

Lomas del Manglar Building and Zoning Regulations

1 Introduction

1.1 These Regulations have been approved by the Board of Directors and the General Assembly of the Asociación Colonos Lomas del Manglar, A.C., including all amendments as of 30 December 2003

1.2 On April 22nd 1999, the United State of Mexico, SECRETARIA DE RELACIONES EXTERIORES, GUADALAJARA REGIONAL OFFICE - PA1.-37364 (Escritura Numero 3486) granted the Asociación Colonos Lomas del Manglar, A.C. the right to administer the whole of the urban development under the terms of the applicable Law.

1.3 The Bylaws of this Association, registered with the State of Jalisco and the delegated authority of the Municipality of Chapala, make it mandatory that all members comply with these Regulations promulgated by the Association, including these Zoning and Building Regulations.

1.4 These Regulations are intended to protect the interests of all property owners and improve the value of their properties by regulating the use of lands and the character, location and use of buildings and structures.

1.5 The Municipality of Chapala has accepted these Regulations and has agreed that the Board of Directors of this Association must approve building plans prior to their submission to the Public Works Department of Chapala.

2 General

2.6 Effective February 17th 2001, no building or structure shall hereafter be erected or altered and the use of any building, structure or lot shall hereafter not be changed in whole or in part, except in conformity with the provisions of these Regulations.

2.7 The Board of Directors may allow a variance on lots that present particular problems.

2.8 Subject to clauses II-5 and II- 6 below, these Regulations shall not be applied to prevent the use of any building or structure, existing at the date of these Regulations, so long as it continues to be used continuously for the same purpose.

2.9 Alterations to non-conforming buildings are permitted to the extent that these Regulations are not violated and that an official Building Permit has been obtained.

2.10 Property owners are responsible for maintaining their lot, and the buildings and structures thereon, as well as the curb and sidewalk along the perimeter of

their property, in a clean and good state of repair to prevent the development of unsightly or hazardous situations.

2.11 Any non-conforming building or structure which is damaged, has become derelict or is incomplete to the extent of fifty percent (50%) or more of its original or intended completed stage or value may, as determined by the Board of Directors, be removed and not restored or completed unless restoration or completion is done in compliance with these Regulations, applicable law, and a permit has been obtained.

2.12 Display of signs to advertise or make known the presence of a business or organisation are prohibited, with the exception of signs indicating that a property is for sale, and "NO DUMPING" on vacant lots. Signs shall not exceed 50cm x 70cm, be of good appearance, and be placed within the lot line of the property. The Board of Directors is authorised to remove signs that violate these requirements, at the owner's expense.

2.13 No commercial use of buildings or lots will be permitted

3 Building Permit

3.14 No construction shall be undertaken without a permit. Such permit may be granted by the Chapala Works Department (Obrasa Publicas) after a construction plan, in accordance with Annex A, has been approved by the Board of Directors.

3.15 Three full sets of plans must be presented to the Board of Directors. One set will be retained and will be placed on file, the other two will be returned to the owner for proper authorisation in Chapala. One set of approved plans must be kept on site and available for inspection.

3.16 Lot and home owners shall sign an agreement, when applying to the Association for water connection and/or a building permit, in which they undertake to comply with these Regulations. At that time, all Annual Assessments, deposits, connection charges, as well as a surety deposit shall be paid.

4 Construction Requirements

4.17 As a general rule, where possible, new construction or alterations, or new trees, shall not obstruct the view of mountains or the lake from existing dwellings.

4.18 Subject to IV-1, no building or vegetation shall exceed a height of five (5) metres above the highest point of the lot, including structures on the roof such as domes, towers, chimneys, skylights, parapets, miradors, satellite dishes, etc.

4.19 Satellite dishes, domes or other obstructions shall be placed so as not to interfere with a neighbour's view.

4.20 No building shall be closer than five (5) metres from any street line.

4.21 Adjoining property walls shall not exceed two (2) metres in height.

4.22 Street-side and connecting side-walls, for a distance of four (4) metres from the street-side, must not exceed one (1) metre in height.

4.23 The use of barbed wire or farm type fencing will not be permitted unless it cannot be seen from the street or other residences.

5 SANITATION AND ENVIRONMENT

4.24 The minimum lot size on which construction is permitted is four hundred (400) square metres.

4.25 Each lot may contain only one single family dwelling, the total footprint of which does not exceed fifty percent (50%) of the total lot size.

4.26 Additional structures, such as garages, bodegas, etc., will not exceed fifteen percent (15%) of the total lot size.

4.27 Every dwelling has to have at least one paved parking area, which may include a garage. A minimum parking area of 2.96 m wide and 5.5 m long for a total of 14.3 square metres is required. As a general rule, sufficient off-street parking shall be provided in order that overnight parking on-street is not necessary. Where on-street parking creates a hazard or nuisance, the Board of Directors has the authority to have the vehicle towed away at the owner's expense.

4.28 No permission will be given for construction of duplexes, triplexes, row houses, group housing, multiple family dwellings, or semi-detached houses. (see Annex B for definitions).

4.29 No mobile homes, trailers, motor homes or campers shall be used for residential or non-residential purposes.

4.30 Cars, trailers, mobile homes, campers, etc., left on the street for extended periods without the approval of the Board of Director, will be removed at the owner's expense.

4.31 The clothes drying yard should be enclosed so that the laundry is not visible from the street or other residences.

4.32 No openings shall be constructed in building walls when such walls are on the rear or side of the adjoining property line.

4.33 Concrete curbs and sidewalks, at least one metre wide shall be constructed and maintained along any street-line. Trees and other plantings that obstruct the use of the sidewalk are prohibited.

4.34 Streets shall be cleaned of dust, debris and construction materials immediately upon completion of construction work, and regularly at all other times during and following construction. At no time should the normal flow of traffic in the street be obstructed.

4.35 All construction materials and debris shall be removed from the subdivision. Dumping or burning on the construction site or on vacant lots or streets is prohibited. If such debris is not removed, the Board of Directors will arrange to have it removed at the owner's expense.

5 Sanitation and Environment

5.36 No permanent building or structure shall erected or used for human occupancy unless provided with water from the Asociación Colonos Lomas del Manglar, A.C. and a septic system designed and constructed in accordance with the regulations of the Public Works Department of Chapala.

5.37 The Septic Tank System for a two bedroom house must have a minimum capacity tank of 4,000 litres plus an approved drain field comprising a minimum

length of 40 metres of weeping tiles placed in a 30cm x 30cm gravel bed, 60cm deep, on a 1% slope.

5.38 If the lot size or conformation do not permit for the Septic Tank System above, then an approved "activated sludge" or other approved sewage disposal system (ie., similar to that installed in Villa Alta) must be installed, with a drain that does not terminate on any private property.

5.39 Each water closet shall have a sewer vent from the drain to the roof. Draining of grey water into street, curb gutters, or onto other properties is strictly forbidden.

5.40 Each construction site shall, during the entire construction period, be provided with sanitary facilities for the workmen. Such facility shall be approved by the Board of Directors and shall be removed from the site when the construction is completed.

5.41 Each construction site shall be furnished with a container for trash other than debris and construction materials referred to in 4.34, which must be made available for pick-up on trash collection days. The owner, or his representative, is responsible for the prompt removal of all loose trash thrown on or near the site that has not been placed in a trash can.

5.42 Tree trimmings and other scrap vegetation debris must be removed from the fraccionamiento to an approved dump site or, with the prior approval of the board, burned at an approved site in a manner that does not create a nuisance or health hazard for other residents. Dumping or burning on vacant lots, streets or in open garages is strictly prohibited. The Board of Directors will provide barrels and sites to be used by fraccionamiento gardeners for composting or burning of street sweepings.

5.43 External fires, other than those in barbecues or outdoor fireplaces (chimeneas), are not permitted without the specific authorisation of the Board of Directors. Burning of trash is not permitted under any circumstance anywhere in the fraccionamiento.

5.44 The basura bin is for the exclusive use of Lomas del Manglar Active Member residents. Household wastes shall be placed in sturdy black trash bags (not supermarket bags), tied or sealed securely and placed in the bin. Please place your trash as far back as possible, and do not place or dump loose trash in the bin, or permit your domestics to do so. The garbage pick-up does not include construction materials, old furniture, branches and other vegetation cuttings. These materials should be taken to the Chapala dump. The garbage bin will be locked, and all Active Members will be provided with a means of access. When Chapala introduces trash recycling, we will follow suit and provide for separate pick-up of papers, bottles, tins and plastics, restricting the basura bin to non-recyclable wastes.

6 Inspection

6.45 The Board of Directors or its representative is hereby authorised to enter any property under construction (including major renovation), between the hours of 8 AM and 6 PM, for the purpose of verifying conformity with the building Permit and carrying out his duties under these Regulations.

7 Violations

7.46 Owners found to be in violation of these Regulations will be subject to penalties as set, from time to time, by the Board of Directors, as well as to fines and penalties under the Municipal and State Laws of Jalisco.

7.47 Where property owners are in violation of these Zoning and Building Regulations, the Board of Directors may decide to remedy the situation at the cost of the property owner, following the expiration of seven (7) days after presentation of a Notice of Violation. Collection of unpaid accounts is subject to the usual interest and other charges or penalties set by the Board of Directors, and may result in a lien being registered against the property.

7.48 Notwithstanding the foregoing, where a dangerous situation or a public health hazard exists, the Board of Directors will take such immediate action as required in its opinion at the cost of the property owner.

7.49 In case any building or structure is to be erected, altered, reconstructed, extended, or part thereof is to be used, or any lot is to be used, in contravention of any requirement of these Regulations, such contravention may be restrained, without notice, by action of any member of the Board of Directors.

8 Construction Fees and Deposits (Year 2001)

8.50	New Construction	Refundable Deposit: \$12,000 pesos Water Hook-up Fee: \$5,000 Sewage Assessment \$5,000
	Renovation	Refundable Deposit: \$5,000 to \$12,000 as determined by the Board of Directors

8.51 Fraccionamiento Annual dues will commence from the date the building permit is issued. Construction deposits and fees are payable upon receipt of the Fraccionamiento building permit. All new construction must be completed within two years following the date of issue of the building permit. If construction has not been completed by this date the Construction deposit will be forfeited and a penalty of \$1,000 pesos per day will be imposed by the Fraccionamiento. The penalty continue until a) the work has been completed, or b) the total of the penalty and the construction deposit equals the fair market value of the property and structure thereon. If the latter course is taken the Fraccionamiento will issue a lien to foreclose and the property will be sold by public auction. (The owner will have first right of refusal at the sale.) The order of distribution of proceeds of the sale be a) the Fraccionamiento for penalties and accrued interest and b) remaining funds to the owner.

8.52 Renovations must be completed within six months (or other term as agreed by the Board of Directors when the permit is issued) following the date of issue of the renovation permit or the deposit will be forfeited and a penalty of \$500 pesos per day will be imposed until the work has been completed.

8.53 Construction fees and deposits shall be increased on January 1st of each year by a factor equal to the annual inflation rate of Mexico.

9 Construction Hours

9.54 Construction hours for new buildings and major renovations shall be restricted to between the hour of 8:00 AM to 6:00 PM Monday through Saturday. There shall be no construction on Sundays or National Holidays.

10 ANNEX - A Building Plans

10.55 All building plans submitted for approval must clearly include the following:

1. Orientation and scale
2. Detailed layout of beam placement
3. Plan of front and elevation
4. Plan of location and height of the building and of the lot with the adjoining lots and street.
5. Location and height of walls/fences around the lot.
6. Layout of foundation, drainage of black and grey water
7. Sectional view of the plumbing and sewage drainage
8. Sectional view of the foundation construction
9. Sectional view of the septic system
10. Use of the project: residential, workshop, garage, terrace, etc.
11. Address of the project
12. Name and address of licensed architect
13. Name of responsible on-site person
14. Name and contact co-ordinates of the owner.

11 ANNEX- B Definitions

11.56 Definitions of Dwellings:

1. Duplex - means the whole of a dwelling house that is divided horizontally into two separate family dwelling units.
2. Triplex - means the whole of a dwelling house that is divided horizontally into three separate family dwelling units.
3. Row house - means one of a group of three or more attached single family dwelling units.

11 ANNEX- B DEFINITIONS

4. Group housing - means pairs or more of semi-detached duplexes and/or row houses and/or two or more separate triplexes.
5. Multiple family dwelling - means a dwelling for two or more families.
6. Semi-detached - means one of a pair of two attached single family dwelling houses.