



CONSTRUCTION REGULATIONS



Construction Regulations

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1 - CONSTRUCTION REGULATIONS

To ensure that the natural landscape of every Promontory Homesite is always preserved and the common nuisances which are inherent in any Site construction project are kept to a minimum, the regulations in this Section shall be enforced during all Homesite construction projects at Promontory. Every Homesite Owner shall be responsible for any and all Damage(s) resulting from violations of the Guidelines (including the following construction regulations) occurring in relation to such Owner's Homesite, whether the specific violation was caused by the Owner or such Owner's Architect(s) and/or Builder(s) performing within Promontory (regardless of whether the activities) causing the violation(s) are specifically located on the Owner's Homesite or elsewhere within Promontory).

1.1 Building Envelope

The building envelope, defines the boundary for the limit of development (L.O.D.) on each Homesite. It is the area within which all activities related to Homesite improvements must be confined. Thus, the building envelope must be fenced in an appropriate manner during the duration of Homesite construction. The temporary fencing that encloses the building envelope must be comprised of chain-link material, and should extend along the street frontage so no Builders or workmen park in any section of the Homesite's Natural Area. Where construction of Homesite improvements are necessary directly along the edge of the building envelope; the Committee, in its sole discretion, may allow a temporary construction encroachment if the Owner submits a written request to the Committee for pre-approval, and if the Committee approves such request. The encroachment may not extend into the adjacent Natural Area more than five (5) feet and the Owner shall revegetate the area of such encroachment promptly following construction. The Owner shall be responsible for ensuring that the chain-link fence which designates the site's L.O.D. (and any accompanying waddle, etc.) is properly maintained at all times during the construction on the Homesite.

1.2 OSHA Compliance

All applicable Occupational Safety and Health Act (OSHA) regulations and guidelines must be observed at all times by every Owner, Architect, Builder(s), or other person related to the construction of improvements on the Promontory Homesite with which these persons are associated.

1.3 Pre-Construction Conference, Construction Site Plan, Construction Schedule, and Construction Trailers

As part of Design Review, every Owner shall be responsible for ensuring that his/her Builder(s) attend a proper Pre-Construction Conference (see Design Review Procedures, where the Construction Site Plan and Construction Schedule (which were approved as part of the Final Design Submittal Section 1.5 in the Design Review Procedures and Architectural Review Committee Organization) is submitted to and approved by the Committee representative conducting such Conference. The Construction Site Plan must clearly identify any and all construction access points, all designated parking areas (must be completely off of the street), all sanitary facilities to be used, and any and all approved access drives which relate in any way to construction activities on the Homesite. The Construction Schedule shall include but not be limited to the following checkpoint times: (1) Proper L.O.D. fence and signage installation, (2) breaking ground, (3) grading, (4) framing inspection(s), (5) four-way inspection(s), (6) installation of final roof material, and (7) installation of landscaping.

All parts of the Construction Site Plan and Construction Schedule must be approved by the Committee during Final Design Approval and/or during the Pre-Construction Conference. Only after such approvals, may a single construction trailer or a single portable field office be located on the Homesite only within the building envelope and clear of all setbacks. The size, type, and color of any construction trailer and/or portable field office must always be pre-approved by the Committee Representative along with the Construction Site Plan. A schedule of dates and the location of the trailer must be submitted and approved by the Committee Representative prior to placement. Even after it has been approved, such trailer or office may not be placed on the construction Site any earlier than two (2) weeks prior to the actual onset of continuous construction activity. At the time the trailer or office is placed on the Site, temporary power and temporary phone line service shall be allowed until the time when utilities are available on the Site. Any construction trailer and/or portable field office may never remain on a single Homesite for longer than the lesser of six (6) months or the practicable amount of time it takes for the trailer/office to be moved into the home itself, unless the Owner has submitted a prior written request to the Committee and has been issued proper Committee pre-approval for an extension.

1.4 Trash Receptacles and Debris Removal

Owners shall be responsible for seeing that all of their Builder(s) working within Promontory clean up all trash and debris at the end of every day. A pre-approved trash receptacle with a proper cover must remain on the Site at all times so as to contain all lightweight materials and packaging. The covered trash receptacle must be sized properly (Committee determined) so it fits within the Homesite's building envelope, and it must be positioned on the Site alongside the access drive so

that it stands completely clear of side and rear setbacks, adjacent road right(s)-of-way, neighboring Homesites, Open Spaces, and Common Areas. Trash receptacles must be emptied on a timely basis to avoid refuse overflow. Trash disposal shall occur at a suitable facility which is off of the Site. Any and all persons are prohibited from dumping, burying, and/or burning trash anywhere on the Homesite or anywhere in Promontory. Heavy debris (i.e. broken stone, wood scrap, refuse concrete, etc.) shall be removed from the Site immediately upon completion of the work of each trade responsible for generating the debris.

All concrete washouts (from both trucks and mixers) must occur within the Homesite's building envelope, in a location where it will ultimately be concealed by structure or covered by backfill. Washout occurring in road rights-of-way, in setbacks, or on adjacent properties is strictly prohibited.

During each Homesite's construction period, such Site shall be kept neat and properly maintained, so as to prevent it from becoming a public eyesore or a detriment to other Homesites, Open Spaces, Common Areas, roadways, or golf courses. The trash receptacle cover may be left open during the day while workers are present but must be closed at night or whenever the workers are gone. All trash must be picked up and disposed of throughout the day, and the site must be cleared of all debris before workers leave the site each evening. All dirt, mud, and/or debris resulting from the Homesite's activity shall be promptly removed (within less than 48 hours) from public roads, private roads, Open Spaces, Common Areas, Homesites, driveways, and all other portions of Promontory.

The Owner shall pay all clean-up costs incurred by the Committee or by the Conservancy in enforcing these requirements.

1.5 Sanitary Facilities

Each Owner shall be responsible for seeing that his/her Builder(s) provide adequate sanitary facilities on the applicable Homesite for his/her workers during Site construction. Portable toilet facilities shall be located within the Homesite's building envelope, shall be clear of all setbacks, shall be placed in a discreet location, and shall be properly maintained for sanitary purposes.

1.6 Construction Access

The approved access drive which is pre-approved by the Committee shall be the only construction access which is allowed on any Homesite, and all construction vehicles shall enter Promontory through the West Gate, unless the Conservancy deems another location appropriate for construction entry in the future.

1.7 Vehicles and Parking Areas

Builder(s) shall not park on, or otherwise use, undeveloped portions of Homesites, Open Spaces, Common Areas, or roadways. All vehicles must park within the building envelope. During busy construction periods (i.e. when multiple trades are working simultaneously, so that all construction vehicles cannot be confined to the Site proper), Builders' overflow vehicles may be temporarily parked along the shoulder of the roadway only in Committee-approved locations and for Committee-approved time periods, after the submittal of a proper written request and approval by a Committee representative of the Construction Site Plan and Schedule allowing for overflow parking in specified locations for specified time periods. Under these limited, specific circumstances, vehicles must be parked at least half way off of the paved surface of the roadway and/or cul-de-sac, so they allow continual, unconstrained access for normal traffic and emergency vehicles (including fire trucks) and proper access to fire hydrants and the like, and such vehicles are always subject to immediate relocation if their parking becomes an issue.

Construction or related vehicles may never be parked on neighboring Homesites, in nearby driveways, in Common Areas, or on Open Space. Any oil changing or other vehicle maintenance is strictly prohibited. The Homesite Owner shall be responsible for restoring Damage caused to any native vegetation, revegetation, or roadway by parking along the street frontage. The Committee may, at its sole discretion, require such vegetation restoration by the Owner at any time during construction or as a precondition to passing the Final Inspection and Final Release step of Design Review for the Homesite.

1.8 Conservation of the Native Landscape

During construction, trees which are to be preserved shall be marked and protected by flagging, fencing, and/or barriers. During the Pre-Construction Conference (detailed in Section 1.11 of the Design Review Procedures and Architectural Review Committee Organization) or at any other time during construction on a Homesite, the Committee shall have the right to flag any major terrain features, plants, trees, and native vegetation which must be fenced for protection during construction. Any trees, branches, and other vegetation which is removed during construction shall be promptly cleaned up, shall be immediately removed from the construction Site, and shall be promptly and properly revegetated where applicable or where the Committee, in its sole discretion, deems such revegetation is appropriate.

1.9 Grading and Drainage Requirements

Owners shall be responsible for seeing that the following requirements are met by all Builders involved in construction on such Owner's Homesite, to accomplish effective erosion elimination on the Homesite:

1. Temporary run-off channels must be built to drain construction zones. Silt screens and waddle must be installed at appropriate locations on these channels. The screens should stretch across the channels and anchor to the channel bottoms with hay bales that are placed on the upstream side of the fabric. In some cases, temporary earthen berms or channeling ditches may be used in lieu of silt screens.
2. All storm drain inlet structures must be protected by a filter berm until the base course of pavement is installed or until the area is stabilized with vegetation.
3. All embankments constructed as part of cut/fill operations must be seeded and mulched within one (1) week of final grading completion.
4. All building Site areas must be seeded and mulched within one (1) week of final grading completion or at a time which is pre-approved by the Committee.

1.10 Excavation Materials and Blasting

The Owner shall be responsible for providing written notification to the Committee at least two (2) weeks in advance of any blasting that will occur on a Homesite, and the Owner shall be responsible for providing the Committee with proof of all appropriate County approvals prior to any blasting which takes place relating to such Owner's Homesite. Blasting shall only be conducted by licensed demolition personnel, who possess all requisite insurance coverages specific to the blasting activity they will conduct at Promontory (as mandated by County and state statutory law).

The Committee shall have the authority to require the Owner to provide (prior to any blasting activity) written documentation which thoroughly explains all anticipated seismic effects and which confirms the following: (1) such seismic effects will in no way be injurious to other persons or properties (either public or private) and (2) all appropriate protection measures are in place (and shall be utilized) to prevent any kind of danger and Damage which could occur as a result of the blasting. As well, the Committee shall have the authority to require the Owner to provide (prior to any blasting

activity) additional insurance to cover potential damages the blasting could have on areas outside of the Homesite (i.e. neighboring Homesites, Open Spaces, Common Areas, golf courses, surrounding properties, roadways, previously-constructed improvements, or elsewhere within the Community.

Any and all excess material which results from blasting, along with all other excess excavation materials, shall be removed from Promontory immediately or stored within the LOD envelope, to be removed as soon as possible. Dirt piles must be kept to less than 10 feet in height and not block visibility of building construction from the street for Committee Representative inspections.

1.11 Dust and Noise Control

The Owner shall be responsible for seeing that his/her Builders sufficiently control dust, debris, and noise which occur because of construction on the Homesite. This requirement includes, but is not limited to the removal of all dirt and mud (which is in any way a result of construction activity on the Homesite) from public and private roads. All air compressors or other loud equipment must be contained within the LOD envelope.

Sounds coming from radios or any other audio equipment used by Builders and/or any persons on the Homesite during construction shall never be audible beyond the Lot line of any Homesite. At the Committee's discretion, repeated violations of this sound provision will cause a total prohibition of any on-site use of radios and/or audio equipment during construction on the Homesite.

1.12 Material Deliveries and Parking

All building materials, equipment, and/or machinery required to construct a home on any Homesite at Promontory shall be delivered directly to the building envelope of that Homesite, and the materials shall always remain within the building envelope of each Homesite and clear of all setbacks.

The above requirement encompasses but is not limited to the following: all building materials, earth-moving equipment, trailers, generators, mixers, cranes, and/or any other equipment or machinery that will remain at Promontory during night hours.

As well, material delivery vehicles may never drive across neighboring Homesites, Open Spaces, Common Areas, golf courses, or land tracts to access a neighboring construction Site.

1.13 Firearms and Weaponry

The possession and/or discharge of any type of firearm or weaponry by Builders or other persons working in connection with any Homesite is strictly prohibited on any construction Site, Homesite, land tract, Open Space, Common Area, golf course, roadway, and right-of-way at Promontory, and shall warrant proper legal consequences.

1.14 Alcohol and Controlled Substances

Consumption of alcohol and/or the use of any controlled substance by any and all Builders or other persons working on any construction Site, Homesite, land tract, Common Area, golf course, roadway, and/or right-of-way at Promontory is strictly prohibited and shall warrant proper legal consequences.

1.15 Fires and Flammable Materials

The careless disposition of cigarettes and/or other flammable materials, any build-up of potentially flammable materials, and/or allowing any activity which could contribute to any kind of fire hazard are always strictly prohibited at Promontory. As well, any on-site fires (excepting small, confined, attended fires purported to heat masonry water and which have been pre-approved by the Committee) are prohibited on any property at Promontory.

At all times during construction, there shall be at least one updated and fully functional 20-pound ABC-Rated Dry Chemical Fire Extinguisher present and available in a conspicuous place on the Homesite where construction is taking place.

1.16 Pets and Wildlife

Builders or other persons working at Promontory shall never bring any pet(s) (particularly dogs) into Promontory and shall not feed or otherwise inappropriately attract wildlife at Promontory.

1.17 Preservation of Property

Builder(s) or other persons connected to construction on any Promontory Homesite are strictly prohibited from using any neighboring Homesite, Open Space, Common Area (including all common amenities), golf course, or roadway as a means of transit and/or passage. As well, such Builder(s) are prohibited from using as a means of transit and/or passage the Natural Area and/or the setbacks

which are outside of the building envelope of the Homesite on which the Builders are conducting activities. Builder(s) and other persons shall also refrain from parking on, eating on, depositing rubbish and/or scrap materials (including all concrete washout which may occur) on, and/or disturbing or Damaging in any way any neighboring Homesite, land tract, Open Space, Common Area, golf course, and/or right-of way. The Conservancy may, in its sole discretion, appropriately fine such Builder(s) and/or persons for participating in any such property destruction or Damage.

1.18 Protection of Subdivision Improvements and Restoration of Property

Each Owner shall be responsible for completely protecting any and all Community, Subdivision, and Village improvements including but not limited to the following: roadways, Common Areas, golf-related improvements, and improvements on any other Homesite from any and all Damage and damaging effects (no matter how small) caused by activities conducted by such Owner's Builder(s).

Upon the completion of construction of each Promontory Homesite, such Homesite Owner shall be responsible for seeing that the Builder(s) completely cleans the Site and repairs any and all property which has been affected and/or damaged in any way, including but not limited to the following: restoring all landscape grades; replanting and/or planting shrubs; trees; and/or other vegetation as approved and/or required by the Committee; repairing any and all streets; roadways; driveways; pathways; drains; culverts; ditches; signage; lighting; fencing; and effects caused by Damage to Homesites, Common Areas, Open Spaces, golf courses, or roadways.

In addition to compensating Builder(s) for their work conducted to construct improvements on a Homesite, the Owner of such Homesite shall be held financially responsible for Site restoration, Site re-vegetation, refuse removal, and all other repair to any and all adjacent properties when such Damage resulted from trespass, violations, and/or negligence by any Builder(s) working in connection with construction on the Owner's Homesite. The Owner shall be responsible for reimbursing the Conservancy for any repair and restoration necessary to cure such Damage as well, according to Section 2.9 of the Design Review Procedures and Architectural Review Committee Organization.

1.19 Construction Signage

Unless the Committee specifically approves otherwise, every Promontory Homesite shall be allowed one (1) temporary construction sign per Site. As the temporary construction sign is intended for job Site identification only, the following requirements apply to all temporary construction signs used on Homesites at Promontory:

1. The temporary construction sign shall not exceed six (6) square feet of total surface area.
2. The sign shall be free standing (i.e. the sign may never be attached to a tree and/or vegetation in any manner), and the sign shall not exceed four (4) feet above natural grade in height.
3. The sign must be located within the Homesite's building envelope in a place which has been specifically approved by the Committee prior to installation. The sign should face the street frontage of the particular Homesite.
4. The sign may include the following: (1) identification of the General Contractor by name, address, license number, and telephone number(s); (2) identification of the Architect by name, address, license number, and telephone number; and (3) identification of the particular job location by either the Homesite address number or the Homesite Owner's name.
5. The sign shall not include any kind of marketing-related terminology and/or logos (i.e. "for sale," "available," "offered by," etc.).
6. The sign may not be erected on any Homesite at a time that is earlier than two (2) weeks prior to the onset of continuing construction activity on the Site.
7. The sign must be removed at the time which is no later than the earlier of the following options: (1) two weeks after the date the County issues a Certificate of Occupancy for the home, or (2) the passage of 30 calendar days without significant (which significance is defined and decided by the Committee, at any given time) construction activity on the Homesite.
8. All signs must be professionally produced and consistent in style with all other Promontory construction signs.

The following signs are strictly prohibited on any Homesite: individual signs and/or construction sign attachments which identify individual subcontractors, tradesmen, suppliers, or the like. When state and/or County statutes require signs identifying certain licensed tradesmen, those signs shall be confined to the particular posting location and posting time as specified in the Building Permit.

9. Wherever possible, any and all identification signage which is attached to materials

delivered to the Homesite during construction (i.e. windows, equipment, etc.) shall be removed so as to prevent the marketing and/or advertising which is discouraged at Promontory

Attachment of signs and/or similar material to any trees and/or vegetation is strictly prohibited at Promontory always.

1.20 Daily Operation

Daily working hours which apply to every Promontory Homesite under construction shall be 7:00 a.m. to sunset, Monday through Saturday. All construction activity which could possibly generate noise which is audible from the boundaries of any other Homesite (i.e. hammering, sawing, excavation work, concrete delivery, etc.) shall be confined to the hours of 7:00 a.m. to the earlier of 6:00 p.m. or Sunset, Monday through Saturday.

No construction activity of any kind is allowed on Sunday.

1.21 Site Visitations

Due to the inherent danger associated with any active construction Site, visitors to a Promontory Homesite during such Homesite's construction should be limited to persons who are conducting official business relating to the particular construction activity on the Homesite, such as the following: the Homesite Owner; the Owner's Architect; the Owner's Builder(s); state, city and/or County building officials; security personnel; Committee Members or Committee Representatives; and sales personnel visiting the Homesite for business reasons.

Builder(s) shall not invite and/or bring family members or friends (especially children) to the Homesite during its construction.

1.22 Construction Insurance Requirements

The Homesite Owner shall be responsible for seeing that all Builder(s) working on the Owner's Homesite provide evidence of appropriate insurance with the Owner prior to entering Promontory. The Committee, in its sole discretion, shall have the authority to require each Homesite Owner to provide proof of all such insurance as a precondition to construction commencement on the Homesite.

Proper construction insurance is required for every Homesite at Promontory; and, at the very least, such insurance must evidence the following:

1. Proof of insurance shall be evidenced in the form of a valid Certificate of Insurance naming both the Homesite Owner and Promontory as the certificate holders.
2. The insurance shall provide coverage which is not less than the applicable limits of coverage relating to comprehensive general liability, automobile liability, and workmen's compensation.
3. The insurance shall have minimum limits of liability which are not less than \$500,000 for general liability coverage and not less than \$500,000 for automobile liability coverage.
4. General liability coverage shall contain provisions for contractual liability and provisions for broad form property damage.
5. The Certificate of Insurance shall contain a provision which ensures a 30-day notice will be given to all certificate holders in the event of cancellation of insurance or any material change in the limits of insurance coverage.

1.23 Vehicular Access

Prior to the commencement of any construction activity on a Promontory Homesite, the Homesite Owner shall be responsible for ensuring that each General Contractor working in relation to the Owner's Homesite meets with the appropriate Promontory security staff and provides such security staff with a complete "vehicle pass list" of all Builders which may need to enter Promontory for the purposes of Homesite construction. This pass list shall include any and all supporting descriptions and details required to sufficiently identify any and all construction and/or employee vehicles that may enter Promontory during such Homesite construction.

No construction personnel or vehicle shall be allowed to enter Promontory (through any Promontory gates and/or entrances) until the above requisite documents are filed with proper Promontory security staff and the appropriate passes have been issued. At any time, the Committee and/or security staff at any Promontory gate/guardhouse shall have the authorization to require as a condition of entry proof of acceptable and complete insurance by any Builder and/or any persons claiming they are related to construction activity on any Homesite at Promontory.

1.24 Large Construction Equipment and Cranes

Placement of any large construction equipment or cranes on the site must be pre-approved by the Committee Representative along with a timeline of use. No portion of the equipment may extend over or onto adjacent homesites. Proper traffic control, road access for others using the road, as well as clean-up is required at all times.

