

Estate Chocolate Hole Landowners Association, Inc. ECHLA
5000 Estate Enighed, PMB 64
St John, VI 00831

Building Code Revised February 2023

1) Review and Approval of Site Changes, Building plans and Alterations to Structures:

The Board of Directors will appoint a committee to recommend approval or disapproval of all plans for earth changes, erections, alterations or rebuilding of structures within the subdivision. The committee will consist of Building Committee Chairman, the two Directors from the area (North East, or West) where the proposed improvements are to take place, the Road Chairman of that particular area, and one or two officers from the board.

The Board of Directors shall appoint a Chairman of the Review Committee who will be responsible for providing a point of contact for property owners seeking approval of plans for the erection, alteration or rebuilding of structures. The Committee will also be responsible for reporting to the Board of Directors violations by the landowner in regard to the use of land within the subdivision as specified in the Landowners' Property Deeds and the By-Laws of the Association.

The chairman of the committee will maintain the files of action taken by the Building Committee.

Property owners desiring approval of such plans shall submit them to the Association well in advance of making earth changes or starting building construction or modifications. The owner shall submit, via electronic measures (e-mail/PDF's) plans of proposed Earth Changes, Coastal Zone Management requests, plot/site plans, floor plans and elevation drawings to the extent of the proposed improvements. These plans shall be e-mailed to the Building Committee Chairman in order to commence the review process. The committee shall attempt to furnish their action within fourteen (14) day's of receipt from the owner. Upon approval, the owners must obtain all required governmental permits before commencing with construction and will furnish the Association with copies of these required permits.

Before building plans will be considered, a member shall be up-to-date in assessments and dues to the Association on the lot in question.

In the event that the documentation submitted is not adequate for review, the Association will notify the landowner by written communication that his/ her plans are not approved and what must be done prior to resubmission of the documentation.

Should any landowner not be satisfied with action of the Association with regard to his request for approval of building plans or other action requiring approval, the landowner may (within sixty (60) days of the Association's action) request in writing a hearing with the Board of Directors, at which time the landowner may present any further evidence and or documentation for approval of his plans.

Within seven (7) days of such hearing, the Board of Directors will provide written notice of its action to the landowner. This will be the final action taken by the Association with regard to a specific set of plans or other action submitted by the landowner.

2) All buildings to be erected, altered or rebuilt within the subdivision must conform to the appropriate codes as issued by the Virgin Islands Government, and to the Codes as established under the By- Laws of the Association. Before any building, structure or temporary storage facility shall be erected, altered or rebuilt, earth changes, plot plans and building specifications must be submitted to the Landowners Association for approval. Prior to approval of such plans the Association will require that the Landowner clearly mark the boundaries of his property as shown on the Plot Plan for the property.

3) The following policies with regard to earth changes, plot plans, building specifications, and altering of structures within the subdivision will be adhered to:

a) There shall not be constructed, erected or placed upon any plot in the subdivision, more than one single family dwelling house with attached and / or detached guest quarters.

b) No shanty, garage, trailer, mobile home, replaceable, demountable or other moveable dwelling shall be used at any time for residential purposes. No temporary structure shall be constructed, maintained or used on any parcel other than is absolutely necessary in connection with an approved construction on such parcel and then only during construction and for a maximum of 30 days thereafter. Temporary structures will require the approval of the Building Plan Committee.

c) There shall be no building or obstruction nearer than fifteen (15) feet from the property boundary on the street side of the property, buildings, structures and fences will not be constructed nearer than twenty-five (25) feet of the high water mark on lots abutting on the sea or inland ponds.

d) The Association requires on all new building projects that all utility (electrical, telephone, cable, etc.) service entrances be placed under-ground via a utility monument. Where overhead services are used, they shall not cross the property of others. All service

lines between structures on any parcel must be underground. The Association will, if it deems appropriate, approve or designate the location of telephone lines, power lines, clotheslines or clothes drying areas.

e) The Association shall have the right, until such time that public mains are available, to approve the type of construction and outlets of all sewage and disposal facilities which shall consist of septic systems which shall be the type and construction required by the Virgin Islands Government.

f) All structures in the subdivision will be limited in height to two (2) stories above the ground, basement, slab, footings or cistern. In zoning of R-1 and R-2, one can build homes that are two-story high but you can also have additional levels that are not counted as "stories" if they meet certain criteria per VI DPNR. One type of level that is not a "story" is a basement (50% below grade level) and the other is a "mezzanine or loft". The VI Code on loft/mezzanines state that they need to be less than 1/3 of the floor area below and accessed from within the building; i.e.: no exterior stairs.

g) The total floor area, excluding deck area, will be required to contain at least six hundred (600) square feet under roof.

h) Excavation materials, i.e., dirt, rocks and stumps, will not be placed on Association roads, right-of-ways or shorelines.

i) No private way or driveway that intersects with an Association road shall be constructed in such a manner as to reduce the width of any Association road. The intersection of driveways with the Association roads will not be changed after the Association has approved the building plans.

j) The property owner shall install culverts or a swale, at his/her expense, of sufficient size to carry surface water from their private driveways which intersect with Association roads.

k) Earth change plans must provide means of surface water from being directed onto the Association roads in such a manner as to cause erosion of the road or pavement.

l) The Association prefers that all electrical and telephone service entrances be placed underground. However, where overhead services are used, they shall not cross the property of others. All service lines between structures on any parcel must be underground.

m) Each parcel owner shall provide space for the parking of two (2) vehicles off the Association roads. Storage or permanent parking of vehicles on Association roads will not be permitted and such vehicles will be removed, by the Association, at the expense of the owner.

n) Alteration of existing structures will not be permitted without Association approval. Alterations defined as any structural change enlarging the living quarters of the private dwelling house or the addition or enlargement of a separate guesthouse.

o) In the event of total destruction of a structure by fire, hurricane or other means, the Association will require rebuilding in accordance with this code.

p) Construction on an ECHLA building site will be limited to the hours of 7:00 A.M. to 6:00 P.M., Mondays through Saturdays. There shall be no construction activity on Sundays. Fines may result in violation of this clause.

q) Sanitary facilities, permanent or portable, shall be provided on all construction sites, long term or short term, from the beginning of construction until permanent facilities are in place, at a convenient on-site location, and shall be kept in good working order.

r) There shall be no burning of brush or other excavation materials (stumps, fallen trees, etc). Such materials considered in excess, other than providing for a temporary berm to control erosion, shall either be buried or trucked off site.

s) The Association requires a road damage deposit for new construction and major improvements, whereas the foot print of the structure changes from the original structure. A road damage deposit in the amount of 1% of the total cost of improvements, as determined on the owner's Virgin Islands (DPNR) permits. Association's road damage deposit shall be in receipt prior to owner commencing with improvements. Once the improvements are completed, the Road Committee Chairman of that particular area (North, East or West) will provide an assessment in determining refund of deposit, whether in full, or partial, based on evidence of major construction related damages.

4) The documents referred to in item 1 of this code should be e-mailed to the Building Committee Chairman for further distribution to the committee members for review.

5) Violations of the ECHLA or Virgin Islands rules, regulations, covenants or restrictions, the Board will issue a letter of non-compliance with the member. If the member does not correct the infraction, or continues to be non-compliant, the Board may assess a fine on the said member. Non-payment of fines will result in a lien on the members property, to include interest for the timeframe of non-payment.

6) Owner acknowledges that building plan approval is provisional, and that the owner will need to fulfill the following requirements to complete the application for building plan approval:

- a) Obtain Building Plan and Earth Change Permits from the Virgin Islands Department of Planning and Resources.
- b) Forward copies of these DPNR permits to the Building Committee.
- c) Pay the road damage security deposit to ECHLA, to be held in escrow until completion of the project