



ARCHITECTURAL DESIGN GUIDELINES

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WELCOME

Dear Property Owner:

Welcome to St. James Plantation. We are proud of our community, and we look forward to the addition of your residence to the collection of fine homes that characterize St. James Plantation.

We want the design, approval process, construction and/or modification of your existing home to go as smoothly as possible, and we encourage you to familiarize yourself with our architectural review process and the Design Guidelines in this document. We also encourage you to contact the St. James Plantation Property Owners Association (POA) and ARCHITECTURAL CONTROL COMMITTEE (ACC) office for a preliminary review as soon as you have selected your home plans, so that any design or site planning concerns may be addressed early in the process.

In addition to reviewing the Design Guidelines, you may be required to contact the Town of St. James's Zoning Administrator and review the Town's Unified Development Ordinance ("UDO"). The UDO sets forth zoning requirements as well as the procedure for obtaining a Zoning Permit from the Town and a Building Permit from Brunswick County after ACC approval.

The ACC and the POA staff are here to assist you in making the review and approval process a pleasant experience whether this is new construction or the modification of your existing residence. Our office is located in the same building as the Town of St. James office.

These Design Guidelines have been adopted by the ACC and approved by the POA Board of Directors on September 16, 2025. They may be modified from time to time by the ACC with the approval of the Board of Directors.

Sincerely,

The POA Board of Directors
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Office 910-253-4805 • Fax 910-253-4805
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I. INTRODUCTION TO ACC GUIDELINES AND PROCESSES

WHY GUIDELINES?

The concept for St. James Plantation was inspired by the natural beauty of the land and the variety of flora and wildlife, the setting for a premiere coastal community. The focus of St. James Plantation is on preserving the inherent beauty and developing the community with an emphasis on value, quality, aesthetics, and environment. To maintain this focus and to preserve property values, the Master Declaration of Covenants, Conditions and Restrictions for St. James Plantation provides for the adoption of Design Guidelines. These Design Guidelines are intended to assist property owners and their contractors in the design, construction, and modification of their homes.

THE ARCHITECTURAL CONTROL COMMITTEE (ACC)

The members of the ACC are appointed by the Board of Directors of St. James Plantation Property Owners' Association, Inc. (POA). The ACC reviews site plans, exterior building, and landscaping plans to establish and preserve harmonious and aesthetically pleasing designs in St. James Plantation. The goal of the ACC is to ensure that all plans submitted for review meet the criteria set forth in these Design Guidelines and that construction is completed in accordance with the approved plans within 12 months. Property owners are eligible for appointment to the ACC. Outside consultants (architects, landscape architects, builders, etc.) may be contracted to advise the ACC, but do not vote.

The dates of ACC Meetings shall conform to the schedule published on the website, www.stjamespoanc.org. Please find this and all documentation you may need to research and fill out an application for submission in the Design Guidelines. All applications for the ACC should be electronically submitted by the builder or property owner. The POA may hire a compliance Inspector to advise the ACC of any deviations or infractions of the Design Guidelines. The ACC is not a "government building Inspector."

PROPERTY OWNER RESPONSIBILITIES – NEW CONSTRUCTION AND MODIFICATIONS TO EXISTING STRUCTURES OR LANDSCAPING

The ACC is responsible for the review and approval of all plans for new construction, major and minor modifications to the exterior of any new or existing structures and landscaping. Approval by the ACC does not constitute a representation or warranty as to the quality, fitness or suitability of the designs and materials specified in the plans. Property owners are responsible for working with their architects, designers, and contractors to determine whether the design and materials are appropriate for the intended use. Owners are also responsible for ensuring that their architects, designers, and contractors comply with the provisions of the Master

Declaration, Restrictive Covenants, these Design Guidelines, and approved plans. Approval by the ACC does not assure approval by any government agencies that require permits for construction. It is recommended that owners determine that their contractor has a current NC license that shows what size home and within what cost parameters the contractor is licensed.

Any new construction or exterior modification to an existing property that is approved by the ACC may also require review, approval, and a permit from the Town of St. James before the project begins. It is the responsibility of the property owner to submit plans electronically to the Town and obtain all necessary approvals and permits.

SELECTION OF ARCHITECTS, DESIGNERS AND CONTRACTORS

Your home and landscaping may be built and designed by your contractor of choice if you and your contractors comply with the Master Declaration, Restrictive Covenants applicable to your lot, these Design Guidelines, and any other requirements of the ACC. Neither the POA, the ACC, any sales agent or developer, nor any entity or individual affiliated with any of the foregoing makes any representation or warranty as to the financial condition, skill or ability of any architect, designer, builder, landscaper, or other contractor.

II. DESIGN STANDARDS – HOME DIMENSIONS AND SPECIFICATIONS

ARCHITECTURAL STYLES

St. James property owners may choose from a variety of compatible architectural styles that are harmonious with the community's image. It is the intent of the ACC to allow for individual preferences of architectural styles as long as they complement each other and the community as a whole. The design for each lot must consider the neighborhood's natural site characteristics, and the adjacent lots. All homes must be built on site from the ground up. Additional design guidelines apply to lots in the Marina Village. Contact the POA for additional information on the Marina Village lots.

BUILDING SIZE

Minimum heated square footage is defined as the total of all interior areas within the roof line of the dwelling excluding open porches, terraces, and like areas. However, up to 200 square feet of the minimum heated square footage requirement may be provided by covered porches if their roof line forms an integral part of the main dwelling. Bonus rooms over the garage shall not be included in calculations, for the purpose of meeting minimum square foot requirements. Homes must not exceed 40' in height above garage floor elevation and are subject to the Town of St. James and Brunswick County review/permit requirements for determination of the height of the home. The height of the home includes equipment rooms, steeples, belfries, cupolas, widow

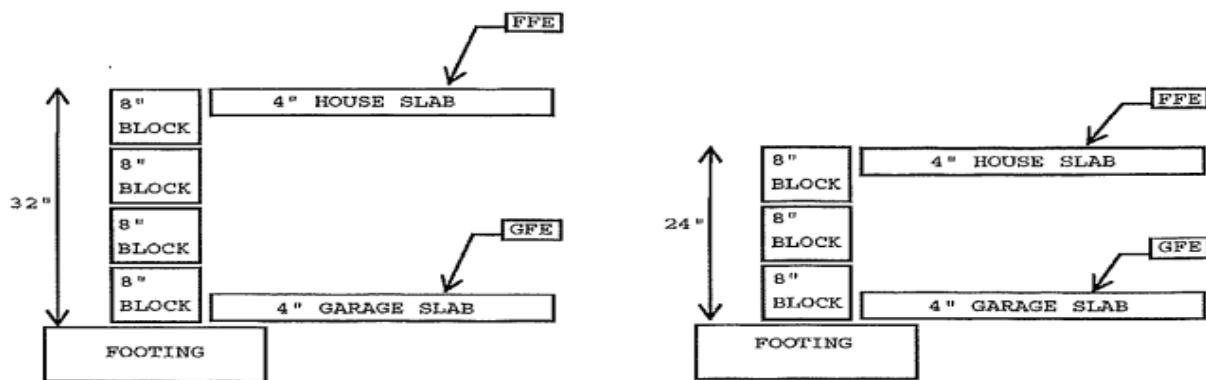
walks, observation decks and other features (excluding lightning rods) above the roof of the building. A home may have one single level accessory building (detached garage, storage shed, pool house, workshop, etc.) as described in the Guidelines for Accessory Structures. The size of a home should complement the size of the lot and surrounding homes in the section.

ELEVATION

Homes must provide a minimum height between the Garage Floor Elevation (GFE) and the First Floor Elevation (FFE) to maintain the community theme and image. The specified difference between the GFE and FFE must be maintained for the Finished Grade and Corner Elevations on the foundation wall for the perimeter of the home. The GFE to FFE Minimum Heights are shown on the sketch on the following page. If it is determined during a foundation survey that the GFE to FFE minimum heights are incorrect, framing may not begin until the GFE to FFE is correct, and the foundation survey approved. Construction of a dwelling with incorrect GFE to FFE minimum height will result in forfeiture of the builder's bond.

This requirement may be waived for the Rear Elevation on homes where the design for patios, access to porches and elimination of steps are proposed; however, the minimum height must be maintained for 75% of the length of the Side Elevations from the front of the house.

The following drawing presents the details for establishing the requirement for the height between the First Floor Elevation (FFE) and the Garage Floor Elevation (GFE) for new construction as specified:



TYPICAL FRONT ELEVATION SECTION

GFE to FFE Minimum Differential
 Reserve Sections (4 Block): 32"-4"=28" or 2.33'
 All other Sections (3 Block): 24"-4"=20" or 1.67'

EXTERIOR MATERIALS AND COLORS

The ACC reviews and determines the appropriateness of the property owners' selections of exterior materials and colors to ensure that they are compatible with the existing homes in the immediate neighborhood, with the architectural style of the home, and with the natural surroundings. Effective March 1, 2019, all builders or owners are required to submit the exterior color sample for the primary color on a 6"x 6" piece of the exterior material to be used with the property address on the back of the sample. A paper swatch is also required to be provided on the color board. The submittal will not be reviewed until both the paint sample and color swatch are provided.

Owners are required to include color board samples for any exterior surface of the home with the Application for approval of Residential Construction Form or with any Application for Modification in which any changes to the colors of the exterior of the home are requested.

Approved exterior siding materials for all sections of the plantation: Brick / Stucco / Tabby Stucco / Cedar Shakes / Horizontal Wood Siding / Hardie plank / Stone/ Select Brand Siding. Board and Batten Siding is only approved for the architectural style that is harmonious with the community theme and image in the Sea Side, Woodlands Park, The Groves, Oceanic Bay, Moss Hammock 3 and The Towns of St James neighborhoods subject to the following conditions: (a) the board must be cementitious or fiber cement material (exterior grade), and (b) the batten must be either cementitious/fiber cement or synthetic material. The batten is to be 1" X 2" boards and placed vertically on minimum two (2) foot centers. Horizontal batten construction is not permitted.

The ACC shall determine the appropriateness of exterior materials and colors for all construction. Exterior colors shall not be similar to colors of houses in close proximity. Colors must also compliment the neighborhood's surroundings.

ENTRY

The primary entrance to the home must have a sense of prominence that differentiates it from other entrances to the house. Single or double doors are permitted, and they must be sheltered. Decorative detailing must be consistent with the architectural style of the home.

GARAGES

Garages are required and must accommodate at least two cars. Residents must be able to park their cars in their garage. Side load or rear load garages are preferred. Front load garages are permitted, but must include windows, panels or trim that enhances their appearance from the street. Landscape materials must also be used to screen parking areas and side load garage doors from streets and adjacent lots. Detached two car garages may be allowed if they do not obstruct views from adjacent lots and appear to be an extension of the main structure.

No plan shall be approved with three (3) garage doors on the front elevation of the house. This includes a double garage with a single garage setback that is also on the front elevation and directly faces the street. Courtyard garages must maintain a minimum of a 5% angle from the front elevation of the house. The location of all garage doors will be considered on a case-by-case basis. A driveway cannot exceed 22' in width at the street regardless of the number of garage doors or their location.

WINDOWS AND WINDOW COVERINGS

Approved window, fascia, soffit, and trim materials are:

- Wood, Painted or Stained
- Aluminum, Painted Vinyl/Synthetic
- Cementitious / Fiber Cement

No foil or other visibly reflective materials shall be placed on any window. Cardboard, sheets or other alternative materials shall not be used as window coverings.

ROOFS

Roof material must be asphalt shingles (25 year or better), slate, standing seam metal, or modular metal roofing. Colors that are compatible with the facade and that are harmonious with the surroundings should be used. Roof vents, solar tubes, flue pipes and accessories should not be located on the front elevation and must be painted to match the roof color. If flue pipes are encased in a chimney enclosure, the enclosure material must match the exterior material and color of the house. A minimum roof pitch of 6/12 is required over heated areas that are off the main roof line. Porches and transition roofs may be less than 6/12, but not less than 3/12. All shed roofs will be reviewed/approved by the ACC on a case-by-case basis. Location of the shed roof dormer on the elevation drawings, size, slope, number of full or half size windows amongst other design characteristics will be considered in the formal review process.

Lanai and/or covered porch enclosures or structures with roof systems constructed of screening material, glass, Plexiglas, or other similar materials are not permitted for swimming pool, porch, patio, veranda, and deck enclosures.

MAILBOXES AND ADDRESS SIGNS

The POA coordinates with the contractor all mailbox and address sign installation at homeowners' expense. The mailbox locations have been designed to complement the community while complying with the U.S. Postal Service regulations which must display house numbers. Corner lots must utilize the street address in which the mailbox will be placed. No permanent signs or other objects shall be attached to any mailbox. New residents must contact the POA Office six weeks prior to desired installation date. These mailboxes, provided through the POA, are the only ones permitted at St. James, and may not be altered in appearance.

All new development plats recorded after January 1, 2015, will require mailbox kiosks for mail retrieval per the U.S. Postal Service. For development plots using mail kiosks, a standard numerical address sign is required. This signage will facilitate and expedite the arrival of both EMS and Fire Department vehicles. The POA will coordinate the purchase and installation of these signs at the homeowners' expense, coinciding with Kiosk mail keys request.

LOT MARKERS AND CONSTRUCTION-RELATED SIGNS AND BANNERS

A special lot marker has been designed to display lot numbers prior to house construction. No other lot marker style is allowed other than a POA approved property marker to prevent traffic damage on POA right of way or owners' property.

No signs or banners may be erected on any lot other than the standard St. James approved builder or contractor signs without the consent of the ACC. No sign or banner may be nailed to a tree or fencing along the property.

III. DESIGN STANDARDS – LOT LINES, SETBACKS, DRAINAGE, SIDEWALKS/WALKS, UTILITIES

LOT LINES, EASEMENTS, BUILDING SETBACKS [See Appendix A](#)

The property owner's contractor and surveyor should confirm the location of all lot corners, easements and building setback lines prior to commencement of construction. Any lot abutting the intracoastal Waterway or a marsh must also comply with the setback and other requirements of the Coastal Area Management Act (CAMA). Contact the NC Department of Environment & Natural Resources, Division of Coastal Management in Wilmington for more information.

All HVAC units, propane tanks, generators, and other above ground equipment structures for the construction of a dwelling, including screen walls, are not permitted within the setback requirements for the property as specified in Appendix A. These additional units are to be shown on the Site Plan Submission for approval by the ACC. If the location is changed after ACC approval, a Change Request is required in accordance with the Design Guidelines. Construction of any additional units is not permitted in easements.

IMPERVIOUS SURFACE COVERAGE (BUILT UPON AREA)

Pursuant to storm water rules adopted by the State of North Carolina, lots are subject to maximum impervious surface coverage or built upon area restrictions. Impervious surfaces include structures, asphalt, gravel, concrete, brick, pavers, stone, slate, and similar materials,

not including wood decking or the water surface of swimming pools. Materials manufactured and sold as "permeable", including pavers, artificial turf, concrete and synthetic/artificial turf are considered impervious in St. James and must be included in the impervious calculation for all properties, unless the Restrictive Covenants for that section state differently. In addition, owners are not permitted to fill in or pipe any roadside or lot line swale, except as approved by the ACC and in accordance with storm water rules.

Proposed impervious calculations within 1% of limit or 100 sq ft (whichever is less) will require an as built survey prior to the pouring of any concrete or installation of pavers

No request for impervious surface reallocation will be entertained by the ACC or the POA Board. Maximum imperviousness is an absolute.

STORM WATER PLAN ADHERENCE

Brunswick County and the NC Department of Environment & Natural Resources, Division of Water Quality, are the official bodies that control storm water plans.

DRAINAGE

Extensive lot grading is discouraged, as it destroys vegetation and can be visually disruptive to the natural character of the land. Flat areas may require subsurface drainage solutions, and lots must be graded in such a way as to not impact adjacent lots. If you are building in a flood zone, you should contact your insurance company regarding flood insurance requirements.

STORM WATER DRAINAGE RULES AND RESPONSIBILITIES

Storm Water Design Requirements. Property owners and builders are responsible for grading and landscaping in a manner that does not cause drainage or storm water run-off problems on adjacent properties or common areas and for complying with all stormwater permits, rules and regulations, and provisions in the Restrictive Covenants. This includes downspouts for roofs which cannot flow directly onto neighboring lots. Watercourse easements can be found throughout St James. To ensure that during times of heavy rain and storms they are working properly, the ACC requires no structures, including fences, or pine straw be placed in watercourse easement areas.

POA Maintenance Responsibility. In general, the POA is responsible for maintenance of stormwater drainage structures and facilities located in POA common areas and easements for the purpose of managing stormwater drainage. The POA is not required to control or remove vegetation or to clean out drainage swales, ditches, or ponds, except as necessary for stormwater management purposes. For further details regarding ponds and lakes located in common areas, see the Pond and Lake Rules, which are included in the St. James POA Rules and Policies. For further details regarding individual driveway crossings, see the section Driveways and Walks below.

Maintenance of Driveway Crossings. Where a drainage swale runs along the side of a street, the owner of each lot abutting the street is responsible for maintaining a culvert or slot drain structure under the driveway crossing for such a lot. Maintenance includes removing any vegetation or debris that blocks or impedes drainage and replacing or installing the culvert or drain structure as needed. If the POA becomes aware of a driveway crossing that is blocking or impeding drainage, the POA may require the lot owner to replace or install a culvert or drain structure. In this situation, the POA will have an engineer investigate the situation and prepare a plan specifying the location and size of the required culvert or structure, along with the depth for the installation and any necessary specifications. The lot owner shall electronically submit the plan to the ACC for review, and, upon approval by the ACC, the lot owner will complete the project in accordance with the approved plan. **See Appendix C for Headwall Details**

Property Owner Maintenance Responsibility. In general, each lot owner is responsible for controlling erosion or sedimentation on the owner's lot, and for routine maintenance of drainage swales located on the lot or within the street right-of way that is abutting the lot. Routine maintenance includes mowing the grass and removing any vegetation or debris that blocks or impedes drainage.

Maximum impervious or other restrictions. Maximum impervious or built upon area limitations and certain other requirements are set forth in the recorded Restrictive Covenants for each plat or section of lots. Site plan and stormwater drainage requirements for new home construction and renovations or additions are set forth in these Design Guidelines, as modified or supplemented from time to time. Property owners and contractors must follow the current version of the Guidelines and any supplemental information or requirements issued by the ACC.

DRIVEWAYS AND WALKS

See Appendix B

The site plan submitted with an application for approval of Residential Construction must show the proposed location of the driveway connection to the street. If the driveway crosses a drainage swale running along the side of the street, a culvert or slot drain structure is required for the driveway crossing and the site plan must be prepared or reviewed and sealed by a professional engineer to provide for proper drainage. They shall provide the size of the culvert or structure, along with the depth for the installation and any other necessary specifications.

When a culvert or drain structure is required, the property owner or the owner's contractor is responsible for installing a permanent culvert prior to commencing construction. The permanent culvert must be installed in a manner that does not block or impede drainage.

When the work has been completed, the property owner or contractor must submit an As-Built Survey and the POA Inspector will be scheduled for an inspection. If the Inspector determines

that the work has not been completed as per ACC approval, then corrective measures will be required. The property owner shall be responsible for maintaining the culvert or drain structure, and other drainage features on the lot or within the street right of way abutting the lot and provided in the Stormwater Drainage Rules adopted by the POA. Sidewalks/walkways are required from the street or driveway to the Front Porch of the dwelling. Steppingstones, gravel, loose stone, oyster shells, and similar materials are not acceptable.

Driveways and walks should be carefully designed for ease of circulation and aesthetics. Driveway access to the street on the radius of a street corner will be reviewed by the ACC on an individual basis. Enlarging walk areas at the base of steps and at driveway connection points, provides for more pedestrian movement, and terminates each end of the walk with a visual "anchor". All driveways must be concrete, brick or pavers and can be no closer than three feet (3') from any property line. Patios regardless of construction material can be no closer than three feet (3') from any property line. A driveway cannot exceed twenty-two (22') feet in width at the street regardless of the number of garage doors or their location.

Driveways to be constructed where sidewalks exist must comply with the following requirements:

- Existing sidewalk must be removed on a neat line using a saw-cut method. Every effort should be made to contain any dust.
- Proposed driveway must match the existing slope and gradient of the existing sidewalk at the cut line.
- Expansion material is to be placed between the driveway and existing sidewalk.
- Construction joints must be placed across the driveway to match the width of the sidewalk.
- Completed driveway construction is subject to final acceptance by the ACC.

UTILITIES

Utility services in St. James Plantation have been installed underground and are available at or near the property line of most lots. Connection costs are the responsibility of the property owner. Utility connections and installations must be made in accordance with all requirements of the utility providers and applicable codes. Contact the utility providers for information regarding connections.

All dwellings in St. James Plantation must have a grinder pump installed on the lot for sewer service. The grinder pump must be installed at the expense of the property owner and in accordance with all requirements of the sewer service provider and applicable codes. The POA does not have any responsibility regarding the grinder pump installation. The Builder/Property Owner needs to coordinate this installation with the utility company providing that service.

Property owners may install and maintain landscape screening around any above ground transformers or junction boxes in accordance with utility company guidelines and ACC landscaping guidelines. Reminder that all fire hydrants must be visible 5 ft clear of any plantings. Other equipment, which must be approved by the ACC, are such things as HVAC units, irrigation pumps and/or wells, backflow check valves, electric meters, solar collectors, generators, and trash/recycling receptacle enclosures. All of these must be screened from adjacent neighbors, streets and golf course views with approved landscaping, walls, or fencing. Garbage and recycling container enclosures are not permitted to exceed 5' in height from the established ground. All enclosure siding must match the color and or trim of the home. If brick or other material is used the ACC will review on a case-by-case basis. HVAC units and trash/recycling receptacles are not permitted in the front of any property. LP gas tanks must be installed underground or behind approved screening. Screening must be the top of the above ground equipment structures.

SOLAR PANELS

All installations of solar systems must be reviewed and approved by the Architectural Control Committee (ACC). Application for installations shall include details of the proposed units and locations. Each application for solar panels will be considered on an individual basis by the ACC. Qualifications and experience of the installation company must be provided to the ACC.

- Solar systems must be architecturally and aesthetically integrated into the structure. Colors shall closely match the color of the roofing material. Ground mounted solar systems must be screened from the view of Common Areas and adjacent lots. Placement of the above ground system must conform to the Design Guideline setback requirements. Ground mounted solar panels are not permitted if the installation includes removal of any trees.
- Roof mounted solar systems should be placed on the roof away from Common Areas including streets within the community if possible.
- Roof mounted solar systems must be installed with panels parallel to the roof surface. Panel surface must not be more than ten inches (10") above the roof surface and shall not extend above the roof ridgeline.
- Solar systems that become inoperative must be removed. If roof mounted, the roof must be returned to a "like new" appearance or match the existing roofing material.
- Solar systems for the generation of electricity are to be designed to provide no more power than sufficient for the reasonable projected load of the proposed installation for the specific residence.
- Wind driven systems for electrical generation are not permitted.
- All installations must comply with the Uniform Development Ordinance (UDO) of the Town of St. James

OUTSIDE ANTENNAS AND SATELLITE DISHES

Except as required by law, external TV and radio antennas are prohibited. Antennas (or dishes) that are designed to receive direct broadcast satellite (DBS) service and are less than one meter (39") in diameter are permitted subject to the following:

Plans showing proposed location of antennas must be submitted to the ACC prior to installation. Any antenna or satellite dish shall be placed behind the front line of the house and in a location not visible from any street to the extent such placement is possible, consistent with reception of an acceptable quality video signal.

In the event any antenna or satellite dish must be placed in a location which is visible from a street because other placement would not result in reception of an acceptable signal, such antenna or satellite dish shall be screened with either shrubbery or acceptable fencing material. However, screening will not be required if it will interfere with video reception.

IV. DESIGN STANDARDS – TREES, LANDSCAPING, WETLANDS, PONDS AND GARDENS [See Appendix D](#)

TREE PROTECTION

Existing trees on any construction site are one of the community's most valuable assets. All hardwood trees 8" DBH (Diameter Breast Height) and greater, and all pines 12" DBH and greater are considered protected and shall not be damaged during construction activities. These trees designated by the builder and/or ACC to be retained are considered protected and "silt fencing" is required around the drip line of individual trees or tree groupings that are to be preserved to reduce root compaction and other physical damages. No living tree four inches (4") or over in caliper at four feet (4') high from ground elevation, nor any dogwood, flowering shrub or bush shall be cut without the prior written consent of the ACC unless it is in the footprint of the structure approved for construction. No vehicles shall be parked, or materials stored inside of the protective fencing.

TREE REMOVAL AND REPLACEMENT

The existing trees on any site are one of the community's most valuable assets. The POA has the responsibility and authority to review and consider requests from homeowners for the removal of trees from private properties provided:

- The trees are dead.
- The trees are diseased or deemed structurally compromised and impose imminent liability to surrounding persons or structures. (Requires certification from an arborist.)
- The tree root growth is visibly causing structural damage to driveway surfaces and /or structural foundations.

- The trees are causing roof damage and remedial pruning would not solve the problem or compromise the integrity of the tree.
- The trees are under four (4) inches in diameter at four (4) feet height from the ground level.
- The trees are within fifteen (15) feet of a vertical wall and may cause potential damage.

To remove up to five (5) trees, refer to the Tree Removal Application found at www.stjamespoanc.org. The POA staff will make the determination regarding tree removal once you fill out the form and submit to the POA. Removal of more than five (5) trees or removal of healthy trees to make landscape or structural modification will require ACC review and approval before removal. In which case you will submit a Modification Application, with a site plan, photos, and the appropriate fees. Your request will be reviewed at the next ACC meeting.

All tree removal requests are reviewed and approved on a case-by-case basis. Property owners requesting removal of more than five (5) otherwise healthy trees or desiring to make landscape or structural modifications that involve removal of healthy trees may be subject to the following mitigation option: A cumulative inventory of total tree diameter will be determined for the trees that are to be removed. Property owners may be required to replant one hardwood tree for every twenty (20) inches of total tree diameter proposed to be removed. Each replacement tree must be a minimum of 2-inch diameter at four (4) feet above the ground. Replacement tree location to be determined by property owner.

Records of required mitigation will be maintained by the POA and follow-up inspections will occur one year after trees are planted.

LANDSCAPE PLANTINGS

No lot grading or landscape planting is permitted without approval of the ACC.

Landscape plans must be designed to integrate the house with the natural characteristics of the lot and neighboring lots in a pleasing visual composition. Additionally, the use of landscape materials to define outdoor spaces that are varied in size, materials, color, light levels, fragrances, and textures can be a satisfying experience as one moves through them. Property owners are encouraged to consult with a landscape architect to assist them in the preparation of professionally designed landscape plans.

Landscapes must be planned to incorporate and preserve natural lot features. Some flowering trees can be considered for transplant at another location on the lot. Today trees up to 10" in diameter can be economically transplanted with mechanical tree spades. Depending on the number of trees that will be removed from a lot, the ACC may require the landscape plan to include a number of hardwood trees to replace those lost in construction.

Plant materials grouped in the same planting beds should vary in form, texture, color, etc., but should have similar cultural requirements (pH, light, moisture, temperature, etc.). Trees must be of sufficient size so as not to be out of place with the landscape plans.

Irrigation systems are strongly recommended. Properly installed, automated irrigation systems allow the homeowner to deliver a prescribed amount of water to each landscape area according to its needs. Irrigation systems must not be installed within one foot (1') from any roadway. The POA is not responsible for installations of irrigation systems within the common area and easements.

To quickly establish a completed landscape appearance, all new lawns shall be installed as sod. Sod is required on the front yard areas of all lots. Sod must be a minimum of 50 percent of the area of the front yard from the property line to the front of the dwelling, excluding the driveway and sidewalk area. Where significant existing trees and natural mulch areas exist, ACC will determine the sod area to be provided.

Corner lots must maintain a site triangle. Plant material shall not be planted in this site triangle, and existing plant material must be maintained so that it does not exceed twenty-four inches (24") in height from the top of the curb. The site triangle is the area which extends fifteen (15) feet up each street from the corner where the streets meet.

It is the responsibility of each homeowner to maintain their landscape in a healthy and attractive manner. The Brunswick County Agricultural Extension Service can provide free publications on the maintenance of trees, shrubs, and lawns in this area.

LANDSCAPE MODIFICATIONS REQUIRING ACC REVIEW

The ACC recognizes that once a landscape plan has been approved by the ACC and installed, changes may become necessary or desirable. Some changes, such as the creation of new planting areas, the expansion of an existing planting area or the replacement of landscaped areas with sod, will require prior review and approval by the ACC before they can be put in place. Replacements of existing plants with like plants will not require approval as long as the plantings will not exceed 48 inches in height. Likewise, additions of plants within an existing, already approved planting area will not require ACC approval as long as the plants have a mature height of no more than 48" and will not impact unfavorably on the appearance of the planting area. Plants taller than 48" must be reviewed. Planting of additional trees requires an Application for Modification to an Existing Dwelling for review and approval of the ACC prior to installation. All existing pond and golf course rear yard views must be maintained. The ACC reserves the right to require the removal of any plant that was not reviewed and approved if it considers that plant to detract from the overall appearance of the landscaping.

PROPERTY LINE LANDSCAPING

Property owners are responsible for trimming their plants (bushes, hedges, shrubs, etc.) on all sides to maintain a healthy, groomed, and attractive condition. To facilitate ease of maintenance, landscape plants must not be planted any closer to the property line than the full growth (mature spread) of that plant. For example, a plant with an 8' mature spread should not be planted closer than 4' from the property line. The goal is to prevent/minimize the ability of plants to extend beyond their own property line into a neighbor's property. When determining fence screening plants, consider plants that do not exceed a 3' total mature spread.

Large trees added to the landscape should be no closer than 10' from the homeowner's property line.

At no time should landscape beds or plants be planted or maintained on or beyond the owner's property line. Homeowners should remove any landscaping plants or trees found to be planted on or beyond their property line as well as any dead or diseased plants or trees.

LANDSCAPE LIGHTING

St. James Plantation is striving to be a dark sky community. All exterior lighting must be approved in accordance with the following Guideline standards except for holiday lighting.

Except holiday decorative lights, which may be displayed (on) up to four (4) weeks prior to such holiday and up to two (2) weeks after the end of such holiday, all landscape lighting must be approved in accordance with the following Guideline standards.

The key to a successful lighting system is the proper placement of the light fixtures to produce the desired lighting effects. Landscape lighting includes up lighting, down lighting, back lighting, shadowing, and accent lighting among plants and garden elements. Garden lights or walkway bollards should direct the light downward with a concealed light element. Pathway lighting shall be spaced a minimum of 6' apart. All light elements must be hidden so that only the effect of the light is on the walkway or specimen plants. "Wall washing" (outdoor lighting technique which draws attention to a wall's large vertical surface) is not permitted. Broadcast illumination of any area is not permitted. All exterior lighting should be installed so as not to disturb neighbors or impair vision of traffic on adjacent streets. No exterior lighting illumination shall cross property lines.

Light posts, including the fixture mounted on top, cannot exceed six (6') feet in height.

Flood lights are not landscape lights. Floodlights, new and existing, should be used only in times of emergencies or limited time spans. All intrusive lighting into a neighboring property will be considered a nuisance. Flashing (strobe) lighting is prohibited.

Electrical plans must show the location of all exterior lighting. A schedule of exterior lighting fixtures, including landscape lighting, must identify the manufacturer, model, and lumen output of each fixture.

Colored lights, with the exception of amber, are prohibited other than holiday lighting.

Low voltage lighting systems offer a wide variety of fixtures and bulbs to produce virtually any landscape lighting effect. All landscape lighting fixtures to be added after construction require approval by the ACC by submitting a Modification to Existing Dwelling/Site application.

Lighting is to be used to only highlight your walkways, coniferous trees, and specimen plants. Tasteful low level landscape lighting is encouraged, however like everything else, in moderation. The goal is to only see the effect of the lighting, not the source. The ACC recommends a timer or dimmer be added to shut off the lighting after a certain hour and that all outdoor lighting, except motion detector, is to be turned off by midnight.

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St. James Plantation is striving to become a dark-sky community, which means a sky free from artificial lighting by using well designed, subtle, energy efficient lighting that does not illuminate upwards.

Landscape lighting is permitted to illuminate:

- Walkways
- Coniferous trees
- Specimen plants

Acceptable lighting techniques include:

- Up lighting
- Down lighting
- Back lighting
- Shadowing
- Accent lighting

KEY REQUIREMENTS

Brightness and Color

- Maximum brightness: **1,200 lumens per fixture**
- Maximum color temperature: **3,000 Kelvin** (warm white)
- Only **LED bulbs** are allowed
- Colored lights are prohibited except:
 - Amber lights
 - Holiday decorative lights

Fixture Placement

- Light sources must be concealed so only the lighting effect is visible.

- Pathway lights must be spaced at least **6 feet apart**.
- No lighting may cross property lines.
- Lighting must not disturb neighbors or impair traffic visibility.

Prohibited Lighting

- Floodlights for routine use
- Wall washing (outdoor lighting which draws attention to the houses' vertical surfaces)
- Broadcast illumination
- Flashing or strobe lights
- Festoon Lights(string lights)

Light Posts

- Maximum height: **6 feet**, including the fixture.

QUANTITY GUIDELINES

For a **medium-size lot** (under 20,000 sq. ft.):

- Up to **8 walkway lights**
- Up to **6 up lights**

For a **large lot**:

- Up to **12 walkway lights**
- Up to **8 up lights**

OPERATING HOURS

- All non-motion-controlled lighting must be turned off by **midnight**.
- All landscape lighting shall be on timer.

HOLIDAY LIGHTING EXCEPTION

Holiday decorative lights may be displayed:

- Up to **4 weeks before** a holiday
- Up to **2 weeks after** the holiday

APPROVAL PROCESS

All landscape lighting requires approval from the St. James Architectural Control Committee.

Landscape lighting submittals shall include:

- Fixture locations
- Manufacturer and model numbers
- Lumen output

- Kelvin rating
- Sample of each fixture

Overall Intent

The community's goal is to ensure that residents see only the **effect** of the lighting—not the light source itself—while preserving dark skies, reducing energy use, and protecting circadian rhythms, neighbors, bird migration and wildlife.

WETLANDS AND PONDS

Some lots may contain wetlands. Clearing of vegetation, filling or other land disturbing activities in these areas is regulated and may be prohibited by federal and state law. Any alteration of natural conditions requires proper permitting. Property owners with lots bordering ponds are strongly urged to maintain a natural buffer of three feet (3') around the pond to filter runoff and to provide a natural habitat to protect wildlife. If a property owner would like additional information regarding the installation of aquatic plants on a pond abutting his/her property, the property owner should contact the POA Engineer or a member of the St. James Plantation POA Ponds Committee for information and assistance.

Also, there are lots within St James that may contain Sundew, Venus Flytraps or other protected endangered plant species. If it is verified that the lot has any of these plants, the property owner will be contacted about allowing the plants to be relocated to a safer location. Damage to these protected plants could result in the builder or property owner receiving fines from the state or federal agencies.

Those property owners wishing to install a bulkhead must make an appropriate application to the ACC. Approval is granted on a case-by-case basis

GARDENS

Free standing vegetable/flower gardens are to be reviewed by the ACC on an individual basis. They should not exceed 100 square feet in size and must be installed in the rear yard of the property within property setback and easements. Where necessary, evergreen screening on the outside of the garden will be required. Approved wildlife netting, not to exceed four feet (4') in height, may be used for fencing purposes and is to be removed when the garden is dormant. Gardens are to be maintained and kept in a neat, orderly manner

YARD ORNAMENTS

Yard ornaments, as a part of the landscaping plan, are acceptable subject to the conditions stated herein and may include, but are not limited to, (a) flag pole - single pole, maximum 25'

height, (b) fountains, driveway pylons/piers, waterfalls, bird baths, rock gardens or earth formations - maximum height of 4' and (c) benches, (d) statuary of any kind, and (e) all other yard art. No water features or other types of structures over eighteen (18) inches in height are permitted in setback areas. Flag poles, once approved, are permitted however not to be placed closer than ten (10) feet from any property line.

The maximum number of ornaments of any size on any lot is ten (10) ornaments with no more than seven (7) ornaments in the front yard or on the rear yard abutting the golf course.

Waterfalls and mounded type rock gardens are not permitted in front yards or side yards abutting a street. All permanent yard ornaments must be approved by the ACC. Deck or yard furniture used for the purpose of dining or entertaining, including serving carts, etc. is not considered to be a yard ornament.

FIREWISE COMMUNITY

Inherent in the beauty and setting of our community is the carefully crafted co-existence we have with our surrounding woodlands. To preserve this charm, we have taken practical steps to mitigate the potential for wildfires to start or spread in St. James. In 2004, the Town of St. James, working with the NC Forest Service, became the first municipality in the State to be awarded FIREWISE COMMUNITIES/USA Certification. The FIREWISE vision is that, through homeowner preparedness and community planning, wildfires can occur without catastrophic loss of lives, property, and natural resources. The POA and the Town of St. James work closely together to further this vision.

The guidelines and recommendations throughout this document strive to support the FIREWISE vision, while at the same time offering the homeowners great flexibility in tailoring their homes to their building site and personal tastes. As you develop your plan and work through these guidelines, please consider that, as an overview, a FIREWISE home has survivable space with fire resistant vegetation and effective pruning, an emergency plan, a fire-resistant roof construction and fire-resistant exterior construction. The St. James Fire Department strongly discourages the use of pine straw around the perimeter of any building. We trust you will find this helpful in your planning and of value in ensuring the long-term prosperity of St. James.

FIREWISE Guidelines suggest using nonflammable materials as ground cover within five (5) ft of the home. Examples of nonflammable materials are inorganic mulches which consist of rock, gravel, and brick chips. These inorganic mulches do not burn and are safe to use in any setting.

Effective June 2025, pine straw/pine needles are not permitted as ground cover on new construction within five (5) feet from the home.

FIRE HYDRANTS

Fire hydrants must be maintained for easy accessibility and visibility for fire protection in accordance with the National Fire Protection Agency requirements. No construction or

landscaping is permitted that may impede the fire protection requirements. All construction or landscaping in fire hydrant areas must be reviewed and approved by the Architectural Control Committee (ACC).

The hydrant must be visible and accessible from the street so no construction of fences, walls or landscape plantings is permitted to be closer than five (5) feet to the hydrant on the property side of the hydrant nor is any type of improvement permitted between the hydrant and the street, except seeding or sod restoration

V. DESIGN STANDARDS – FENCES, WALLS, PATIOS, DECKS, POOLS AND OTHER ACCESSORY STRUCTURES

FENCES

Fences must be screened with evergreen plantings every six feet (6') or less, and every four feet (4') or less for pools/spas. Lack of screening on the exterior of fencing will result in non-approval of the final inspection application. Fences are not permitted to be located forward of the front porch/entry of the home. and must not exceed forty eight (48") inches in height.

The height of the fence shall be determined from the original finished ground line on the outside of the fence as viewed from adjacent properties, street or golf course. Where the existing ground is irregular along the line of fence installation, the necessary installation work or grading must be performed to assure the height of the top rail or ornamental detail does not exceed four (4') feet. Standard type fence posts can extend a maximum 8" above the top of the fence. Masonry pier type posts or pilasters will be considered on an individual basis. Gates can exceed the 4 feet (4') height for safety latches and architectural design entrances. Any property adjacent to a golf course will be required to install fence gates at the rear fence area for the retrieval of golf balls. Fences may be placed in the setback area as long as they meet all other requirements. Decorative fencing in the front elevation will be reviewed/approved by the ACC on a case by case basis. Perimeter fencing around the entire lot/or front elevation is not allowed.

Split rail, chain link, or welded wire fencing are not allowed. Pet pens, dog runs etc. are not permitted. All fence installations shall include screening with plantings where visible from the street, golf course, and adjacent properties unless an exception is granted by the ACC.

The number and type of screening plants shall depend on the location of the fence and the surroundings. All fences are required to be placed no less than 36" or 3' from the INSIDE of the property line to provide for the placement of evergreen plantings on the OUTSIDE of the fence. Fences of any type must be placed at least three feet (3') from a watercourse easement. Reference is made to the landscaping section for description of plantings used primarily for screening and defining outdoor space.

Fences installed with a Modification Application follow the same rule must be placed a minimum of three (3') feet in from the property line, must be screened every six (6') feet or every four (4') feet around a pool or spa, with evergreen plantings on the outside perimeter

In accordance with the Restrictive Covenants for St. James Plantation, NO fences are permitted on any lot on Harborside Way or Long Bay Drive.

An as built survey showing the location of the fence in relation to the property line and house is required prior to approving the completion of the project.

WALLS

Walls must be compatible with the architectural style of the house and must be screened with evergreen plants every six (6) feet, or four (4') feet for pools/spas. Lack of adequate screening on the exterior of walls will result in non-approval of the final inspection application. Walls must maintain a reasonable scale to the house and not block desirable views or negatively impact adjacent lots. Walls must be constructed of complimentary material, run in the same direction as the house siding, and be the same color as the existing siding or trim and not exceed five (5') feet in height. The height of the wall shall be determined from the original or finished ground line on the outside of the wall as viewed from adjacent properties, street, or golf. Where the existing ground is irregular along the line of a wall installation, the necessary installation work or grading must be performed to ensure the height of the wall does not exceed five (5') feet.

Retaining walls, privacy walls and bulkheads will be considered on a case-by-case basis. Lattice is not an approved material for walls or under decks/raised porches. Custom built walls resembling lattice will be considered on a case-by-case basis. Walls may not be in the set back and must be at least three feet (3') from a watercourse easement, and five (5') from the property line.

Outdoor shower enclosures must be constructed of a complimentary material to the house and be the same color as the siding or trim and must be architecturally compatible. Height of shower enclosure must not be higher than 12" (1 foot) below roof measured from the shower floor to the top of enclosure.

Additional Requirements for Fences and Walls:

- Any required landscape screening must be installed & completed no later than 1 year of the project start date or fines will be imposed.
- The full growth spread of the plantings should not exceed the property line between adjoining lots.
- An as built survey showing the location of the fence in relation to the property line and house is required prior to approving the completion of the project.

- Fences and Flagpoles are the only items over eighteen (18) inches in height permitted in setback areas.

TRASH RECEPTACLES

Trash containers are allowed on the sides or rear of the home. The containers must be screened from adjacent streets and lots with approved landscaping, walls, or fencing. The maximum height of the wall or fence is 60" (5'). Where plantings are used as screening, evergreen plantings are required and must be minimum 5' high at installation. Wall or fence location should be no closer than 5' to the property line. Any wall or fence used to screen trash containers must be designed so that a resident does not have to cross a neighbor's property to move the containers. Colors must match the home's exterior or trim color. All walls will be reviewed by the ACC on a case-by-case basis.

EXTERIOR ACCESSORY STRUCTURES

All accessory structures (sheds, gazebos, decks, piers, bulkheads, awnings, outdoor showers, pool houses, pergolas, and docks, etc.) must be approved by the ACC. Any structure that is not a visual asset to the community will not be approved.

Submissions (requests) for all Accessory Structures must be submitted electronically, requiring a plan for site/location, a plan showing building details and elevation views, and a landscaping plan. Accessory structures must conform to all applicable design standards and exterior materials listed in these Guidelines. Sheds shall not exceed 100 square feet and must be included in the impervious calculations.

All Exterior Accessory Structures must conform to all county and state codes. A permit if required by the county must be obtained prior to construction. If a permit is not required, the design for construction must still meet all required hurricane standards, including a ground anchoring system

Sheds, trash can & HVAC enclosures must match either the home's exterior or trim color. Sheds shall conform to the following requirements: (a) constructed at ground level or graded with finished grade at the floor elevation, (b) not exceeding one story, (c) provide windows on three sides, (d) doors must be paneled, (e) roof to be minimum 3/12 slope with minimum six-inch (6") overhang on all sides, (f) must be properly anchored and sheds shall not exceed 100 square feet. Supplemental landscaping plantings on the lot are required to screen the building site from side streets and/or adjacent lots. Sheds, whether stand alone or incorporated into the house structure must match the exterior or trim color of the home. The siding must run the same direction as the home and shall not be located on the front elevation of the house.

PATIOS, TERRACES, AND DECKS

Outdoor living areas must be constructed with materials and colors that are compatible with the exterior materials and detailing of the home. Railings must be designed to ensure safety and be consistent with the architectural character of the home and all applicable regulations. Patio and terrace surfacing materials must be concrete, stone, pavers, or boardwalk.

POOLS AND SPAS (HOT TUBS)

Personal recreational pools and spas (hot tubs) are permitted if approved by the ACC. The location of all such items and related filter equipment must be shown on the initial site plan and application drawings. No installation of such items is permitted without approval from the ACC. Above ground swimming pools of any kind are not permitted.

Outside pools of any kind must satisfy all the code requirements of Brunswick County and the Town of St James. Pools must have landscaping around the OUTSIDE of the fence which surrounds the pool. Plantings of evergreen shrubs no less than four feet (4') apart are required to be placed on the OUTSIDE of all fence installations. Any pool equipment that will be placed above the established ground (Pump Houses, etc.) will not be permitted for placement in any setback area and must be properly screened with evergreen plantings.

Spas may be installed in or on decks, patios, enclosed rooms, or screened porches. Proper fencing and screening are required for any spa. A spa installed inground is considered a pool. An above ground spa designed to allow swimming that will meet the following pool guidelines will be reviewed on a case-by-case basis. The purpose of this guideline is to allow property owners to install a spa or hot tub as long as it is completely shielded from view of neighboring property, streets, or golf courses. All pool or spa installations MUST be properly identified on the survey submitted to the ACC and screened with either approved blinds or louvers and/or evergreen plantings of an appropriate height to provide sufficient screening from neighbors, golf course and street.

If a swimming pool is to be placed on a raised deck, the pool and pool deck must be incorporated as an extension of the home. The underside of the deck must be properly enclosed/screened and landscaped with acceptable materials to match the home and prevent any view of the base of the pool or the pool equipment. Any pool and associated deck over eighteen (18) inches in height must not extend into any setback and must not be closer than ten (10) feet to any property line. All pools, including deck pools, require fencing in accordance with town and/or county code along with the Design Guidelines. All pool submissions will be reviewed by the ACC on a case-by-case basis with due consideration of home style, aesthetics, and property setbacks. Any request for a pool install within a HOA, must provide the HOA's approval prior to submitting the application to the POA for consideration.

FIRE PITS, FIREPLACES, OUTDOOR KITCHENS

Only gas/propane fire pits, fireplaces, and outdoor kitchens are permitted within St James. Fire pits cannot exceed eighteen inches (18") in height. Fire pits, outdoor kitchens and fireplaces may not be placed any closer than ten (10) feet from the property line. All plans for fire pits, fireplaces and outdoor kitchens must be submitted for review and approved by the ACC.

Submissions for fire pit, fireplace, or outdoor kitchen review must include materials, dimensions, configuration, and location on a site plan. There will be an area of ten (10) feet in diameter surrounding these features free of flammable items. Screening of outside fireplaces, fire pits and kitchens will be required when placement is visible to surrounding properties. Screening may be walls (not to exceed five (5') feet) matching the color and materials used on the house or evergreen plantings of appropriate size as specified by the ACC.

RECREATIONAL EQUIPMENT, CLOTHESLINES, ETC.

ACC approval is required for children's playground equipment. Wood play sets that blend with the natural surroundings are preferred. Children's playground equipment or other recreational equipment must be restricted to rear yards with visibility from streets, neighboring properties or golf courses minimized. Brightly colored metal play sets are discouraged unless they cannot be seen from the street, neighboring property or golf course views. Trampolines are not permitted. Portable basketball goals with clear backboards are permitted but should be stored when use is not ongoing. NO permanent basketball units can be installed in front of the house or visible from the street.

Outdoor clotheslines are prohibited. No nets will be installed to prevent errant golf shots from hitting a home.

RECREATIONAL VEHICLES AND EQUIPMENT

Motor homes, campers, boats or other recreational vehicles and equipment shall not be stored on streets or lots for more than 24 hours. The POA General Manager may grant a limited waiver for storage of these items at their sole discretion for reasonable cause shown.

COMMON AREAS

Common areas are controlled and maintained by the POA for the benefit of the community as a whole. In certain sections plat maps provide for preservation of vegetative buffers. No structures are allowed in such buffers; however, driveways may cross them, and landscape improvements may be made after review and recommendations by the Landscape Committee and with ACC approval. Areas disturbed by construction within the right-of-way, and adjacent to the property line, must be reseeded/sodded and repaired by the homeowner and/or builder. Construction bond will not be refunded until the ACC post-construction inspection has been completed, landscaping installed according to the approved plan, all fines paid, damage repaired, and the ACC Certificate of Acceptance is complete.

STREET ISLANDS

Landscape islands have been developed to enhance the community streetscape. They are maintained and governed by the POA. Any alterations or additions to the street islands must be approved by the POA.

VI. THE ARCHITECTURAL REVIEW PROCESS

[See Appendix E for ACC Forms and Fee Schedule](#)

[See Appendix F for a Flow Chart of the ACC Review Process](#)

Plans for new residential construction and additions or modifications to existing residences and lots must be approved by the St. James Plantation ACC. House plans must be drawn by a licensed architect or a home design firm. Plans include site design and layout, house design and dimensions, landscape, colors, facing material and stormwater management.

PRELIMINARY CONFERENCE (THIS STEP IS OPTIONAL BUT STRONGLY RECOMMENDED)

Prior to the submission of plans to the ACC, owners, builders and/or architects may request a preliminary review by the POA Engineer and/or the ACC of their design concepts and any special conditions or hardships. This submission and review are recommended to eliminate any pre or post construction surprises and if there are special concerns regarding the lot or home plans. Approval or denial of any submission rests solely with the ACC.

OWNER RESPONSIBILITIES

The ACC reviews plans to establish and preserve a harmonious and aesthetically pleasing design for new construction and improvements to existing residences in St. James Plantation. Owners are responsible for working with the architects, designers, and builders to determine whether their design and materials are appropriate for the intended use. Owners are responsible for obtaining and ensuring that their architects, designers, and builders obtain approval of their plans and all required permits before commencement of construction. Owners are responsible for ensuring that their architects, designers, and builders comply with all the provisions of the Master Declaration, the applicable Restrictive Covenants, these Design Guidelines, the approved plans, and all applicable permits. Finally, owners are responsible for obtaining approval of the ACC before making or allowing any changes to previously approved plans.

PLAN SUBMISSION AND APPROVAL PROCESS

One (1) set of construction documents (see scale sizes on New Construction Application - Appendix E) and a completed Application for Approval of Residential Construction form should be electronically submitted to the POA Office. Effective April 12, 2022, the ACC requires new

construction submittals of site plans, building plans and color board electronically in digital format. (ACC@stjamespoa.net) To allow adequate review time, plan applications, fees & packets must be received in the POA office on Tuesday by 5:00 PM, prior to the next scheduled ACC meeting. Plans received after this time will be deferred to the next meeting cycle.

Owners will receive email notification of the ACC's decision within five (5) working days of the ACC meeting. No lot clearing or other construction may begin until the ACC has approved the plans.

If the plans are approved by the ACC, the owner and/or builder will receive an email with notification of approval. If the plans are not approved, or approved with conditions, the owner and/or builder will receive an email notification as to the reason for denial or conditions. Owners and builders are invited to contact the ACC Administrator to discuss changes to the plans that may lead to ACC approval. ACC approval is valid for twelve (12) months from the date the approval letter is sent. Construction must be completed in accordance with the approved plans within twelve months from date of ACC approval. If the new construction or modification project is not completed and ready for inspection within the twelve (12) month period, a request for extension must be submitted prior to the 12-month period ending. There is a fee for Extension Requests. Landscaping must be completed within twelve (12) months in accordance with the approved Landscape plan submitted with the Foundation Survey submission.

ZONING PERMIT

Once the owner & /or builder receives notification that the plans have been approved by the ACC, their approved/stamped plans & or letters have already been sent to the zoning office at the Town of St James. The Zoning Administrator will review the plans for compliance with all requirements of the Town of St. James Unified Development Ordinance ('UDO'.) If the plans meet those requirements, the Zoning Administrator will place the official Town stamp on the plans and issue a Zoning Permit. The Town will retain one digital set of plans showing the elevation and the structural footprint on the lot, together with a copy of the Zoning Permit. The Zoning Permit must be obtained prior to requesting a Building Permit from Brunswick County. Additional information regarding the Zoning Permit may be found in the UDO.

FOUNDATION SURVEY SUBMISSION AND LANDSCAPE PLAN SUBMISSION

This submission will consist of (1) Foundation Survey Plan, (2) Landscape Plan and (3) Elevation Verification for Garage Floor Elevation (GFE) and First Floor Elevation (FFE). The plan and verification for the submission must be submitted concurrently. No framing work for the construction is allowed prior to the approval of the foundation survey submission. The requirements for the submission are:

1. Foundation Survey Plan- A plan conforming to the Plan Details and Standard Drawing Detail as shown on the Foundation Survey Checklist in [Appendix E](#). The Builder's signature and date are to be shown on the plan submission.

2. Landscape Plan - A complete Landscape Plan must be provided in accordance with the Landscape Guidelines in [Appendix D](#).

3. Elevation Verification for GFE and FFE-A submission providing written certification of the proposed elevations for GFE and FFE based on the Foundation Survey as presented for approval and verifying compliance with the Design Guidelines and/or the Site Plan approved by ACC. An FFE/GFE Certification form in [Appendix E](#) will be used for the elevation verification. This form will include the project location information, proposed FFE and GFE elevations and Builder's representative's signature.

NOTE: Refer to As Built Plan Submission, as amended, for the requirement for the actual finished elevation for the FFE and GFE to be provided and shown on the As Built Plan.

REVIEW FEE & CONSTRUCTION BOND

With the Application for Approval, the owner or builder of a new home must pay a non-refundable review fee payable to St. James Plantation Property Owners' Association, Inc. The owner or builder must also pay a non-refundable road access fee made payable to St. James Plantation Property Owners' Association, Inc. In addition, the owner or builder must pay a refundable construction bond. The construction bond is to insure compliance with the Master Declaration, the applicable Restrictive Covenants, these Design Guidelines and the plans approved by the ACC, as security for any damage to common areas, and will be held in an interest-bearing account (with interest paid to the St. James Property Owners' Association, Inc.) until completion of construction, landscaping, and final inspection approval. Be aware that any fines not paid during construction may delay final ACC inspection approval and release of the construction bond. Major Modifications have review fees and refundable bonds attached to each project as well.

SITE INSPECTION & PRELIMINARY STAKEOUT

A site inspection of the house stakeout by the POA Engineer may be required prior to clearing any lot. The purpose of this inspection is to ensure compliance with the approved plans and to evaluate the impact on adjacent lots, the golf course (if adjacent), common areas, tree preservation, wetlands, and drainage. The building process may not be started until a site inspection is completed. The owner and/or the builder, if directed, shall clearly stake the property corners and proposed house corners. All trees to be removed shall be clearly shown on the site survey submittal.

CHANGES DURING CONSTRUCTION

If site plan and/or exterior building changes to an approved plan become necessary during construction, a written request, by the owner or builder, describing the proposed change must be submitted and approved by the ACC. The review and approval process for these requests will be the same as the requirements for new construction, including the requirements for reviews/permits by the Town of St. James and Brunswick County. A Change Request Form (new construction) is included in Appendix E. A review fee is required to accompany this request. If any changes are made prior to receiving ACC approval, a fine of \$100 fine per incident may be imposed.

MODIFICATIONS TO EXISTING HOMES AND HOMES SITES

Minor and major changes to an existing home or site require ACC approval prior to making the change. A non-refundable Review Fee will be required for all Minor and Major Projects, payable by either the owner or builder. A Refundable Construction Bond is required for Major Modifications.

Photos of the existing dwelling at the location of the changes/additions must be provided with all applications. Examples of a Minor Modification would consist of exterior painting, adding propane/gas fire pits, trash can or HVAC enclosures, new or additions to patios, generators, solar panels, additional landscaping, outdoor showers, pergolas, hot tub, fences, and sheds.

Converting an open porch to screen, EZ breeze or glass is considered a modification as long as the roof or foundation will not be changed. Fences, flag poles, low level landscape lighting, seating, or retaining walls, gazebos or pool houses are all considered a Minor Modification and require ACC approval prior to the start of any changes to the exterior of your home or property. Major Modification would consist of exterior structural changes for instance, room additions, roofline alterations, swimming pool install, accessory structures over 100 sf. Any physical change you will be making to the outside of your home or property must be reviewed and approved by the ACC prior to any work commencing.

Remittance of the bond will occur once the POA inspection is satisfactorily completed & subject to compliance with approved plans and Design Guidelines.

AS BUILT SURVEY

An As Built Survey is a required step to be approved by the POA engineer before the close out of New Construction here at St James. This survey provides the lot's building footprint, driveway, walkways, patios, setbacks, accessory structures, and current impervious amount used. Each lot is permitted a certain amount of impervious according to the Restrictive Covenants. The survey must also show any drainage or water course easements that may inhibit the placing of structures in their path. It is extremely helpful, and sometimes mandatory to

have the original As Built Survey or a current survey for the ACC to review when requesting any type of Modification for your property.

FINAL INSPECTION

A final inspection of the home and site is required upon completion of New Construction and landscaping. The owner or builder should submit a Final Inspection Form to the ACC Administrator to schedule the final inspection. Construction must be completed within twelve months after ACC approval. Upon written request and for good cause shown, the ACC, in its sole discretion, may extend these time limits. Failure to comply may result in a daily fine. In addition to final ACC approval, the owner and builder are responsible for obtaining all required governmental inspections and approvals. A final inspection for modifications of existing homes is also required. New home construction projects which have not acquired an approved Final Inspection fifteen (15) months from date of ACC approval may be subject to an increase of the Builder's New Construction Bond Fee on future projects involving such Builder or daily fines may be imposed until the project is completed or both. This action is at the sole discretion of the ACC. Final inspection forms can be found on the POA website under the ACC tab.

ENFORCEMENT

These Design Guidelines and the other applicable documents are intended to protect and benefit all the property owners in St. James Plantation. In the event of a violation, the ACC will take appropriate action to enforce the applicable requirements.

VII. REQUIRED CONSTRUCTION DOCUMENTS

THE FOLLOWING ITEMS MUST BE INCLUDED

SITE PLAN AT A SCALE OF 1" = 10" SHOWING:

- Property lines, setback lines, wetland limits, and easements with dimensions shown and compass orientation.
- Tree survey showing location of existing trees 4" diameter and greater. Clearly identify all trees proposed to be removed.
- All streets adjacent to the lot with street names.
- Any adjacent lots and any existing dwelling(s) on adjacent lots.
- Any existing utility structures on the lot or in adjacent rights-of-way, proposed utility connections and location of grinder pump for sewer connection.
- Lot Drainage Plan in accordance with storm water requirements and subdivision stormwater plan.
- Any areas to be graded or filled should show drainage, indicated by arrows that show flow directions. Show existing elevations and proposed elevations.
- Outline of exterior house walls, decks, driveways, and walks on adjacent lots that are within 10' of any property line.
- Outline of house foundation walls, decks, terraces, HVAC, steps, stoops, and roof overhang.
- Finished floor elevation of first floor and garage slab.
- Drives and walks with dimensions and materials indicated.
- Proposed garden walls, retaining walls, fences, screens, headwalls, wingwalls and driveway columns, etc. Dimensions and materials must be noted on the site plan.
- Pools, spas or hot tubs and their pool equipment storage area.
- Location and description of any other accessory unit such as well pumps, grinder pumps, etc.
- The maximum amount of impervious coverage permitted vs allotted, total square footage under roof.
- Pre-Construction Form.
- Site plan to be signed, stamped, and dated by surveyor.

Builder is required to sign the Site Plan and Building Plans submissions; and any handwritten notes/ changes to plans must show initials and date by Builder.

FOUNDATION PLAN AT A SCALE OF 1" = 10' SHOWING:

- Walls, footings, piers, beams, and floor joists (include foundations for decks, retaining walls, exterior stairs, etc.).

- Access openings and foundation vents.

FLOOR PLANS AT A SCALE OF 1" = 10' SHOWING:

- All interior spaces drawn to scale with all rooms dimensioned and named.
- All window and door openings.
- Roof overhang (dashed line).
- Garage, decks, terraces, steps, stoops, and porches dimensioned with materials indicated.
- Finish floor and garage slab elevations.
- All dimensions necessary for construction.

BUILDING ELEVATION AT A SCALE OF 1" = 10' OR GREATER SHOWING:

- Front, rear, right, and left elevation (not north, south, east, and west).
- Terraces, walls, decks, doors, vents (roof and foundation), screens for trash, HVAC compressors, HVAC pads, door pads and propane tanks, proposed grinder pumps, irrigation well pumps, fences, pools, hot tubs, fire pits outside kitchens, pergolas, patios, generators, accessory buildings. Locations must be shown on the site plan.
- Any hidden elevation not shown in other drawings.
- Finished floor elevation on each drawing with proposed finished grade line against elevation.
- Fascia, trim, and handrail details, window, and door types.
- Materials and finishes for all surfaces.

IN PROCESS REQUIREMENTS:

- Foundation Survey Submission must be submitted and approved prior to commencement of any house framing. This submission must include a completed Elevation Verification Certificate, found in Appendix E.
- Landscape Plan Submission is also required to be submitted at the same time and with the Foundation Survey Submission for ACC review prior to commencement of any house framing.
- As Built Survey must be submitted with the request for final inspection and bond refund.

AS BUILT SURVEY PLAN AT A SCALE OF 1" = 10' SHOWING:

- Property lines with dimensions shown and compass direction.
- Finished Garage Floor Elevation (GFE) and First Floor Elevation (FFE) are to be shown on the plan. (Refer to As Built Checklist in Appendix E).
- Property improvements including buildings, driveway, sidewalks, patios, concrete pads, HVAC, utilities, and other constructed items.

- Building setbacks and dimensions.
- Impervious computations

LANDSCAPE PLAN AT A SCALE OF 1" = 10' SHOWING:

- Outline of all structures and site elements shown on the Site Plan.
- Existing trees and vegetation to be preserved.
- Outline of proposed tree and shrub locations showing circular symbols indicating mature spreads, lawn areas, ground cover, and areas with quantities and names indicated.
- Plant list showing quantity, common name, root (B&B or container), tree caliper and height, shrub container height, ground cover container size, spacing, and sod area.
- Natural or mulched areas and any hard landscape elements (arbors, trellises, fences, walls, steppingstones, fountains, firepits, etc.).
- Locations of any proposed landscape lighting indicating fixture type and lumens.
- Refer to the Landscape Plan Checklist in Appendix E and Planting Plan in Appendix D.

VARIANCE PROCEDURE

A Variance is an official allowance of a discrepancy from the requirements of the St James Plantation Design Guidelines. It is the policy of the St. James POA Board to discourage variances. Historically, most applicants who built in the Plantation have not required variances. Variances from the Guidelines may be granted, on a case-by-case basis, under certain circumstances. Each variance request must be submitted with an Application for Variance Form and must include sufficient information and facts to support the ACC granting of the variance request. It is the sole responsibility of the applicant to provide complete and accurate information.

The ACC may grant the variance if it determines the applicant has demonstrated all the following:

1. By reason of the size, shape, or topography of the land, strict application of Guidelines would result in a burden on the applicant's land, which burden is not shared by other properties in the vicinity.
2. Granting of the variance would not result in significant impairment of the value of surrounding properties.
3. The burden to the property was not caused by the applicant; and,
4. The spirit and intent of the Guidelines would not be compromised by the granting of the variance.

If it is necessary to receive input from neighbors or involved parties a notice of the variance request will be posted on the property and the ACC will schedule a special hearing. Notice of the variance being requested, and date of hearing will be conspicuously posted on the subject

property at least one week prior to the date of the hearing. Details of the project and variance will be available at the POA Office for review. In addition, Variance Requests exceeding three feet (3') from existing setbacks with proposed structures more than eighteen inches (18") high, will be sent the same notice at least two weeks prior to the date of the hearing by regular mail (with mail certification) to the owners of record, of properties located within 200' of the subject property lot lines. St. James Plantation property owners may appear at the hearing and will be given the opportunity to comment on the variance being considered any time prior to the decision being made.

Any person aggrieved by a decision of the ACC on a variance request may appeal to the POA Board. An "aggrieved person" is defined herein as the applicant, or any owner of property located within 200' of the subject property who has protested granting of the variance request, either in person at the variance request hearing or in writing prior to the hearing. A Variance Request must be heard and approved by the POA Board, with a recommendation from the ACC.

No request for impervious surface reallocation will be considered by the ACC or the POA Board.

VIII. GENERAL CONSTRUCTION GUIDELINES

In the interest of safety and an appealing community environment for residents and visitors, construction guidelines have been developed for St. James Plantation to control all construction activities.

BUILDER RESPONSIBILITIES

Builders are responsible for the maintenance and cleanliness of the building site, silt fences, signage, delivery of materials, portable sanitary facilities, parking of their and their subcontractors' vehicles in allowed areas, any damage to adjacent lots, existing sidewalks, streets, roadways, trees, keeping construction within the daily hour and day limits, level of radio noise, etc. Builders are responsible for the conduct of their workers or sub-contractors including adherence to the daily start and end times and days of work.

COMPLETION SCHEDULE

All construction and landscaping must be completed within twelve (12) months of the date of approval by the ACC unless an extension is applied for by the Builder and granted by the ACC.

BUILDER REQUIREMENTS

All builders of residences in St. James Plantation must be licensed by the State of North Carolina. A North Carolina Residential Builders License is the minimum licensing requirement. The cost and size of the home to be constructed must be in accordance with the builder's license limits.

STATE AND LOCAL CODE COMPLIANCE

All construction must comply with state and local codes.

SILT FENCE

A silt fence, other erosion control devices and protective fences must be installed prior to any grading activities and must be maintained during the construction period. See also Sedimentation and Erosion control.

PLAN APPROVAL AND SITE INSPECTION

No lot clearing or other construction activities may begin until the ACC has approved all plans.

PERMITS AND FEES

Builders are responsible for obtaining required building permits and paying the associated fees prior to beginning any construction activities. This applies to new and existing homes. Failure to obtain the proper permits will result in a \$100 fine. Continuing construction activities with no permits will result in a daily fine of \$100.

BUILDER / PERMIT SIGNS

The standard identification sign and permit sign must conform to the presentation shown below. No Contractor sign may exceed 12 square feet and must meet the standard Blue & White color requirements. The General Contractor has the option to select one (1) sign from the following three (3) options. The options include: (1) Independent General Contractor Sign; (2) St. James Properties Builders Guild Contractor Sign for a lot owned by a private owner; and (3) St. James Properties Builders Guild Contractor for lot owned and built by General Contractor as a Spec Home.

(1) INDEPENDENT



(2) BUILDERS GUILD/PRIVATE LOT



(3) BUILDERS GUILD/BUILDER SPEC



WORKING HOURS

Working Hours for All Construction (Applies to Contractors and Suppliers) activities are:

Monday through Friday 7:00 am to 7:00 pm No work allowed on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day & Christmas Day

Saturday 8:00 am to 5:00 pm

Sunday No work allowed

Workers, Contractors, and Suppliers must complete all work, including cleanup, and be off St. James Plantation property by the hour noted above (7:00 pm Monday through Friday and 5:00 pm on Saturday). No loitering is allowed after the stated curfew time. Any Worker, Contractor or Supplier who violates curfew could be subject to a fine and suspension of the privilege of working in St. James Plantation. Please notify Security at 910-253-7177 if you find builders, contractors on site after hours.

CONDUCT OF WORKERS

The conduct of all workers is the responsibility of the Builder. Loud vehicles, radios, CD players, etc. that can disturb residents will not be tolerated. All St. James Plantation Property Owners' Association traffic regulations must be obeyed by all contractors. All general contractors are responsible for the actions of their subcontractors and employees on their work sites. Any behavior, emblems, decals, flags, etc. deemed inappropriate by the POA will not be tolerated.

DURING CONSTRUCTION

TEMPORARY FACILITIES

JOB TOILET • Each building site is required to provide a job toilet for the workers. The toilet must be delivered to the site prior to any construction activities. It must be set back as far as possible from any street in the most inconspicuous location. The toilet must be screened on three sides. The door of the toilet must face away from the street and any existing residences and must be located entirely on the construction site.

DUMPSTER • A commercial dumpster or ACC approved trash bin is required for each job site and must be set as far back as possible from the street and must be located entirely on the construction site.

TEMPORARY POWER • Each construction site is required to have temporary power installed prior to any construction activities. Temporary power poles shall be installed where needed and shall not be used for posting signs.

TEMPORARY WATER • Each construction site is required to have temporary water installed prior to any construction activity.

CULVERT PIPES • A culvert pipe will be required for the construction entrance when specified by the ACC. The pipe will be a minimum of 12" diameter and installed at the elevations as specified by the POA engineer. The culvert pipe and drainage swale must be maintained and kept free of sediment and debris during the construction period. No construction material or equipment is permitted in the swale area. Any condition associated with the construction that impedes drainage flow is not

acceptable and any such condition shall be remedied immediately. Any damage to the swale area experienced during the construction period shall be repaired and maintained concurrent with the construction period to maintain drainage flow. The pipes must be laid in elevations that are in accordance with the POA Engineer's direction to maintain flow at construction sites.

SITE MAINTENANCE

The general contractor is responsible for ensuring that the job site is always maintained in a neat and clean manner. An approved commercial dumpster must be on site for all disposals. Number 4 stone must be used at street entrance to avoid sediment runoff. Materials must be stored within the property lines maintaining a clear street right-of-way. Adjacent lots or common areas may not be used for parking or materials storage. Construction equipment must be kept on the site and off the street. Vehicles parked on the street right-of-way during construction must not impede traffic flow. Washing of vehicles (concrete trucks, etc.) must occur on site and not in the streets. Excess concrete shall not be dumped on adjacent lots, common areas, or right-of- ways. No boards or signs shall be attached to any tree. No burning is allowed. Overnight parking is limited to the equipment and/or storage trailer pertaining to the phase of construction. No vehicles are allowed to be parked overnight. In the event of high wind warning or hurricane forecast, builders are expected to secure building materials to minimize damage to adjacent properties.

SEDIMENTATION AND EROSION CONTROL

Streets must be kept free of mud, silt, and debris from construction traffic. Sedimentation and erosion control facilities on the lot shall be maintained. Silt fence is required around all sides of the construction site and must be installed before grading. When erosion control is necessary to prevent (a) sediment of the culvert and swale area or (b) the runoff of sediment from the lot onto the street, silt fence or other acceptable erosion control devices will be required. Silt fence installations are mandatory and must be maintained at all times on the construction site adjacent to wetlands, ponds, marsh areas, drainage easements, and drainage facilities (drop inlets, pipe culverts, etc.). If determined by the ACC that a silt fence is required at any location during construction on the lot, a silt fence must be installed immediately.

FAILURE TO COMPLY WITH THE ABOVE REQUIREMENTS WILL BE ADDRESSED IN ACCORDANCE WITH THE ENFORCEMENT PROCEDURES OF THE GUIDELINES.

POST CONSTRUCTION

CLEAN UP

Upon completion of construction activities all building debris must be removed from the site and surrounding areas. All fines issued due to construction damage must be paid and damage repaired before the construction bond is returned. The builder identification signs must be removed when final approval is received by the ACC or within 15 days of occupancy, whichever occurs first, except for unoccupied Builder Model Homes. Roadways must be cleaned of dirt and sand that occurred from the construction effort. Any breakage of the roadway/bed, curb or sidewalk must be repaired

according to NCDOT standards or the cost of having the repair done will be deducted from the builder's bond in addition to any fines.

TEMPORARY FACILITIES

All temporary facilities must be removed upon completion of construction activities. Damage to adjoining lots and street right-of-way must be restored to pre-construction conditions.

IX. ENFORCEMENT

If an owner or contractor fails to comply with any provision of the Master Declaration, the applicable Restrictive Covenants, these Design Guidelines or any requirements of the ACC, enforcement action may be taken by the ACC. Such action may include stop work orders and/or fines. Violations for which enforcement action may be taken include, but are not limited to, the following:

- Commencement of construction and/or site preparation without or prior to "ACC Approval" (as that term is defined below).
- Commencement of Framing prior to ACC Acceptance of Foundation Survey.
- Unapproved construction (including, but not limited to landscaping, fences and retaining walls).
- Unapproved changes (including but not limited to design changes, paint colors and unauthorized finishes).
- Noncompliance with setback or impervious (built upon area) restrictions or any other restrictions, such as easements or stormwater or wetlands related restrictions.
- Failure to properly install or maintain a silt fence.
- Failure to provide and maintain a dumpster.
- Failure to Provide and Maintain a temporary sanitary facility and screening.
- Improper parking of construction vehicles or equipment.
- Improper storage of building materials.
- Improper disposal of waste, or failure to control litter.
- Burning of debris.
- Failure to Comply with Working Hours Schedule.
- Failure to Comply with ACC Notice of Design Guideline Violation or Condition.
- Failure to Complete ALL Construction and landscaping within 12 Months of the Date of ACC Approval.
- Failure to Remove Builder's Sign within 15 Days of the earlier of the issuance of a Certificate of Occupancy by Brunswick County or the date of issuance of the final inspection approval by the POA Engineer (the "Final Inspection Approval").
- Damage to any Street, Common Area, or existing sidewalk.
- Damage to any swale or other stormwater facility.
- Unapproved tree removal.

- Other Non-Conforming Conditions.

The foregoing listing of violations is intended to be illustrative only and not all-inclusive. Property owners and builders must comply with all applicable requirements, including, but not limited to, time limits for completion. Construction and landscaping must be completed within twelve (12) months after "ACC Approval". The term "ACC Approval" shall mean the later of the date that the ACC approves a new construction or the date of the ACC approved Delayed Start Date. Upon written request and for good cause shown, the ACC, in its sole discretion, may extend these time limits. Failure to comply with the foregoing time limits may result in enforcement action, including, but not limited to, fines of \$100 per day.

In the event of an observed or alleged violation, an ACC or POA representative may issue a notice of violation to the contractor and/or the owner (the "Notice"). Such notice will describe the alleged violation and that a determination will be made at an upcoming ACC meeting as to whether one or more lines will be imposed. A stop work order may also be issued at the ACC discretion. Fines will start five (5) days after the date of issuance of the Notice. If the violation(s) is not resolved by that time, the fine(s) will be \$100 per day, per violation.

After a Notice has been issued the owner and, if applicable, the contractor will have an opportunity to correct the violation and/or appear before the ACC and either consent to or contest the charge. If the violation is not corrected within five (5) days of the Notice, the ACC will make a decision regarding the violation and the issuance of a fine(s). If the Owner or contractor does not appear before the ACC to contest the charge, the ACC will still make a decision. A maximum fine of \$100 may be imposed for each violation, except as otherwise set forth in this section. However, if the violation continues for more than five (5) days after the date of the ACC decision for issuance of a fine, the ACC may impose additional fines of one hundred (\$100) for each day after five (5) days without further hearings.

In addition, a fine must be paid within fifteen (15) days of the date of the ACC decision and/or the date on which such fine shall accrue in the case of each fine assessed in the amount of \$100 per day. Upon Final I-Inspection Approval, any unpaid fines will be deducted from the construction bond, as will any unpaid expenses incurred by the ACC or the POA in connection with unapproved construction, repair damage to any common area or facility, to clean up the project site, or otherwise with regard to any violation. The amount of the bond remaining after such deductions, if any, will be returned without interest. However, if any such fines shall be in an amount in excess of such bonds, then the POA shall have the right set forth in the following paragraph.

In addition to the rights of the POA set forth above, if an owner refuses to correct or remove unapproved or nonconforming improvements or landscaping, or if an owner or its contractor fails to pay any fines set forth in this section, then the POA may seek a court order to compel compliance. The POA also has authority pursuant to the Master Declaration, upon request of the ACC and after notice to the offender and to the owner, to remove any improvements or landscaping that has not been approved or is not maintained in accordance with the applicable requirements and invoice the

owner for all expenses incurred in connection therewith. Further, if an owner or its contractor fails to pay any fine or other charge billed in accordance with these provisions, the POA may file a claim of lien against the property on which the violation occurred.

In the event of a major violation or repeated violations by a contractor, the ACC may take other actions in addition to those described above, which may include increasing the required construction bond for up to one (1) year or six (6) projects, forfeiture of the builder's construction bond and/or refusing to review future projects involving such contractor. In addition to the requirements set forth or referred to in these Design Guidelines, contractors and construction workers are also subject to fines and suspension of access privileges for violation of other rules and regulations of the POA, including ,but not limited to, speeding and other motor vehicle violations within St James Plantation.

These Design Guidelines and the other governing documents of the POA are intended to protect and benefit all property owners in St. James Plantation. Property owners and contractors are encouraged to comply so that it will not be necessary for the POA to take enforcement action.

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