

Dreekets Bay Estates  
St. John, U.S. Virgin Islands

# ARCHITECTURAL GUIDELINES

Exhibit 'A'  
To  
The Declaration of Protective Covenants  
of Dreekets Bay Estates

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## ARCHITECTURAL GUIDELINES

### A. Overall Concept

The ideas set forth herein are intended to ensure the continuity of quality and establish unity of character within Dreekets Bay Estates. These guidelines address items affecting the external appearance of all constructed improvements as well as the spatial characteristics involved with the interaction between Dreekets Bay Estates and these improvements.

The first section provides standards for the site, its appearance from other parcels and the access road, as well as generally setting the character and criteria that are important for the protection of significant natural features, the enhancement of important physical relationships and the general site and landscaping requirements.

The second section provides the general criteria, and items explicitly required, or prohibited, relating to buildings and structures. These sections should provide interested parties with adequate information for an appropriate design.

The last section defines the steps, procedures and required submittals for a project review. This process is intended to be an interactive and creative process combining the needs and desires of all parties involved in the project.

These architectural guidelines are intended to stimulate the imagination and creative desires of property owners, and to assure them that protective guidelines are in effect that will maintain the appearance, character, quality and value of all Dreekets Bay Estates properties.

## B. Road, Driveway, & Entrance/Exit Standards

1. Only one entrance/exit driveway per lot shall be allowed from the estate road (i.e., one point of contact with the estate road) with a maximum width of 12'-0". If two contiguous lots share one entrance/exit driveway the maximum width shall be 15'-0" , provided only one entrance/exit driveway is servicing both lots.
2. Entrances shall consist of significant, dense landscaping and vegetation suitable to the site. Approved low walls, gates and arches, or other such built structures may be used, and shall incorporate an entrance sign as required below. Care must be taken to not obstruct required sight lines for the access road at corners. Driveways shall preserve natural site features. Careful attention shall be given to drainage, existing and proposed, and the ability to collect the rainfall off the driveway for collection in the gray water system for landscaping use. Approved, contrasting paving materials at the entrances are encouraged.
3. Each entrance shall have a fully maintained sign, as approved by the ACC, indicating an address and, at the owners' discretion, a name for the Lot. This sign shall be a ceramic insert that will be incorporated as an integral element into any column, wall, gate or other architectural element at a minimum of twenty four inches and at a maximum of forty eight inches above contiguous grade. If no such element is utilized, a stone sign post shall be built. No other signs of any type will be allowed, except as provided in the Declaration.
4. Each Owner shall provide two (2) parking spaces off the estate road for each Dwelling Unit constructed on the lot.

## C. Site & Landscape Standards

1. No trees with a diameter greater than five inches (5") in diameter at five foot (5') height may be removed from any lot, unless prior, written authorization is granted by the ACC, in which case replanting of a similar species and size will be required. All existing trees of the above mentioned size shall be clearly indicated on the site and landscaping plans.

2. A minimum of five percent (5%) of the construction budget shall be dedicated to landscaping.

3. Site work shall control all drainage and run-off from impervious surfaces. Such drainage shall be stored in a gray water cistern for a required, on site landscaping irrigation system. The cistern and distribution system shall be designed to maintain a full, multi-seasonal irrigation system for not less than twenty five percent of the designated building envelope area that has been improved.

4. In addition to, and superseding the Virgin Island's Building Code, Coastal Zone Management, and any other agencies with jurisdiction over the project area, the ACC will designate an area within, and specific to, each Lot that will be deemed as the Building Envelope, within which boundaries all improvements shall be located. Said Building Envelope will be defined by a line parallel to and thirty-five feet (35') perpendicular to the Lot survey line, except as may be otherwise specifically approved in writing by the ACC.

5. All trash and garbage receptacles, fuel tanks, AC units, swimming pool and related system support units shall be completely screened from view.

6. All lots shall be required to provide a sewage disposal system as required by the Virgin Island's Building Code. Each Owner may have a percolation test performed on his property to determine the best system. Mini sewage treatment plants, approved aerobic wastewater treatment system, or approved constructed wetland systems will be required, as necessary. This system shall be maintained by the Owner to prevent any odor, overflow, or seepage therefrom.

7. No fences shall be allowed except as may be approved in writing by the ACC. Low walls that are incorporated to the landscaping and site plans are acceptable. All retaining and screen walls shall be primarily built with stone or stone veneer with stucco, brick, or tile accents.

8. Outdoor lighting will be carefully reviewed to assure that neighboring properties are protected from the view of bright light sources. Site lighting should be kept at a minimum, should emphasize down lighting, and used solely to provide night visibility for

pedestrians. Flood and spot lights are not permitted. Site and building lighting shall not be directed so as to shine onto or into neighboring lots, roads, or paths. Whenever possible, functionally required lighting should be integrated into such features as steps, handrails, posts and curbs.

9. All Lots shall be kept in a neat and orderly fashion, with no construction or other debris, junked vehicles, or unsightly matter allowed to accumulate. The ACC may, after notifying the Owner, remove debris from non-conforming Lots at the Owners expense.

10. It is contemplated that a tennis facility will be constructed by FPC on a portion of the Common Area, though FPC makes no representation or warranty. Regardless as to whether or not tennis facilities are constructed on the Common Area, whether by FPC or the Association, the construction of individual tennis courts on Owner's Lots are not permitted.

#### D. Architectural Standards

1. Exterior finish materials for all buildings and structures shall be limited to the following:

- a. Roof - of earth tone or muted hues; specific material subject to approval of ACC. Metal roofs other than copper are expressly prohibited.
- b. Walls – stone; stucco, low-chroma, off-white and/or earth tone; wood of high quality, not to exceed twenty per cent of wall finish area
- c. Trim - brick, earth tone color; wood and metal
- d. Paving - concrete; earth tone brick and tile; coral and stone

2. No structure shall be constructed with the highest point of any roof that is higher than the tallest natural existing vegetation situated on the highest elevation of the Lot. On the downhill grade, the maximum habitable floor height above finish grade, as well as the finish floor or deck height of pools, terraces, and porches, may not exceed ten (10) feet. Terracing and retaining walls should be employed, as needed, to comply with this

requirement.

3. No hip or gable roof shall exceed a pitch of eight in twelve, or have a pitch of less than six in twelve. Veranda and shed roofs shall have a pitch of two or three in twelve. Limited use of flat roofs shall be permitted, with prior written approval of the ACC. The roof area shall comply with the Virgin Island's Building Code insofar as the interrelationship of floor area, roof area, and cistern capacity.

4. The plan verified by ACC will take into consideration the size of any and all structures, stressing that the overall massing of structures shall conform to an appropriate scale. The maximum percentage of the total lot area that may be utilized for all buildings and structures shall be 25%. The total area of all impervious surfaces, including buildings, driveways, parking areas and patios, shall not exceed 35% of the lot area. The intent is to avoid projects that are too large of mass and size, and to preserve the integrity and value of all Dreekets Bay Estates Lots. The designer's challenge is to create appropriate perceptions of size, mass, and character in relation to the characteristics of the site.

5. The size, shaping, and siting of swimming pools must be carefully considered to achieve a feeling of compatibility with the surrounding natural and man-made elements. Pools and related equipment enclosures must relate to the house and project as a cohesive whole.

6. Flags, flagpoles, or wind generators will not be permitted on individual Lots. Antennas and satellite dishes will only be permitted with prior written approval of the ACC.

7. Backup electrical generators will be allowed on individual parcels, and their installation and use shall be restricted and monitored by the ACC. These generators shall be silencer-muffled and installed in an enclosed sound absorbent structure.

8. All hurricane doors and shutters, and garage or utility type doors shall be decoratively designed elements. Metal will not be allowed as a building material for these types of doors, if permanently attached.

9. Patios, decks, and porches should be integrated into the overall design form so as to be an extension of the architecture and provide a transition from the house to the garden and pool.

## E. Construction Activities

1. In the interest of maintaining safety as well as an appealing image for residents and visitors, the construction process must be carefully regulated on Dreekets Bay Estates. After final approval and obtaining all necessary permits, the Virgin Island's licensed contractor selected by the homeowner must submit a construction application, stating, at a minimum, the contractor's name, mailing address, physical place of business, VI Business License number, telephone numbers, including cell and office, and the designated contact person. In addition, a damage deposit shall also be required to be placed by the Lot Owner with the ACC (payable to FPC), before delivery of materials and start of construction. This damage deposit is required to ensure compliance with the approved plans, for site maintenance, and for correction of any damage to roads, right of ways, common areas, and other homeowners' property. The amount of the damage deposit shall be determined by the ACC, after review of the plans, but in no event, shall the deposit requirement exceed ten thousand dollars (\$10,000.00). Upon final completion of construction, any unused portion of the damage deposit shall be reimbursed, without interest, to the Owner. Due to the location and special characteristics of the site, unusual situations relating to construction need to be addressed. Accordingly, the ACC will oversee and work in liaison with the Owner and his builder. The location and physical character of temporary structures such as containers or temporary structures and activities related to the construction of improvements to any Lots shall be approved in writing by the ACC prior to their placement.

2. Construction will be allowed only between 6:00 A.M and 7:00 P.M. Monday through Saturday, and at no time on Sunday or federal holidays. Contractors are responsible for the actions of all their employees and subcontractors. Contractors, subcontractors and other workers are not allowed the use of any of the Common Areas or facilities of Dreekets Bay Estates. There must be a designated foreman or supervisor on the site at all times. Loud music, drugs, and alcohol are not allowed on the job site.

3. Once construction has commenced, all work, including landscaping, must be

completed and materials and equipment removed within the construction schedule approved by the ACC.

4. All temporary structures required for use during the construction period are subject to prior written approval by the ACC and shall not be used for any overnight accommodations by any parties, including the Owner. Such structures shall be screened from view from all other Lots, Common Areas, and the estate road. Temporary sanitary facilities as approved by the ACC will be required to be in place at the commencement of construction, and fully screened from view.

5. All reasonable means shall be taken during construction to protect and preserve all existing vegetation. Sediment and erosion control shall be employed and maintained during construction, as required by CZM, and subject to further requirements as deemed necessary by the ACC.

6. No clearing, grading or building on site will commence without approval by the ACC.

7. Construction debris must be placed in containers located on the building site location approved by the ACC. All other garbage and trash must be removed from the site and Dreekets Bay Estates at the end of each working day by the contractor. Burning of debris and waste is not permitted. Burning of brush shall only be done pursuant to a burn permit issued by the VI fire department and shall be further regulated by the ACC. Dreekets Bay Estates reserves the right, but shall not have the obligation, to clean and/or correct any Lot Owner's building site as needed due to noncompliance, and to charge the Owner for the cost of said work. Any such charges shall accrue interest at 18% per annum and shall be secured by lien recorded against the Lot. Collection of such lien shall be pursuant to, and as authorized by the Declaration, in the same manner as the collection and levy of homeowner assessments and dues.

8. FPC shall have the right to enter, travel upon and access the Lots in order to make inspections to assure conformance to these rules and the permitted building and landscaping plans. FPC expressly reserves the right to periodically modify these rules and regulations from time to time as it deems necessary. Any such amendments shall be duly recorded with the Recorder of Deeds office and shall be as effective as though set forth herein.

# DESIGN REVIEW AND APPROVAL PROCEDURES

## A. Introduction

All new construction, subsequent construction, remodeling (with exterior exposure), expansion and /or demolition must be reviewed and approved in writing by the ACC, prior to the start of any building or on-site activity. All decisions, interpretation and application of these Guidelines shall be undertaken at the sole discretion of the ACC, but must be consistent with the criteria set forth in these Guidelines and the Declaration.

In order to conduct the design review process in the manner most expedient and economically efficient for the Owners, these Guidelines provide for two (2) steps of application and design review: preliminary and final. The procedures for application must be fully complied with for both stages.

Any matter requiring review and approval by the ACC shall be submitted directly to the ACC via Federal Express or US Express Mail to the following mailing address: Family Properties Caribbean, LLC, 2819 Cass Road, Suite E3, Traverse City, MI 49684 (or other address designated by the ACC). Three complete copies of all plans, specifications, related data, and completed Dreekets Bay Estates application forms constituting a formal submission shall be delivered to the ACC together with a cover letter identifying the materials to be used as a formal submission and describing the submission stage. Once an application is deemed complete, the ACC will review each formal submission made and will provide a written response within thirty (30) days.

The ACC may take one of three steps:

1. Approval.
2. Conditional Approval with remarks.
3. Disapproval - Revise and Resubmit.

The ACC will notify the applicant, via certified U.S. Mail, returning one copy of the submission with a letter outlining the ACC's decision and the steps required/recommended of the applicant. In the case of steps 1. or 2. above, the ACC shall provide the Owner with a Certificate of Approval.

In the event the ACC shall fail to take one of these three steps within thirty (30) days of receipt of each complete, formal submission, approval will be deemed granted, though all construction must still be in compliance with the design and material criteria of these Guidelines, and the ACC will continue to have full supervisory and further powers as set forth herein.

All submissions must include the following information:

1. Name, address(physical and mailing), and phone number of applicant and Owner. (If applicant is not the Owner, evidence of applicant's authority to act for Owner shall be provided).
2. Name, address, and phone number of firm preparing the submission.
3. Location Map showing specific lot.
4. Graphic scale: minimum 1"=20'-0" for site plans, minimum 1/8"=1'-0" for buildings.
5. North arrow.
6. Date of submission preparation.
7. Revisions from previous submittals.
8. Gross site area of disturbed area.
9. Gross site area or "foot print" of individual buildings and/or structures.
10. Sediment Control Plan.
11. Topographic map depicting existing vegetation and prominent natural features, including prominent rock out crops and trees with dimensions greater than five inches (5") at five foot (5') height.

## B. Preliminary Site & Building Design Review

As early as the Owner and architect are able to define the project scope, two sets of preliminary plans should be submitted for review. Schematic sketches, dimensioned drawings, models and perspectives are most appropriate for preliminary submittals. All preliminary submittals must contain the following:

1. Site Analysis clearly showing location of all trees 5" or larger in diameter at breast height, other prominent natural and man-made features, property lines, easements, contour lines, drainage, views, homes and driveways on adjoining lots, all entrances, gates, driveways, layout of all parking areas, and showing proposed and existing grade and drainage. 1"=20'0" scale.
2. Schematic Landscaping Plan showing the location of the house, driveway and walks with proposed landscaping concepts, lighting and irrigation plan. 1/8"=1'0" or 1"=20'0" scale
3. Schematic Floor Plans depicting the layout of spaces for all levels of the proposed building at 1/4"=1'0" scale.
4. Schematic Building Elevations representing the view of all exterior sides of the proposed structure at 1/4"=1'0" scale. Composition of elements (i.e., stucco, stone) of all exterior walls shall be depicted.
5. Site/Building Section showing the relationship of interior and exterior spaces with the natural topography shall be provided at 1/4 " =1'0"scale.
6. Color board with samples, photos or replicas of all exterior materials and finishes.
7. Preliminary Stake Out The house shall be staked out on the lot with stakes at least two (2) feet tall marking the corners, with a string outlining the shape of the house. The lot line nearest the house shall be defined with string. All trees proposed to be removed shall be tied around their circumference with surveyor's ribbon.

All the above plans should clearly and concisely delineate the scope and character of the proposed project. The ACC will either grant preliminary approval or provide reasons for the rejection of the submittal, and will offer suggestions for improvement. If the preliminary drawings are substantially changed, either by request of the ACC or desire of the Owner, they must be resubmitted and receive Preliminary approval before proceeding for Final Approval. A Preliminary Approval is valid for twelve (12) months from date of approval.

### C. Final Construction Plans & Schedule Review

The construction documents are prepared after changes are made, if any, from the review of the preliminary plans. These plans should clearly and concisely delineate the scope and character of the proposed construction. All components of building and site design must comply with the Virgin Island's Building Code and all other applicable codes and regulations with the requirements of the Dreekets Bay Estates Architectural Guidelines taking precedence. The following must be completed and submitted for final review:

1. Final Stake-Out the preliminary stake-out must be updated, if necessary, in locating the house, driveway, and any trees to be removed.
2. Color Samples must be submitted on actual samples of materials proposed for use.
3. Landscape Plan drawn to 1"=20'0" scale, including location and representation of all planting material, lighting with fixture catalogue cuts, walks, fences, pools, decks, patios, irrigation system, trash and other enclosures, and the installation of two PVC conduits (one 3" and one 1 1/2") for electrical and communications cables below the entrance drive, from the electric meter at the entrance to the house.
4. Site Plan as for the preliminary submittal, including any changes.
5. Floor Plans drawn at 1/4"=1'0" scale containing all information necessary for construction.
6. Building Elevations drawn at 1/4" =1'0" scale accurately representing the view of all sides of the house. Floor elevations must be delineated and existing and proposed grade levels must be shown. All exterior materials must be labeled

7. Building Sections drawn at 1/4"=1'0" scale as necessary for clarification or construction,

8. Details to include typical wall section, exterior trim, windows and doors, walls, screens, railings, patio wall, and any other pertinent to a clear understanding of the character and integrity of the proposed building.

9. Construction Plan showing staging and storage areas and temporary screening.

10. Construction Schedule that outlines the proposed events and progress of the construction process in a chronological order.

11. Specifications A full set of specifications must be submitted defining the quality of all work and materials.

When each of the above items has been submitted, together with a completed final review application form (to be obtained from ACC), the final review application will be deemed complete and the final review process will begin. If the ACC grants final approval, a Dreekets Bay Estates Building Permit will be issued, upon the Owner's presentation of three (3) complete sets of working drawings and the Damage Deposit, accompanied by the required deposit. The ACC will stamp the drawings, which can then be submitted to the Virgin Island's DPNR for their approval and permitting. Any and all approvals required by these Guidelines from the ACC must be in writing and signed by the appropriate representative of the ACC.