



First Amendment to the Preserve at Botany Bay

Design and Construction Guidelines

Original Date - 19 April 2021

DRAFT Amendment Date – 29 March 2023

Important Notes:

- Plans must be stamped by a Board Certified Architect or Engineer
- Name and Contact information of Architect or Engineer for the project must be submitted to SBOA
- Plans must be approved by SBOA **BEFORE** submission to USVI for Building Permit
- Must use a licensed General Contractor - the contractor business license, name and contact information must be given to the SBOA

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I. Article II – Approval of Plans and Construction

C. Time and Standards for Approvals

5. Construction Timeline

- All construction shall be completed within thirty-six (36) months from the commencement date of construction. An Owner shall be required to pay the Association a penalty for each day Owner fails to complete construction of all building improvements on the Lot after thirty-six (36) months of commencement.
- In the event of a catastrophic event such as a hurricane, or for other circumstances which prohibit the completion of construction within the thirty- six (36) month window, The Design Review Committee may grant an extension to the completion deadline. A request for such extension should be made in writing to the Design Review Committee and the Committee will respond to the request in writing defining the new completion of construction date.

a) Amendment I

Add the following:

- In the event of a lot sale or transfer where construction had begun, but was not finished and/or does not have a Certificate of Occupancy, the following will take place:
 - All debts, liens and other encumbrances assigned to the lot must be settled at or before closing the sale or transfer of the lot to the new owner.
 - All approvals of the Design Review Committee for the existing unfinished work will be revoked upon closing of either transfer or sale. No further work on the structure(s) or the site may take place until Design Review Committee approval, new fees & deposits are paid, and applicable permitting is complete.
 - All Design Review Fees, Road Maintenance Fees, and Construction Compliance Deposits paid by the transferring or selling owner are forfeited upon closing of sale or transfer.
 - The new owner must submit any and all plans for construction to the Design Review Committee. The process is considered to be a new project whether the new owners plan to resume with the existing plan or submit a different plan. All previous approvals from the Design Review Committee will be considered void at the time of transfer of the lot to another party.
 - The Construction Timeline for the new owner will begin when approvals and permitting is complete or when construction begins – whichever happens first.
 - To begin construction on the lot after the sale or transfer, the new owner shall be required to comply with the requirements imposed by the Design Review Committee including the submission of Submitted Items (as outlined in *The Preserve at Botany Bay Design and Construction Guidelines*, Article II) and payment of the Design Review Fee, Road Maintenance Fee, and Construction Compliance Deposit. The Design Review Committee shall not be bound by any approval previously given by the Design Review Committee.
 - Once the new owner has submitted plans for approval from the Design Review Committee, the same Design Review Fee, Construction Compliance Deposit and Road Maintenance Fees are due (see Design and Construction Guidelines, Article II, section D for the fee schedule).
 - The new owner will have the same size requirements, timeline, etc. as any new construction. The timeline for completing of construction will begin when the construction activity resumes.

- Any structures on the site that do not meet the minimum standards of the Design and Construction Guidelines may not be occupied. The Design Review Committee may make an exception and allow occupation of a smaller structure under the following conditions:
 - The structure has received a Certificate of Occupancy as issued by the proper USVI authorities.
 - Occupying the structure will trigger the commencement of the timeline for the whole project. The lot must ultimately conform to the standards outlined in the Design Review Guidelines.
- All structures on the lot must ultimately conform to the standards as outlined in the Design and Construction Guidelines.