# EL PARQUE RULES AND REGULATIONS

# *Pertaining to Construction Projects*

# *Bylaws* AMENDED AND RESTATED MARCH 2015

***CHAPTER TWO—DEFINITIONS***

ONE-FAMILY DWELLING: Dwellings that, due to their characteristics, may only be occupied by one family.

RESTRICTED USE AREAS: Ownership restrictions on the private units located in blocks 1, 2, 3, 4, 5, 6, 7, 8, 9, 9 bis, 10, 10 bis, 11, 12 and 14. These setback restrictions may be in front, on the side or the back of the unit, and their purpose is to guarantee that the buildings are erected within these limits as well as to allow for garden areas that, architecturally speaking, create a balance between green spaces and buildings, in accordance with the urban policies and regulations governing this housing complex.

***CHAPTER THREE--RIGHTS AND OBLIGATIONS OF THE CONDO OWNERS***

ARTICLE 12. Each Condo Owner is allowed to make any type of repair or construction

inside his private unit. However, a Condo Owner is not authorized to improve or modify

the structure or exterior [of his building] nor allowed to perform any changes or

alterations that will negatively affect the density of construction (i.e., number of

structures) or architecture of the housing complex, its safety, sanitary conditions or

quality of life, without authorization from the Technical Committee for Construction.

Condo Owners of units built prior to the legal establishment of the current Regimen of

the Condominium will be obligated to tailor the exterior of their houses to harmonize

with the Condominium’s architectural style. Unless the Technical Committee for

Construction approves a longer period, the remodeling project must be completed within

12 months from the legal establishment of the Condominium and must be approved by

the Technical Committee for Construction

Between the hours of 6:00 PM and 8:00 AM Monday through Friday and between the hours of 1:00 PM Saturday and 8:00AM Monday, except in cases of emergency or with the prior written permission of the Administrator, the following are not permitted: (1) inside or outside construction work, and (2) outside work of any kind, if it is done by independent contractors or employees of a Condo Owner or his Related Persons.

ARTICLE 17. Condo Owners are obligated to:

1. in the event of a transfer of property, obtain from the Condominium Administration, a certificate attesting that there is no money owed for condo fees or any other fee. The certificate should be presented to the notary who is recording the transfer.
2. include in all contracts and other documents relating to the transfer of ownership or the use of private units, a clause in which the acquirer specifically affirms (1) that he is familiar with the Deed Establishing the Regimen of the Condominium and these Bylaws; (2) that he accepts the obligations that derive from both these documents with respect to Condo Owners and their Related Persons; and (3) that nonfulfillment of such obligations, whatever the circumstances, will result in the nullity of the contract and even in dispossession of the private unit along with its corresponding common assets.

In the event of a transfer of ownership or possession of the private unit and its accessions (add-ons), the Condominium Administration must be informed, no later than seven (7) working days following the signing of the contract or the taking of possession.

***CHAPTER FIVE--COMMUNITY ORGANIZATION AND INTEGRATION OF THE CONDOMINIUM***

ARTICLE 34. Condo Owners are not allowed to hang clothes or place unsuitable objects on roofs, terraces or patios, restricted use areas, facades, windows, balconies and railings. It is also prohibited to keep cleaning materials and equipment, tools and other objects that are not a part of the décor and normal service of the house on roofs, terraces, and in parking and garden areas.

***CHAPTER SIX--OWNERSHIP RESTRICTIONS***

ARTICLE 41. It is not permitted to build more than one (1) one-family dwelling on each private unit.

ARTICLE 42. The footprint of each house in a private unit must not be more than 70% of the total surface area of the private unit, with the exception of the houses on private units 34 and 64 [*sic*], which were built before the legal establishment of the current Regimen of the Condominium and exceed the above-mentioned percentage. For this reason, the total square footage of these two houses will not be allowed to increase. The ground usage coefficient will not exceed 1.4 in a two-story house.

ARTICLE 43. With prior approval from the Technical Committee for Construction, it will be permitted to build a house of up to two levels, as long as the surface area of the second level does not exceed 40% of the footprint of the house. This restriction does not apply to private units identified with numbers 1, 2, 3, 4, 5, 6, 7, 8, 9,10, 33, 41, 42, 43, 44, 45, 46, 49, 50, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107 and 108, where a two-story house can be built.

The maximum height of a one-story house will not exceed five (5) meters, and the maximum height of a two-story house will not exceed eight (8) meters at the highest point of the building (water tanks, cupolas or any other such items). The number of meters is measured from the highest point of the construction (which includes water tanks, cupolas or any other structure) to the highest point of the curb [*sic*] (benchmark) below. The houses on private units numbers 6, 7, 8, 9, 98, 101, 102, 103, 104, 105, 106, 107, and 108, because of their location, may reach a maximum height of ten (10) meters.

The surface area of a dwelling may be modified only if it does not affect the architectural harmony of the Condominium and only after prior approval from the Technical Committee for Construction has been obtained.

For the purpose of legal discussion, the ground floor is to be understood as the first level and the first floor as the second level.

ARTICLE 44. With prior review and approval from the Technical Committee for Construction, private units 1, 2, 3, 4, 5, 6, 7, 8, 9,10, 33, 41, 42, 43, 44, 45, 46, 49, 50, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107 and 108 may construct above their second level, a “pergola-type” terrace, covered with natural vegetation and measuring 3.50 m2 with a maximum height of 2.20 meters.

ARTICLE 45. All one-family dwellings must provide for a minimum of one parking space for an automobile, which space can be covered by a framed structure designed to support natural vegetation (pergola) and not be higher than 2.20 meters. The parking space will not be used as living quarters or as a workshop for major repairs, especially those that can be a source of noise pollution or disagreeable odors. The Technical Committee for Construction may authorize a different type of parking space, as long as it does not affect the view of the neighbors. The construction characteristics of the parking space may not be modified without prior approval of the Technical Committee for Construction.

ARTICLE 47. Private units may not be subdivided, except in those instances specifically authorized by the Assembly of the Condo Owners. The severed piece of land may be added to the adjoining lots to increase their size.

In the event that a Condo Owner purchases two or more adjoining private units and proposes the construction of a one-family dwelling on them, he must submit a request to the Technical Committee for Construction for their analysis and approval. The Committee will identify the restricted use areas and other applicable conditions.

ARTICLE 49. In the construction of private units, restricted use areas and/or restrictions established by the Regimen of the Condominium must be invariably respected. The Technical Committee for Construction will not authorize any architectural project that does not respect these restricted use areas.

ARTICLE 50. Only decorative plants or trees with roots that do not affect the common installations will be allowed in the restricted use areas in the front part of the lots. With respect to the restricted use areas along the sides and interior of the lots, only shrubs or trees that do not go beyond the limits of the private unit may be planted, unless there is an agreement with the affected party and approval is obtained from the Administrator of the Condominium, who shall provide for the method of guaranteeing payment for any damages to other private units or to the common assets.

ARTICLE 51. It is not permitted to erect any buildings or to place any objects on the front, rear and side restricted use areas of the private units, with the exception of: a) the construction of specific areas for the gas tank and airtight garbage containers in the locations recommended by the Technical Committee for Construction; b) a hedge or a fence covered with vegetation; c) climbing plants with a maximum height of 1.80 meters; and d) the parking space(s) referred to in Article 43 [*sic*]; and e) those constructions specifically authorized by the Technical Committee for Construction and which are in accordance with the architecture and the purpose of the restricted use areas.

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ARTICLE 52. In terms of design and construction, all projects and buildings must be approved by the Technical Committee for Construction and executed in a contemporary Mexican architectural style, using, among others, stones, “cantera,*”* wood, ceramic, clay and similar materials. Furthermore, the projects and buildings must comply with the requirements stipulated in these Bylaws and in the Building Code of the Municipality of Chapala, Jalisco, as well as with those requirements that are determined by the norms established by the Technical Committee for Construction either in general or on a case by case basis. All plans and construction projects must be submitted to the Technical Committee for Construction for approval and must authorize the Committee to suspend and modify the work until full compliance if it does not comply with the approved plans and style.

ARTICLE 53. Under no circumstances will the private units or the buildings erected on them constitute a nuisance to the Condo Owners or their Related Persons, nor be used as a bar, gambling house or for any other immoral or illegal purposes. It is also forbidden to encroach upon adjoining private units with construction materials, dirt, debris, etc.

ARTICLE 54. Water tanks, solar heaters, fixed gas tanks or any other similar objects located on the roof of a building must be hidden by walls in such a way that they will not be visible from the exterior of the private unit. No construction may extend over established restricted use areas beyond the walls and columns of a building more than 60 cm measured horizontally.

ARTICLE 55. With prior authorization from the Technical Committee for Construction, the installation of satellite dishes or any other kind of dishes will be done in such a way as to conceal them behind the building structure or behind any other such object, thus keeping them from being seen from any angle outside the private unit where they are located. The Technical Committee for Construction may authorize the installation of radio antennas in the private units if, in its opinion, they do not affect the architecture of the complex. Furthermore, it is forbidden to install any electric and electronic devices that would cause signal interference to equipment/devices used by other Condo Owners and Related Persons.

ARTICLE 56. It is not permitted to build or erect any temporary structures or buildings, nor is it permitted to park recreational vehicles set up to be used as such or that, due to their size, obstruct the streets. It is also forbidden to set up temporary or permanent tents.

ARTICLE 57. It is not permitted to build any courts to play ball or any other type of outside sport facility on the private units, except if authorized by the CTC.

ARTICLE 58. Burning wood in the fireplaces of the private units is forbidden.

ARTICLE 59. It is prohibited to use built upon private units as boarding houses or guesthouses or as dwellings for more than one family. For this reason, guests who are not part of the family may not stay for more than 30 days. In the event that guests stay for a longer period of time, the Condo Owner must pay a per diem/per person fee in the amount fixed by the Assembly of the Condo Owners. The maximum number of overnight guests allowed to stay in a private unit is 3 per bedroom. This number, however, is not intended to dictate the distribution of persons in each bedroom.

ARTICLE 61. No private unit or part of one may be opened up or designated, whether for private or public use, as a street, a path/road or a passageway.

ARTICLE 62. Installation of special lighting within the front, side or rear restricted use areas may only be done after obtaining authorization from the Technical Committee for Construction and taking into account that the design of the fixtures does not affect the architectural unity of the Condominium and that the intensity of the bulbs is not injurious to the eyes.

ARTICLE 64. All plans and drawings for construction, repair or remodeling projects submitted to the Technical Committee for Construction, once approved by the Committee, must subsequently be signed by the responsible expert registered at the City Hall of Chapala, Jalisco. The latter is also responsible for violations of these Bylaws, whether they were committed intentionally or due to negligence.

ARTICLE 68. Sports areas will only exist in the common area identified as Area A-5 (clubhouse). It is therefore prohibited to place/mount, temporarily or permanently, any type of sport installations such as basketball nets or other types of goals/nets in the other common areas of the Condominium.

ARTICLE 69. Upon completion of the construction of a dwelling on the private unit, the Technical Committee for Construction will issue a letter acknowledging that the construction is 100% complete. The Condo Owner should attach this letter to his request for an Occupation Permit (Constancia de Habitabilidad) submitted to the Department of Public Works of the Municipality of Chapala, Jalisco. A house may not be occupied until the corresponding permit has been obtained, a copy of which must be remitted to the Technical Committee for Construction.

***CHAPTER TEN--TECHNICAL COMMITTEE FOR CONSTRUCTION***

ARTICLE 111. The Technical Committee for Construction is the entity of the Condominium that will assist the Assembly, the Board of Directors and the Administrator in all activities related to the building code that must be followed by the Condominium. Its purpose is to guarantee to the Condo Owners an architectural development which is attractive and in harmony with its surroundings and environment, and in compliance with the expectations and regulations contained in these Bylaws and in the applicable urban planning rules and regulations.

ARTICLE 112. The Committee comes into existence as a result of these Bylaws, which recognize it as the unique and exclusive entity empowered to authorize construction and plans for construction and to supervise the work being carried out. It has the authority to suspend any building that does not comply with the provisions of these Bylaws. The suspension can be ordered by the Committee itself, or through the Administrator or through the appropriate authority, applying the enforcement measures permitted by these Bylaws and the urban planning legislation. The Assembly of Condo Owners cannot dissolve it [the Technical Committee for Construction] by less than a 100% vote of the Condominium's voting rights.

ARTICLE 113. The Technical Committee for Construction shall consist of a President and a minimum of two other members, who can be Condo Owners or third-party specialists in the subject matter. They will not be permitted to receive payments or benefits of any kind, and their decisions will be made by a simple majority vote, with the President exercising the decisive vote in case of a tie.

The Board shall choose a new member of the Committee in the following cases: the express resignation or death of a member or the failure of a member to meet his obligations as a member of the Committee.
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The initial Committee will be made up of the persons identified in Provisional Article 3 ofthese Bylaws [Ed Note: that article has expired], with subsequent members named by the Assembly. The term of office of each member will continue until the next annual ordinary Assembly. The members will meet at the request of the Administrator or the Board of Directors, in the administration office or at a place previously agreed upon, when matters falling within their jurisdiction arise. Their decisions will be conveyed in writing and will be accompanied by the names of those present, the items of the agenda and the decisions reached, together with supporting and explanatory documents and all other technical specifications.

ARTICLE 114. All Condo Owners or their Related Persons who intend to perform any type of construction on their private units or the common areas must first present to the Committee, in writing, a description of the project in question with the following information:

A) Name, address and telephone of the Condo Owner;

B) Description of the work to be performed;

C) Plan describing the project;

D) Timetable for the completion of the project;

E) Name, address and telephone number of the engineer or architect responsible for the work, who must be an expert registered with the Municipality of Chapala, Jalisco and who will be liable along with the owner for violations to these Bylaws, whether they were committed intentionally or due to negligence;

F) Certificate from the expert in question that the proposed project does not affect the structure, the adjacent buildings or the services and installations commonly owned;

G) Contract with the electrical company (CFE) for the private unit to be built;

H) Proof that the Condo Owner is up-to-date in his payment of any fees owed by him as mandated by these Bylaws.

ARTICLE 116. The decisions made by the Technical Committee for Construction will be final and will not permit reconsideration except with regard to corrections and other observations identified by the Committee. The municipal authority must recognize that the applicable authorizations from the Committee must be obtained before granting permits for building within the boundaries of our Condominium.

ARTICLE 117. The Construction Technical Committee will resolve any conflict arising among Condo Owners or Related Persons in connection with the building code within the Condominium, acting with impartiality and strictly adhering to the provisions contained in these Bylaws and the applicable urban planning rules and regulations.

ARTICLE 118. In the event that these Bylaws do not provide for a certain situation concerning buildings and construction projects, the rules contained in the relevant urban planning laws will apply in a supplementary manner.

***CHAPTER FOURTEEN--PENALTIES AND DISPUTES***

ARTICLE 135. When disputes arise among Condo Owners or their Related Persons over their rights pertaining to the use of their private units and the common areas, the following rules will apply:

A) Disputes among Condo Owners must necessarily be subject to arbitration by the Board of Directors, except with regard to issues related to construction and plans for construction, which will be resolved by the Technical Committee for Construction;

B) Disputes which cannot be resolved by the Broad of Directors or the Technical Committee for Construction, when applicable, will be aired in front of the competent judge of first instance, and these Bylaws, the Regimen of the Condominium and the Code of Civil Procedure of the State of Jalisco, in particular the chapter on condominiums and on joint ownership, will aid in the adjudication.

# *Other Rules and Regulations*

# Actions taken by Board of Directors, AGM and EGM

June 2006—Board of Directors approved that “Construction projects may require a damage deposit, ($3,000 to $6,000 pesos) depending on the project and will and will be refunded if no damage is done to the streets or adjacent properties.” (Approved by CTC October 2009)

January 2007—EGM Motion passed to “grandfather” all existing common are encroachments as of January 27, 2007, and to prohibit any further encroachments onto/or over common area.

January 2010—AGM authorized CTC to approve satellite placement.

September 2014—Board of Directors approved that “Contractors Form is required for all construction and must be completed, signed and submitted to the office prior o=to the beginning of the project.” (Approved by CTC September 2014)

# Actions taken by the CTC

All CTC approvals require the signature of two CTC members.

CTC Building Permit and/or Municipal Building Permit will be issued to the homeowner upon approval and must be displayed on the buiilding and visible from the street.

Homeowners are responsable to supervise the construction, the contractor and their employees to assure that the project is being performed in the manner in which it was described on the CTC Application. In their absence, the homeowner must hire or engage a project manager to oversee the project.

August 2014—CTC approved a policy to prohibit the use of canvas material for roof coverings and to limit future use of canvas to drop type window awnings only.

September 2014— CTC agreed to use the same ‘Contractors Form’ that El Parque is currently using for interior construction projects.

September 2015—CTC approved a policy that CTC members can no longer approve their own CTC application.

December 2015—CTC agreed that Access to Services (CFE, Telmex, Sewer and Water) will only be permitted with approval of El Parque administrator or oversight by her or her delegate.

March 2019—CTC established norms to determine requirements for construction requests that are not addressed by the rules and regulations set forth in Bylaw or actions taken by the Board of Directors, AGM or EGM.

March 2019—CTC approved to extend their policy of no canvas roof coverings to include any fabric material.

March 2019—CTC developed an updated list of “Requirements for Home Improvements,” which include the planning norms that will be used in determine whether a request should be approved or denied.

December 2021—CTC clarified CTC approval is not required for repairs and maintenance done to the exterior of the home, as long as these projects do not alter or modify the home.