any time during the demolition delay period, which destruction could have been prevented by the required security measures, shall be considered a demolition in violation of this article. Penalties and remedies are identified in Dominion Community Manual, Attachment 16, Violation Charges.
- 9.2 If demolition of a structure is authorized by the ACC and a permit is issued by the Association, the permittee shall, during and after demolition of the structure, ensure all of the following conditions are met and maintained:
- 9.2.1 The demolition contractor shall have a total of forty-five (45) calendar days from the date that work begins to complete the job and request a final inspection, unless an extension has been granted by the ACC. Failure to complete the demolition within the set time and secure an extension, the project will be fined \$2,000.00 for each day it goes beyond the deadline. The project will be shut down after five (5) calendar days and a new refundable deposit of \$20,000.00 shall be submitted to recommence.
- 9.2.2 All utilities shall be disconnected, and the sewer line shall be effectively plugged with concrete or as may be required by the director, at or near the property line,
- 9.2.3 All debris, including all concrete structural members below grade, shall be removed from the lot,
- 9.2.4 The lot shall be completely cleaned, filled, and graded to prevent any retention of water and to promote proper drainage,
- 9.2.5 When the lot is cleared, all utilities disconnected and/or capped, all repairs made and approaches removed, the deposit shall be refunded. Costs incurred by the Association because of demolishing the building or performing any work deemed necessary by the Association shall be deducted from the clean-

up deposit and costs exceeding the amount of the deposit will be billed to the owner.

- 9.2.6 A six-foot (6') fence with wind screen and silt fences shall be assembled around the perimeter for all projects approved for demolition and shall be assembled prior to beginning the proposed demolition of the structure. Fences shall have a lock at the gate and locked outside of construction hours to deter trespassing. Fences shall be maintained in good condition until permanent soil stabilization is established.
- 9.2.7 A construction entrance where traffic enters or exits shall be made of course crushed granite, 2"-3" deep, to reduce tracking of sediment onto streets. Entrance shall be a minimum length of 20' from the curb. Where the stabilized construction entrance creates an opening in the perimeter silt fence, the silt fence shall be extended 20' back and securely tied to the beginning of the construction entrance. The entrance shall be maintained in a condition which will minimize tracking of sediment onto public streets. All sediment spilled, dropped, or tracked onto public streets must be removed immediately by vacuum sweeping, scraping, or sweeping.
- 9.2.8 Required portable toilet and dumpster shall be provided prior to beginning the proposed demolition and be placed within the perimeter fence.
- 9.2.9 Construction sites must comply with all applicable federal, state, county, and city statutes, ordinances, and regulations. Due to the Dominion's location within Edwards Aquifer contributing zone, property owner or authorized agent shall contact TCEQ Edwards Aquifer Protection Program and comply with their rules.
- 9.2.10 Permanent and/or temporary soil stabilization methods sufficient to restrain or prevent erosion shall be provided within twenty-one (21) calendar days after completion of the demolition, grading of the lot, or determined inactivity on the lot.
 - 9.2.10.1 If seeding or another vegetative erosion control method is used, it shall become established within two (2) weeks, be of a type which can survive without irrigation systems use. The site may be required to be reseeded or a non-vegetative option employed if soil stabilization has not been established within thirty (30) days from the date of installation.
 - 9.2.10.2 Vegetative ground cover. The person conducting the land-disturbing activity shall plant or otherwise provide a permanent vegetative ground cover sufficient to restrain erosion.

9.2.10.3 Innovative measures. Erosion and sedimentation measures applied alone or in combination to satisfy the intent of this section are acceptable if they are sufficient to prevent adverse secondary consequences. Innovative techniques and ideas will be considered and may be used following approval by the director if it can be demonstrated that such techniques and ideas are likely to produce successful results.

9.3 The Association shall have the authority to waive any of these requirements under special circumstances.

THE DOMINION HOMEOWNERS' ASSOCIATION DEMOLITION REVIEW CHECKLIST

A professional survey of the lot prepared and certified by a licensed surveyor the following information shown thereon:

- a. Plans for Existing Residence
 - i. Tree Survey of existing trees including locations, size and species
 - ii. The existing site plan with main dwelling, hardscape, accessory buildings, pool, patio, fencing and walls, play equipment and sport court, sculpture and yard art, etc.
 - iii. Site survey including boundaries, bearings and dimensions, lot lines, site acreage and square footage, easements and setbacks.
 - iv. Roof Demolition Plan (if <100% demolition)
 - v. Photographs of all sides
- b. Preliminary Plans for Proposed Residence
 - i. Site plan with the location of residence, easements, setbacks, driveway approach and location
 - ii. Floor plan
 - iii. Dimensioned elevations of all sides of all proposed structure(s)
 - iv. Full color rendering of front elevation including landscape. Label exterior and roof materials and color palette of exterior.
 - v. Square footage of proposed residence
 - vi. Described excavation (if applicable). Location and retaining wall finish.
- c. Streetscape photos showing
 - i. Existing project panorama
 - ii. Proposed project panorama

- d. Summary of purpose and intent. This is a detailed written description of the project under review. Describe how the project is in harmony and compatible with the existing neighborhood character.

[ACKNOWLEDGEMENT PAGE FOLLOWS]

ACKNOWLEDGEMENT

The Dominion Homeowners Association, a Texas non-profit corporation (the "Association"), previously adopted that certain The Dominion Amendment and Restatement to Community Manual, recorded as Book 16289, Page 1781, and as Doc. No. 20130171326 in the Official Public Records of Bexar County, Texas, as amended and supplemented (collectively the "Community Manual").

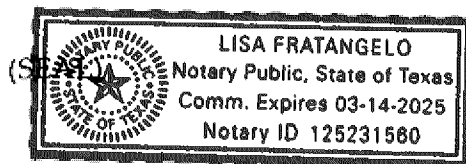
The Association recorded the Supplement to The Dominion Amendment and Restatement to Community Manual (the "Supplement") amending and restating the ACC Rules attached as Attachment 16 to the Community Manual (the "ACC Rules"), which was recorded as Doc. No. 20170193406 in the Official Public Records of Bexar County, Texas. The ACC Rules have been modified by the adoption of the attached policy. The undersigned hereby certifies that he is the duly elected, qualified and acting Secretary of the Association, and that this is a true and correct copy of the Demolition Policy adopted by the Board of Directors of the Association.

IN WITNESS WHEREOF, the undersigned has executed this certificate on the 13 day of June, 2023.

Diana Lenfestey
Diana Lenfestey, Secretary

THE STATE OF TEXAS §
§
COUNTY OF Bexar §

This instrument was acknowledged before me on June 13, 2023, by Diana Lenfestey, the Secretary of The Dominion Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Lisa Fratangelo
Notary Public Signature

File Information

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 6/14/2023 8:25 AM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk