

PROTECTIVE RULES FOR CONSTRUCTION AND USE OF PROPERTIES IN “SECTOR CARACOL PENINSULA” IN SAN CARLOS, NUEVO GUAYMAS, SONORA

CHAPTER 1.00 GENERAL ASPECTS

ARTICLE 1.01.- GENERAL ASPECTS: The compliance with these “Protective Rules for Construction and Use of Properties in the Sector Caracol Peninsula in San Carlos Nuevo Guaymas”, will be in agreement with the Political Constitution for the United States of Mexico, with the Political Constitution of the State of Sonora, as well as federal, state and municipal laws, especially those related to Urban Development and Ecology, and in strict observance of the Individual Guaranties.

ARTICLE 1.02.- BASIS: These Rules are based on Articles 1.03.02 and 3.04.21 of the Construction Rules and Technical Norms for the Municipality of Guaymas, which demand mandatory observance, therefore, in no case, may these established rules be contradicted

ARTICLE 1.03.- DEFINITIONS: In reference to these Rules, the following terms will refer to the following entities:

Residents’ Association will be understood to be the association “Los Residentes de la Peninsula Caracol, AC”, a legally constituted association under the Mexican laws, in Constitution No. 5638 Volume No. 170, dated May 11, 1993, granted before Public Notary No. 10, Lic, Arnulfo Salas Castro.

Architectural Committee appointed by the Residents Association, whose purpose will be the review of the construction projects, as per Article 1.04, and according to Article 1.08 of these Rules.

The Department: The General Department of Infrastructure and Ecology for the City of Guaymas and/or the Urban Planning and Control Department.

Guaymas Construction Rules: The Construction Rules and Technical Norms for the Municipality of Guaymas.

Protective Rules: These Rules for Construction and Use of Properties in the Sector Caracol Peninsula in San Carlos, Nuevo Guaymas.

ARTICLE 1.04 AREA OF APPLICATION: These Protective Rules define the architectural, ecological and functional requirements for construction exclusively within the perimeter of the area called “Caracol Peninsula” in San Carlos Nuevo Guaymas, with the boundary starting from the police booth located at the entrance of the residential area, and these rules will be applied to all constructions; remodels, additions, structural changes or clean up, as well as to the construction and repair of services such electricity, water, sewage, and in general to all the jobs taking place, even if they entail the public access roads.

ARTICLE 1.05.- BOUND SUBJECTS. These rules are mutually binding for all property owners, beneficiaries or trustees of the lots as well as the Contractor and other advisors that execute construction jobs mentioned in Article 1.04.

The Contractor will be responsible of filing all necessary paperwork to obtain a Construction License, as well as the certification for Use and Occupation of Site.

ARTICLE 1.06.- AUTHORITIES, POWERS AND OBLIGATIONS: The City of Guaymas, Sonora, through its General Department for Urban Infrastructure and Ecology is designated as the responsible authority for the overseeing and application of these Protective Rules. Said entity has all power and obligation as established by the Law of Government and Municipal Administration, the Interior Rules for the City, and the Guaymas Construction Rules, to oversee the correct application of these Protective Rules and impose sanctions when rules are violated.

ARTICLE 1.07.- CHIEF OF THE CONSTRUCTION SITE: A Chief of Construction or Contractor who is registered and with current registration with the City, and fulfills all requirements in Chapter 2.03.00 of the Guaymas Construction Rules, is required to be on-site for supervision during the execution of any construction, as mentioned in Article 1.04 of these Protective Rules

ARTICLE 1.08.- REVIEW OF PROJECTS: With regards to revision of project plans exclusively, the Department may be assisted by the Architectural Committee of the Residents Association who will issue, in writing, a recommendation for approval or denial of the construction license, based on the Articles of Guaymas Construction Rules and the Protective Rules.

Furthermore, before submitting plans to the City, the Chief of the Construction will submit all documents pertaining to the project to the Architectural Committee, annexing the survey mentioned in the article 2.03.04, fraction 1 of the Guaymas Construction Rules, and a statement as to how the project meets with what is established in the Guaymas Construction Rules as well as in the Protective Rules. Blueprints for approved projects must bear the official stamp of the Residents Association.

CHAPTER 2.00 TECHNICAL NORMS OF THE ARCHITECTURAL PROJECT

ARTICLE 2.01.- USE OF LAND: Sector Caracol Peninsula is an area reserved exclusively for single family residential housing. Any other kind of buildings, such as apartments, condominiums, commercial, or storage is strictly prohibited.

ARTICLE 2.02.- PROJECT: Besides what it is indicated in the Guaymas Construction Rules, the blueprints for a project must include the land topography, combined site and plot plan, and for each level of the construction, showing the open spaces between properties, parking facilities, facades and cuts, details of the structure such as the foundation, rebar, support columns, cross support beams, supporting walls, slabs, indicating clearly the framing of the house; The blueprints must be marked accordingly, indicating the scale and total height of the construction.

ARTICLE 2.03.- OPEN SPACES OF CONSTRUCTION: Besides what has been established in the articles 5.02.02 and 3.01.03 of the Guaymas Construction Rules, and for these purposes is considered a residential zone with a median density classification of H25, with a land occupation coefficient of 0.75 maximum and land use coefficient of 1.50 maximum, each lot must have an open area around the whole perimeter, meaning no roofed construction, that comply with the following specifications:

- a).- one meter wide from the lateral limits of the property;
- b).- one meter wide in the back limit line and;
- c).- three meter wide in the front limit line.

ARTICLE 2.04 MAXIMUM HEIGHT: The maximum height of the construction must not exceed 4.50 meters from the highest natural point/elevation level of the lot; such maximum height includes domes, water tanks or any kind of equipment. No new construction or remodel may partially or totally obstruct in any way the scenic view of an existing construction.

ARTICLE 2.05 PARKING SPACES: Besides compliance with what has been established in article 5.02.06 of the Guaymas Construction Rules, the project must take into consideration parking spaces within the interior of the lot, with minimum dimensions of 3.00 by 6.00 meters, according to the following:

- a).- Up to 250 square meters of construction, a minimum of two parking spaces;
- b).- More than 250 square meters of construction, a minimum of three parking spaces.

ARTICLE 2.06.- SIDEWALKS: The construction of sidewalks along the public access roads in front of the project is mandatory, with a minimum of 1.20 meters wide, meeting the specifications indicated in the articles 4.02.23 and 5.07.04 of the Guaymas Construction Rules.

ARTICLE 2.07.- USE OF EXPLOSIVES: The use of any kind of explosives for construction purposes is strictly prohibited.

ARTICLE 2.08.- TEMPORARY SANITARY SERVICES AND FIRST AID CABINET: According to article 10.02.09 of the Guaymas Construction Rules, before initiating construction, a portable latrine, which should be regularly maintained, must be installed at the construction site for the use by the workers. Additionally, a first aid medicine kit should be accessible to these same workers.

ARTICLE 2.09.- HYDRAULIC AND SANITARY INSTALLATIONS: The hydraulic and sanitary installations will conform to what is established in Title 7.00.00 of the Guaymas Construction Rules. And prior to initiating construction, a line for potable water feed, as well as a meter should be contracted and installed, according to the norms of COAPAES or the operator organism.

ARTICLE 2.10.- ELECTRICAL INSTALLATIONS: The installation of electricity should be according to what is established in Title 8.00.00 of the Guaymas Construction Rules, and according to the norm NOM-001-SEDE-1999 or of any current and updated version of such norm that is in force. Prior to initiating construction, a line for electric energy feed should be contracted with the Electric Energy Provider (Commission Federal de Electricidad) or the operator organism.

ARTICLE 2.11 CLEANING UP: According to article 10.01.05 of the Guaymas Construction Rules, during the construction process, the sidewalks and the street in front of the construction site must be kept clean, and two weeks before releasing the construction personnel, all areas should be free of temporary constructions, debris and construction materials. Any damaged to public access roads, adjacent properties or gardens must be rectified and the area returned to its original condition. The roadsides, empty lots or sea will not be used as a dump for waste materials.

CHAPTER 3.00. INFRACTIONS, SANCTIONS, AND APPEALS.

ARTICLE 3.01.- Inspections, infractions, sanctions and appeals, will be in agreement with what is established in Titles 11.00.00 and 12.00.00 of the Guaymas Construction Rules, as well as Titles Thirteen(13) and Fourteen (14) of the Law of Government and Municipal Administration.

ARTICLE 3.02.- In the event that the project is rejected by the Architectural Committee of the Residents Association, based on the Guaymas Construction Rules, the Protective Rules and/or applicable laws, the lot's owner, beneficiary or trustee and the Chief of the Construction may appeal to the Residents Association Board of Directors. A minimum of three member of the Board of Directors must be present to review the appeal and issue a corresponding ruling to overrule any decision made by the Architectural Committee. The opinions of bordering neighbors and any possible negative impact of the construction plans, which should be expressed in writing, will be considered in their decision.

If the owner is not satisfied with the decision, s/he may appeal directly to The Department, in writing through the Residents Association, annexing copies of any and all relevant documents.

TEMPORARIES

ARTICLE ONE AND ONLY.- These Protective Rules will be in force the day after publication in the Official Bulletin of the State Government (September 17, 2004).