



**Architectural Review Board**

**Guidelines**

**Version 2.0**

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(All previous revisions are obsolete.)

**Misty Harbor ARB  
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[Article I. CONDUCT OF THE ARCHITECTURAL REVIEW BOARD](#) ..... 3

[Section 1.01 Purpose](#) .....3

[Section 1.02 Meetings](#) .....3

[Section 1.03 Architectural Review Board Response](#) .....3

[Article II. AUTHORIZATION OF ARB](#) ..... 4

[Section 2.01 Misty Harbor Declaration of Covenants, Conditions, and Restrictions](#).....4

[Article III. APPLICATION AND REVIEW PROCESS](#) ..... 4

[Section 3.01 Design Review](#) .....4

[Section 3.02 General Concepts](#).....4

[Article IV. CONSTRUCTION AND DESIGN GUIDELINES](#) ..... 5

[Section 4.01 Site Utilization](#) .....5

[Section 4.02 Size of Home](#) .....5

[Section 4.03 Building Setbacks and Natural Buffers](#) .....5

[Section 4.04 Garages](#) .....6

[Section 4.05 Off-Street Parking and Driveways](#) .....6

[Section 4.06 Exterior Materials and Colors](#) .....7

[Section 4.07 Screening](#).....8

[Section 4.08 Satellite Dishes and Rooftop Solar](#) .....8

[Section 4.09 LPG Storage Tanks](#).....8

[Section 4.10 Mailboxes](#) .....8

[Section 4.11 Landscape Plan and Grounds](#) .....8

[Section 4.12 Application Submission Requirements](#) .....10

[Section 4.13 Construction Standards](#).....11

[Section 4.14 Patios and Walkways](#) .....13

[Section 4.15 Exterior Decorative Objects, Flowerpots, Lighting, etc...](#).....13

[Section 4.16 Garden Plots](#).....14

[Section 4.17 Play Equipment](#) .....14

[Section 4.18 Storage Buildings/Structures](#) .....14

[Section 4.19 Fences](#) .....15

[Section 4.20 Decks](#).....15

[Section 4.21 Exterior Building Alterations and Additions](#).....16

[Section 4.22 Pools & Spas](#).....16

[Section 4.23 General Construction Guidelines](#) .....16

[Section 4.24 Variances](#).....17

## **Article I. CONDUCT OF THE ARCHITECTURAL REVIEW BOARD**

### **SECTION 1.01      PURPOSE**

- (a) The Misty Harbor (MH) Architectural Review Board (ARB) has been created to protect property values and enhance Misty Harbor's appearance. These guidelines are developed by the ARB to assist you in the planning of your new home. Misty Harbor is fortunate to be in an area of outstanding natural beauty. The terrain, water features, and beautiful trees combine to create an aura of tranquility unique to Coastal Georgia. It is our responsibility to protect this unique setting and ensure that the homes built in Misty Harbor add to the community's beauty and quality and provide a sense of cohesiveness.
- (b) These Guidelines establish material, detail, and quality standards to create a harmonious community of homes within a variety of architectural styles. If you have any questions not addressed in these guidelines, please contact the ARB. Building development standards relating to land use, building type, building height, building quality, location of dwellings and other details are contained in the Misty Harbor Declaration of Covenants, Conditions, and Restrictions.
- (c) Changes to this document and its applicable exhibits must be voted on by all ARB Members.
  - (i) Any change must meet one of the following criteria in order to be approved:
    - 1) Receive a greater than two thirds ( $> 2/3$ ) vote in favor of the change by the ARB Members.
      - a) The ARB must consist of a minimum of 2 members for this criteria.
    - 2) Receive a one half ( $1/2$ ) to two thirds ( $2/3$ ) vote in favor of the change by the ARB Members and a majority vote in favor of the change by the Association Board of Directors.
      - a) The ARB must consist of a minimum of 2 members for this criteria.
    - 3) If the ARB consists of only one member, then that member must be in favor of the change and the change must receive a unanimous vote in favor by the Association Board of Directors.
  - (ii) Any change not meeting the above criteria is not approved.
  - (iii) ARB voting results and a summary of approved changes shall be reported to the Association Board of Directors and will be recorded in the Association's Meeting Minutes.
- (d) The effective version of this document will be printed, signed, and maintained by the ARB. Any changes to this document are effective only when annotated by pen and ink changes to the original printed document or a new version is created and a copy provided to the Association. A copy of the effective version will be provided to the Association for publishing and distribution as required.

### **SECTION 1.02      MEETINGS**

- (a) The ARB meets on an "as needed" basis when complete plans are submitted for review. Submissions missing required items will not be considered. The Board will conduct the necessary review and provide you with an email and/or a letter regarding their decision and/or recommendations. Applicants do not attend ARB meetings unless requested by the ARB.

**SECTION 1.03**      **ARCHITECTURAL REVIEW BOARD RESPONSE**

- (a) If the ARB does not approve your plan, you will receive an email and a letter stating their concerns and recommendations. The ARB will offer specific suggestions to resolve any problems with the plan. The ARB will continue to work with the applicant to resolve any differences. Should you have any questions regarding the ARB's decision, they will be happy to meet with you for further discussion. In the event a resolution cannot be reached between the ARB and the prospective builder(s), the ARB may present the issue to the Executive Board for consideration.

**Article II. AUTHORIZATION OF ARB****SECTION 2.01**      **MISTY HARBOR DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

- (a) The Misty Harbor Declaration of Covenants, Conditions, and Restrictions (Declaration) was recorded at the Camden County Courthouse, December 1, 1999. Our Declaration provides for the establishment of an ARB and sets forth the Committee's responsibility and authority. Declaration Article 9 mandates that no exterior structure or improvement shall be constructed or altered on any lot without prior written approval by the ARB. Article 9 allows the ARB to make subjective decisions based solely on aesthetic considerations. While the ultimate responsibility rests with Misty Harbor's Board of Directors, the ARB acts as the Board's agent for all matters covered by appropriate articles of the Declaration of Covenants, Conditions, and Restrictions applicable to Misty Harbor.
- (b) In the event that the ARB Guidelines conflict with the Declaration; the Declaration will preside. A variance for the Guideline will be approved citing the Conflict as the reason for variance.

**Article III. APPLICATION AND REVIEW PROCESS****SECTION 3.01**      **DESIGN REVIEW**

- (a) Builders/Property owners must submit plans and specifications, as well as the applicable forms, as outlined in these guidelines for approval for all new construction and improvements within Misty Harbor.
- (b) The Application form for architectural modifications and original construction is attached hereto as Exhibit "A". A written approval must be obtained from the ARB before any land clearing or construction is started.
- (c) Prior to approving an Application for construction, the Lot corners must be flag staked by your surveyor. The ARB will compare your plans to the boundaries of your property.
- (d) Your surveyor must also stake the approximate front corners of the home/structure foundation.
- (e) Property owners can meet with the ARB to discuss and review preliminary plans for any construction within Misty Harbor. At that time, the property owner is requested to bring preliminary plans, materials, or any other information relative to the proposed construction.

**SECTION 3.02**      **GENERAL CONCEPTS**

- (a) We will consider a variety of architectural styles; however, we strongly encourage designs appropriate for a southern, low country setting.
- (b) Each home plan must be designed for its specific home site. Certain designs are reserved for lots with special requirements. The Association requires that you first submit an image (detailed plans are not required at this stage) showing the front view, roof plan, and main features of the home style you are considering. The ARB will respond indicating whether the style is acceptable for the lot and may provide guidance or recommendations to help ensure a smooth application process.
- (c) Some house designs may be unacceptable because of repetitive use in the community. If in the judgment of the ARB, the massing, basic style, rooflines, exterior materials, colors, or other features of a home are too repetitive, the design will not be approved. The ARB can make subjective decisions that determine the acceptability of a plan.
- (d) The ARB continually evaluates the building styles and techniques at Misty Harbor to determine those that have fulfilled development objectives. An existing feature or an entire home will not be construed as a precedent for repetition.
- (e) We recommend that your architect and builder are familiar with Misty Harbor and Camden County Building Codes. A competent architect or designer will help you meet ARB guidelines within your budget.
- (f) Speculative builders provide an important service within the community by providing homes for people who do not wish to build a custom home. The community ARB standards apply to all homes.

## **Article IV. CONSTRUCTION AND DESIGN GUIDELINES**

### **SECTION 4.01      SITE UTILIZATION**

- (a) Maximum consideration in a design should be given to relate the home to the natural qualities of the site. The ARB always considers the proposed home's impact on its surroundings and homes will not be approved if they do not "fit" with the natural qualities of a lot. Consequently, a home that would be acceptable for some lots might be unacceptable for other lots.

### **SECTION 4.02      SIZE OF HOME**

- (a) While size is not necessarily an indicator of quality, the ARB will not approve homes designed with less than 2,000 square feet of living area (the heated and air-conditioned area calculated from the exterior dimensions of such area). A Multi-story residence must have a ground floor (or first finished floor) of at least 1,500 square feet of heated and air-conditioned space.
- (b) Marsh-front home sites may have specific requirements due to flood elevation requirements. Camden County regulations limits maximum height to 35-feet from finished grade.

### **SECTION 4.03      BUILDING SETBACKS AND NATURAL BUFFERS**

- (a) Misty Harbor requires minimum setback distances to maintain the sense of separation and privacy between homes in our rural setting. Setbacks should be considered as minimum allowable building lines unless special circumstances make their application impractical as judged by the ARB. Certain home styles cannot be placed on small lots if placement will allow/require the reduction of natural buffers. Similarly, certain home styles are reserved for lots with space restrictions. Home designs that use all or nearly all the width of a lot except the sum of the two county-regulated fifteen (15') foot sideline setbacks will often be disapproved unless it can be shown that the width of the home will not have an adverse neighborhood impact and that alternate plans are impractical or not desirable for a compelling reason. See Section 4.24 Variances if a reduction in setbacks is required. For the purpose of ARB applications and the review and approval process; the "front" of the lot is determined by the ARB. The front of the lot is normally the portion of the lot where the property line runs adjacent to a street or road.
- (b) Natural Buffers require that all existing natural growth is retained. Natural buffers cannot be under brushed. No trees of any size may be removed.
- (c) Front setback
  - (i) Minimum front setback is 75 feet from the edge of the street curb.
- (d) Side setback
  - (i) Left and right-side lot minimum setback is 20 feet. The side lot setback is measured perpendicular to and runs parallel with its respective property line extending towards the center of the lot. The first Ten feet (10') (measured from its respective property line) of each side lot setback must remain as undisturbed natural buffers.
- (e) Rear setback
  - (i) Minimum rear setback is 25 feet, the first Twenty feet (20') (measured from its respective property line) must remain as undisturbed natural buffer.

#### **SECTION 4.04      GARAGES**

- (a) Each home must have a minimum 3-car garage incorporating at least 800 square feet to provide additional storage.
- (b) Doors facing away from the primary street are required.
  - (i) The primary street of any lot will be defined at the discretion of the ARB
- (c) No carports will be permitted.
- (d) Garages should be compatible with the home's architectural theme.
- (e) Garages can be detached or semidetached (connected to the home by a breezeway.)
  - (i) Semi-detached garages are specifically encouraged when they will enhance the home's relationship to an amenity, a neighboring home, or a specimen tree or other feature of a lot.
  - (ii) Detached or semidetached garages will be denied if it does not meet any of the following criteria:
    - 1) Footprint shall not exceed the Home's ground-level (or first finished floor) heated and cooled square footage.
    - 2) Its roofline, when compared to the Homes primary roofline as defined by the ARB, must match by elevation and design.
    - 3) The overall height by elevation may not exceed the home's overall height by elevation when measured from the same level.

- (f) Garage doors should be of the overhead door type and should be made of wood, fiberglass, or aluminum. Garages designed with a single overhead door must have at least one 16-foot-wide door. Automatic door openers should be used. All garage doors shall be a stacked panel sectional design and of a color that matches the adjacent wall or the trim.

#### **SECTION 4.05**      **OFF-STREET PARKING AND DRIVEWAYS**

- (a) All homes shall have a defined driveway constructed of concrete, brick, paver stones, limestone rock, or crushed seashell.
- (b) Reclaimed materials are not allowed.
- (c) Entry to the driveway must not be located closer than twenty feet from any side property line.
- (d) The first 10-feet of all driveways must be constructed from concrete, paver stones, or brick. All driveways must be a minimum of ten feet (10') wide and incorporate a "bell flare" at the road entrance.
- (e) A minimum of four off-street parking spaces (including inside garage space) must be provided for each home.
- (f) No overnight parking is allowed on streets or the right-of-way in the subdivision.
- (g) Off-street turnaround or backup areas must be provided to avoid the danger of backing from a driveway directly into a street.
- (h) Where a lot fronts on more than one street, access from the secondary street (as determined by the ARB) is preferred.
- (i) Where possible, driveways should be curved for aesthetic purposes.
- (j) Paved asphalt driveways are permitted when a home requires a driveway greater than 200-feet long.
- (k) Driveways will likely not be approved if any portion of it will be less than twenty feet (20') from a lot's side property line. This measure is in place in order to preserve the undisturbed Natural Buffers.

#### **SECTION 4.06**      **EXTERIOR MATERIALS AND COLORS**

- (a) The community is careful to prevent the repetitious use of principle home colors.
- (b) Durable wood, such as cypress, cedar, redwood, etc. are the preferable materials when wood is used as siding and trim. Extruded cement boards, such as HardiPlank, are acceptable.
- (c) All wood must be painted, sealed, or stained.
- (d) Stucco and Cement-based Tabby are acceptable finishes. These finishes can be used as accents and in special areas such as on chimneys.
- (e) Brick is permitted in appropriate colors, and may be used for walks, patios, deck edge trim, etc...
- (f) Vinyl trim will be allowed only on the soffit. High quality vinyl windows with integral window trim are permitted.
- (g) Vinyl siding, and composite or particleboard siding are prohibited.
- (h) All-exposed concrete foundation must be covered with-brick, stone, stucco, tabby, or approved siding.
- (i) The height of the fireplace chimney should be in proportion to the roofline.
- (j) Chimney must be brick, stone, or stucco. Chimneys clad with siding are not permitted.

- (k) Gutters and downspouts should be painted to match trim or other adjacent material.
- (l) Copper drains and gutters are permitted.
- (m) Overhangs of 12” or more must be used on the eaves and rakes. Overhangs are to be boxed to avoid exposing ends of rafters. “Open Tail” Rafters may be considered on a case by case basis, when properly painted or stained to enhance the home’s aesthetics, and only at the discretion of the ARB.
- (n) Vent stacks and other necessary roof protrusions must be located away from the public view, on the backside of the roof unless this location conflicts with local code requirements.
- (o) Modular construction is prohibited.
- (p) Fieldstone, cut stone, or equal may be used except as a thin veneer or in small- disjointed areas.
- (q) Only concrete masonry-based stucco is permitted.
- (r) Architectural grade asphalt shingles of 300 pounds per square minimum or fiberglass of equivalent appearance will be permitted if in harmony with the home.
- (s) Standing seam roof is acceptable if factory painted.
- (t) No rooftop or window HVAC equipment is permitted.
- (u) Aluminum awnings, jalousie-type windows or aluminum single hung windows are prohibited. Metal appurtenances protruding from the roof should be compatible with the exterior colors of the home.
- (v) For single story homes, the primary roof section pitch must be a minimum of 8 feet of rise per 12 feet of run. For two story homes, the primary roof section pitch must be a minimum of 6 feet of rise per 12 feet of run. Porch roof sections require a minimum pitch of 3 feet per 12 running feet. No other roof sections may be less than 4 feet per 12 running feet.

#### **SECTION 4.07      SCREENING**

- (a) All air conditioning units and trash receptacles visible from the street must be screened behind an enclosure or with sufficient landscaping. If landscaping is used as screening, then it must be immediately effective. The location, design, color, and materials of all such structures must be approved by the ARB prior to their installation or construction.

#### **SECTION 4.08      SATELLITE DISHES AND ROOFTOP SOLAR**

- (a) Roof-mounted or freestanding television antennae should be placed towards the rear of the home but may be placed on the front of the home if reception from the rear is not possible or degraded.
- (b) Rooftop apparatus relating to solar energy must be approved by the ARB

#### **SECTION 4.09      LPG STORAGE TANKS**

- (a) Liquid propane tanks must be buried.

#### **SECTION 4.10      MAILBOXES**

- (a) Mailbox design must be approved as part of your construction application package.

#### **SECTION 4.11      LANDSCAPE PLAN AND GROUNDS**



- (a) The ARB applies careful land planning, conservation, and enhancement of the natural environment throughout Misty Harbor. Suitable landscaping for your home is an essential part of our effort to create a quality development sensitive to its existing surroundings. All architectural submissions must include a landscaping plan. The approved plan must be completed before a Misty Harbor Certificate of Occupancy is issued for new construction, and before security deposits are refunded. Your landscape plans are a basic part of your architectural submission and are subject to the review and approval process of the ARB.
- (b) Two sets of landscape plans must be submitted. All proposed plant material must be located, dimensioned or drawn to scale, and specified as to species, variety, and size at installation.
- (c) The landscaping must be completed prior to issuance of a certificate of occupancy. A competent landscape architect or designer will help you achieve these objectives. Landscaping plans will be reviewed with two major concerns in mind:
  - (i) Landscaping must be adequate to properly complement the house and site.
  - (ii) Landscaping must be harmonious with the natural environment of Misty Harbor. Proposed plant materials and their configuration must be suitable to our climate and wildlife conditions. Keeping in mind that Misty Harbor is a natural habitat for a variety of wildlife, your landscaping should be planned accordingly. While it is difficult to recreate the natural landscape, new planting must appear comfortable with the old.
  - (iii) The ARB may set minimum requirements for size and maturity of plants in the Landscaping Plan
- (d) Natural Buffers Required: To maintain the community's highly valued wooded character, 10-foot side and 20-foot rear property line buffers must be left in their natural state without modification, under brushing, or removal. Larger buffers are encouraged, including street-side natural buffers on deeper lots. Natural buffers of existing vegetation in the side and rear buffers must be indicated on the landscape and site plan submissions. When a lot's size, shape, location, or natural variation cannot accommodate the minimum required Natural Buffers, the building application must include a request and explanation for the need to modify this requirement.
- (e) Grasses: Centipede grass and St. Augustine grass are most common. Zoysia is also successful. All lawns shall be sod. Seeding is not permitted. The grass shall be planted to the edge of the roadway.
- (f) Irrigation Required: All lawn, grass, and landscaped areas shall be served by a functional underground irrigation system.
  - (i) Irrigation Wells – Potable water is provided by the City of Kingsland. Wells installed for irrigation must comply with Department of Health regulations and should be a deep well. Shallow wells are discouraged due to the mineral stains caused by shallow water sources.
  - (ii) Irrigation wells shall be located where the well-head piping can be concealed by landscaping. No well structures can be placed in front of the home. Well placement must be approved by application to the ARB.
- (g) Restricted Plant Materials
  - (i) Plants designated by the Georgia Exotic Pest Plant Council as: Category 1, Category 1 Alert, or Category 2 "invasive species" may not be used.

- 1) See List: <https://www.gaepcc.org/list/>
- (ii) Bamboo may be planted using approved rhizome barrier control techniques. We discourage use of materials and landscape ornamentals that are inconsistent with the character of Misty Harbor and the low country coastal area.
- (iii) Native plants thrive best. Some species should be used with discretion. An additional source for information is the Camden County UGA Extension Office in Woodbine.
- (h) The following proposals will be denied:
  - (i) Unnecessary removal of specimen trees. Removal of any trees shall be in accordance with the Declaration, which states that no trees that are more than 6 inches in diameter at a point 2 feet above the ground shall be removed without a written approval from the ARB, Please use the tree removal application.
  - (ii) Intensive use of plants with forms or colors not native to the area.
  - (iii) Large, unplanted, windowless walls.
  - (iv) NOTE: Diseased or dead trees needing to be removed to promote the growth of other trees or for safety reasons may be removed upon approval of the ARB.

#### **SECTION 4.12 APPLICATION SUBMISSION REQUIREMENTS**

- (a) Two (2) copies of all applicable documentation are required for submission, review, and final approval by the ARB. Incomplete submissions will not be considered or approved. The following information must be submitted at the time of the submission for final approval:
  - (b) All architectural drawings must be submitted on minimum ARCH D or ANSI D sheets.
  - (c) A site plan drawn at a minimum scale of 1-inch = 10-feet (marsh front lots may require 1-in = 20-feet scale) indicating:
    - (i) The property boundaries
    - (ii) Dimensions of Lot lines
    - (iii) Existing and proposed contours and existing physical structures
    - (iv) Front setback as measured from the front of the lot.
    - (v) Side and rear setback lines and undisturbed buffers
    - (vi) Drainage swales, retaining walls, ponds, wetlands
    - (vii) The home profile and dimensions to front, side and rear property lines
    - (viii) Finished 1st-floor flood elevation
    - (ix) Proposed location of the septic drain field.
      - 1) Provide ARB with a revised site plan if the Department of Health changes the location of the septic drain field.
      - 2) Identify whether flush or mound-type field will be installed.
    - (x) Sidewalks, patio, decks, fences, etc.
    - (xi) Driveway plan, materials, and dimensions.

- (d) Finished Floor Elevation must be shown on Front elevation drawings. Be aware that the Camden County building code requires that elevation of the first finished floor of any home be above the level of the 100-year flood level. Finished floor elevations must be in accordance with local building codes and as set forth upon the plats for the subdivision. Crawl-space type foundations are not permitted. The minimum Lowest Floor elevation is 20" above the average footing backfill height. Slabs on grade are prohibited except for garages and multi-story homes with no living area on the first level.
- (e) The location, boundaries and use of fill must be indicated on the site plan. Fill requirements should anticipate front yard drainage to the street, unless a specific lot and home siting does not allow it.
- (f) A Tree Survey is required. Show, identify the species, and note the diameter of all holly, magnolia, cedar, live oak, water oak, cherry and other specimen trees having a diameter of 6" or larger, and note the location of significant tree "clusters" of smaller trees. For pines, show individual specimens having a diameter of 10" or larger. Indicate by an (x) those trees to be removed.
- (g) Show the existing topography
  - (i) Show elevations using 2-foot contour lines or spot elevations on a 50-foot grid.
  - (ii) Changes in contours caused by construction should be indicated on the plan by solid lines.
- (h) Floor Plans
  - (i) Front elevation drawings drawn at 1/4" to 1'0" indicating all proposed materials, building heights, roof pitches, finished floor and grade lines, all exterior openings and must include sufficient notation to indicate details of the proposed construction.
  - (ii) Side and rear elevations drawn at a minimum scale of 1/4" to 1'0" indicating exterior materials, roof lines and proposed grades line.
  - (iii) Dimensioned floor plans drawn to a minimum scale of 1/4" to 1'0" showing changes in floor levels, all room dimensions, door and window symbols and schedules, all levels of living area and all patios, decks, fences and other structures.
  - (iv) Exterior wall sections should be drawn to a minimum scale of 1/4-inch to 1'0", indicating the roof pitch, typical wall section detail and all special construction points.
  - (v) A roof plan with roof slopes indicated must be shown on the site plan or as a separate drawing.
- (i) Location and screening of AC condenser
- (j) Other plans and specifications relative to any special construction or improvement.
- (k) The house location should be "staked-out" on the Lot and trees planned to be removed marked with flagging tape prior to making application. Do not mark trees with paint or blaze trees.
- (l) A \$1,000.00 non-refundable impact fee and a \$1,000.00 security deposit is required for all construction and/or land development applications prior to the review of any application package.
  - (i) Make checks payable to Misty Harbor Property Owners Association, Inc.

- (ii) The security deposit will be returned, less any assessed fines, after the final inspection is complete and a Misty Harbor Certificate of Completion or Misty Harbor Certificate of Occupancy is issued by the ARB.
- (iii) The amounts of the impact fee and/or security deposit for any application, except new construction and land development applications, may be reduced at the sole discretion of the ARB.
- (m) MAIL applications and plans to Misty Harbor ARB, 488 Marina Isle Drive, Woodbine, Georgia 31569. OR, arrangements can be made for hand delivery by request to arb-mh@outlook.com. Upon approval of the plans, the property owner will receive formal notification by the return of an approved set of all submitted documents.

#### **SECTION 4.13      CONSTRUCTION STANDARDS**

##### (a) PRE-CONSTRUCTION ACTIVITIES

- (i) Clearing. No lot is to be under brushed, cleared, or construction commenced without a Misty Harbor Building Permit from the ARB.
  - 1) Prior to submitting the Application, the Lot corners must be flag staked by your surveyor. The ARB will compare your plans to the boundaries of your property.
  - 2) Under brushing is allowed by permit only after the property has been flagged and approval in writing has been obtained from the ARB. The undisturbed side and rear undisturbed buffers may not be under-brushed or removed.
  - 3) After approval of the final application, but prior to the issuance of a Misty Harbor building permit, the applicant must:
    - a) Stake all corners of the home foundation.
    - b) Flag all trees equal to or greater than 6-inches in diameter (measured at two feet (2') above ground) that are to be removed.
  - 4) Request an inspection by the ARB to verify adherence to the plans submitted.
  - 5) Upon verification that the site adheres to the approved plans, a Misty Harbor Building Permit will be issued. Lot clearing and construction can commence after the Building Permit is issued.
- (ii) Building Permits. Plans must be approved by the ARB before obtaining a Camden County Building Permit.
- (iii) Utilities
  - 1) A Kingsland City water connection is located on each lot by a stub out.
  - 2) Okefenokee EMC provides electric service from the underground utility box to the house.
  - 3) Propane service is available from Cumberland Gas and other services.
  - 4) Cable service is provided by Comcast or TDS Telecom.
- (iv) Dumping. No dumping or debris burial is allowed within Misty Harbor.
- (v) Job Toilets. At least one (1) job toilet is required on all construction sites. The toilet must be placed behind the front property line.

- (vi) Lot Access Point. Ingress and egress to the lot must be made through the location shown on the plan for the driveway. The builder/property owner will be responsible to re-grade, re-grass, and re-curb any areas disturbed during construction. Any damage to common areas from construction will be assessed as a fine and charged to the builder/property owner if not repaired within a reasonable (as determined by the ARB) timeframe. All assessed fines must be remitted prior to the issuance of a Misty Harbor Certificate of Occupancy.
- (vii) Culverts. Culverts will only be approved where no other reasonable drainage option exists. Culverts must be identified on the lot grading plan.
- (viii) Tree Removal. Only those trees marked and indicated to be removed on the approved site plan will be taken down. Care should be exercised to protect all other trees from equipment damage and/or filling. Use protective barriers or bulk heading prevent covering the roots of remaining trees with soil. Any tree removed without prior written ARB approval will be subject to a fine of Five Hundred (\$500.00) dollars per tree.
- (ix) Adjacent Lots. The use of adjoining lots for parking, access to a jobsite, or for the storage of materials is forbidden.
- (x) Storage and Cleanliness. The storage of materials should be in an inconspicuous area, not visible from the roadway, and must be in adherence to the direction of the ARB.
- (xi) A dumpster is required on all construction sites. All building waste must be put in the container at the end (no later than 6:00PM) of each day. The container must be replaced whenever debris extends over the top edge of the container.
- (xii) The site must be kept neat and orderly. General site cleanliness is required. Contractors are required to make frequent clean-ups of surplus materials, trash, wrappers, etc...
- (xiii) Road Cleanup. The contractor is responsible to remove dirt, mud, stone, and other construction debris that enter community roadways as a result of construction.
- (xiv) No outdoor fires or burning of construction materials are permitted within the subdivision.
- (xv) Road Damage. Any damage that occurs to the community roads or curbs as a result of construction or construction equipment will be charged to property owner. No open trenching of any community roads is allowed.
- (b) ) POST CONSTRUCTION
  - (i) Removing all remaining building debris from the site and surrounding area.
  - (ii) Removing all signs from the site.
  - (iii) Full restoration of common area(s) damaged by construction activity.
- (c) TIME LIMIT TO COMPLETE CONSTRUCTION: Homes must be constructed using a licensed general contractor or subcontractor and shall be completed within one year from approval of the ARB. Any extension beyond this period must be approved in writing by the ARB.
- (d) ADDITIONAL:
  - (i) During construction, noise should be kept to a minimum and loud music is prohibited.
  - (ii) Contractors and subcontractors are prohibited from bringing pets into the subdivision.
  - (iii) Owner builders are not recommended; however, may be approved on an individual basis, pending a review of qualifications.

- (iv) The hours for construction at Misty Harbor will be from 7:00 A.M. to 6:00 P.M. Monday through Friday, and 8:00 A.M. to 5:00 P.M. on Saturday. No construction will be performed on Sunday or National Holidays. Any exceptions to this policy must have the express prior approval of the ARB.

**SECTION 4.14      PATIOS AND WALKWAYS**

- (a) Submission of An Application Form for an uncovered patio or walkway is not required if:
  - (i) The patio or walkway does not extend beyond the sidelines of the house and does not extend within twenty (20) feet of side property lines.
  - (ii) The patio or walkway does not exceed six (6) inches above ground level.
  - (iii) Construction material is the same as material already used on the property for similar items.

**SECTION 4.15      EXTERIOR DECORATIVE OBJECTS, FLOWERPOTS, LIGHTING, ETC...**

- (a) Items are prohibited from being placed in the front yard of a home without written approval of the ARB. An Application Form must be submitted for all exterior decorative objects, both natural and manmade which an Owner may desire to be placed within view of any roadway or neighboring properties, as specified below:
  - (i) Sculptures, fountains, flag poles or any item attached or unattached to the house; provided, the American Flag may be flown or displayed at any time following normal flag protocol.
  - (ii) Exterior lighting does not need approval if it meets the following criteria:
    - 1) Fixture does not exceed twelve (12) feet in height.
    - 2) Number of lights does not exceed ten (10)
    - 3) All lights are low voltage (maximum 12 volts), white, clear, or non-glare type and located to cause minimal impact on adjacent properties.
- (b) Front doors and entry areas must be neatly maintained. Plants in pots must be neat and healthy. Plastic flowers are not allowed,
- (c) Christmas decorations are permitted so long as not be displayed before Thanksgiving Day and removed by no later than January 7th of the following year. Other holiday decorations may be displayed beginning one week before to one week after the respective holiday.

**SECTION 4.16      GARDEN PLOTS**

- (a) An Application Form must be submitted unless all of the following are met:
  - (i) The plot is not located in front of the house building line.
  - (ii) The plot does not intrude into natural buffers.
  - (iii) The plot is not visible from any street.
- (b) Garden plots that will be visible from the street require approval by ARB.

**SECTION 4.17      PLAY EQUIPMENT**

- (a) An Application Form is not required if located in the rear yard and does not extend beyond the sidelines of the house, otherwise, an application is required.
- (b) Metal play equipment must be painted to blend into surrounding environment. Wood structures are encouraged, provided they are properly treated.
- (c) PLAYHOUSES, DOLL HOUSES, AND TREE HOUSES:

- (i) Playhouses, Doll Houses, and Tree Houses will be reviewed on an individual basis by application.
- (ii) The location, design, color, and materials of all such structures must be approved by the ARB prior to their installation or construction.
- (d) TRAMPOLINES:
  - (i) 1) An Application Form is not required if located in the rear yard and does not extend beyond the sidelines of the house.
  - (ii) 2) Any other location requires approval by application.
- (e) BASKETBALL GOALS
  - (i) An Application Form is not required to be submitted if all of the following requirements are met:
    - 1) Goal backboard is perpendicular to the primary street.
    - 2) Backboard is white, beige, clear, light gray or color compatible with the house and the post is painted black or color compatible with the house.
    - 3) Post is placed permanently in the ground.
    - 4) Portable goals are permitted but must be placed behind the front of the house.

#### **SECTION 4.18 STORAGE BUILDINGS/STRUCTURES**

- (a) Storage buildings/structures for Storage, Workshops, Gardening, Greenhouses, Gazebos, Cabanas, Pergolas, and other uses may be approved if incorporated into the design and landscape scheme according to ARB criteria. An Application is required for all structures. An image and/or drawing of the structure including a sketch showing the placement on the property must be submitted.
- (b) Structures - General
  - (i) Plastic and metal buildings or any type are strictly prohibited.
  - (ii) Temporary greenhouses no larger than 6-feet by 8-feet may be allowed no more than 90 days a year.
  - (iii) Storage buildings must be placed behind the footprint of the home and cannot extend into side yard areas.
  - (iv) Side and rear buffers requirements must be maintained.
  - (v) Must meet building code and/or permit requirements.
  - (vi) Maximum size is 12-feet by 16-feet. Maximum Height is 15-feet.
  - (vii) The foundation must be skirted on the front and sides if the building is not erected on a full slab.
  - (viii) Sufficient landscaping is required to make the building conform to the home landscaping.
    - (ix) Must be secured with hurricane straps.
    - (x) Roof lines and pitch must match the home style.
    - (xi) Storage shed color must be approved.
    - (xii) Custom built appearance to include windows and shutters to match the home.
    - (xiii) Overhead doors may not face the primary street.
    - (xiv) Ramps are allowed.
    - (xv) No garden, play, or recreation items may be stored within view.

- (xvi) Storage sheds may not be used for public business or permanent living space.
- (xvii) Must be maintained and in good condition.
- (xviii) Utilities to storage shed must be underground.
- (xix) The storage shed door must be closed when not in use.
- (xx) Security light requirements are the same as houses; light not to shine onto neighbor's home, etc...
- (xxi) No storage of items or other debris that may create a pest or odor nuisance.
- (xxii) No lean-to roofs may be attached to storage shed.
- (xxiii) Open-sided Pergolas and Gazebos may be placed behind the rear building setback of the home but not within the side setbacks.

#### **SECTION 4.19      FENCES**

- (a) An Application Form must be submitted for all fencing along with detailed specifications and a site plan denoting the location of the fence on your Lot.
- (b) NO CHAIN LINK FENCE IS PERMITTED.
- (c) Fences must be installed with the finished side out and approved by the ARB.
- (d) Fence sections facing the street must include landscape screening.
- (e) Generally, privacy fencing is discouraged. The ARB encourages the use of rough-hewn woods, masonry or natural plantings as fencing and screening materials.
- (f) Provide a diagram and description showing fence description, color, location, size, landscape plan, and conformity with design of the house, and relationship to neighboring homes.

#### **SECTION 4.20      DECKS**

- (a) An Application Form must be submitted for all decks. The form must include all of the following information:
  - (i) A site plan denoting location on Lot and position relative to the house, dimensions, materials and color.
  - (ii) In most cases, the deck may not extend past the sides of the house.
  - (iii) Materials must be cedar, cypress, redwood, composite or solid vinyl decking, or No. 1 grade or better pressure treated pine.
  - (iv) Color must be stained or painted to complement the exterior color of house.
  - (v) Fasteners must be rust resistant (usually hot dipped galvanized or stainless steel)
  - (vi) Vertical supports for wood decks must be 6x6 wood.
  - (vii) A Camden County building permit is required for a deck.
  - (viii) Provide a diagram and description showing location, size, and conformity with design of the house, and relationship to neighboring homes.

#### **SECTION 4.21      EXTERIOR BUILDING ALTERATIONS AND ADDITIONS**

- (a) An Application Form must be submitted for all building alteration, construction, or additions. This includes storm doors and windows, construction of garage extensions, room additions, porches, decks, etc.
- (b) Repainting requires prior written approval. (A color change requires the submittal of a paint sample, picture, or the address of a home in the community where color may be seen and a sketch of the area of the house to be painted if not painting the entire house.



- (c) Storm windows and doors must be made of anodized aluminum with baked enamel finish compatible with the primary and trim colors. The form must contain the following information:
  - (i) Picture depicting style of door/window to be installed.
  - (ii) Picture of doors/windows on which storms will be added; and
  - (iii) Color of the storm door/window.

#### **SECTION 4.22      POOLS & SPAS**

- (a) An Application Form must be submitted for all pools and spas.
- (b) Pools and spas must be located behind the home, with outermost construction a minimum of twenty (25) feet from the property line.
- (c) Installation must conform to applicable state and local codes.
- (d) The pool must be screened from view from all streets with landscaping and/or fencing, with all equipment located within screened area from all directions.
- (e) The outside edge of the pool wall may not be closer than ten (10) feet to a line extended and aligned with the side walls of the dwelling.
- (f) Outdoor lighting of a pool or spa area must be designed to buffer the surrounding residences from the lighting.
- (g) Above-ground pools are prohibited.

#### **SECTION 4.23      GENERAL CONSTRUCTION GUIDELINES**

- (a) No construction shall begin until a dumpster and portable toilet are delivered to the construction site. No other temporary structures may be placed on a lot without the written permission of the ARB. If allowed, such structures may never be used as residences and may not remain on the lot after construction has been completed.
- (b) Every precaution must be taken to prevent damage to the street and right-of-way. Any damage to the street, common areas, or adjoining lots will be repaired and/or replaced at the expense of the owner.
- (c) Access to a building site by means of adjacent property will not be allowed. Parking of worker's vehicles/equipment will be limited to construction lot only. Applicant is responsible for damages done by workers vehicles to adjacent property, easements and roads around the work area.
- (d) No materials may be placed in the right-of-way or on adjacent property, even on a temporary basis.
- (e) There are no disposal areas available in Misty Harbor, nor is there a pit for obtaining fill dirt. Your building contractor will bear the responsibility of disposal of all construction waste. MISTY HARBOR DOES NOT HAVE A DUMP AREA. THERE WILL BE A FIVE HUNDRED DOLLAR (\$500) FINE FOR DUMPING REFUSE OR WASHOUTS OF ANY TYPE ON MISTY HARBOR PROPERTY.
- (f) The storage of materials should be in an inconspicuous area of the site, and contractors are required to make frequent clean-ups of surplus materials, trash, wrappers, etc. A dumpster must be maintained on each site for the disposal of construction trash and litter. The contractor is responsible to collect off-site debris that originated from the construction activities.
- (g) No fires of any kind are allowed at any time during construction at Misty Harbor.

- (h) All contractors and their employees must use the rear Service/Construction gate at all times. Use of the front gate for entry or exit will result in a \$100 fine for each occurrence. Construction hours are from 7a.m. until 6 p.m., Monday through Saturday. No construction is allowed on Sundays or major holidays.
- (i) Contractor access codes may be requested from gates-mh@outlook.com upon approval of construction plans. Access codes may be revoked for violations of Misty Harbor rules and regulations.
- (j) Maximum speed limit in Misty Harbor is 25 miles per hour.
- (k) Radio playing and Other Nuisances - Workers are guests in this community. The playing of radios, tapes, etc. at volume levels that disturb surrounding neighbors will not be permitted.
- (l) No firearms are allowed.
- (m) Signage Requirements - No sign of any kind shall be displayed to the public view on any lot except those in accordance with the "Sign Standards" established for Misty Harbor. A builder's temporary project sign may list owner, architect/designer, and builder. "For Sale" signs must be constructed and displayed in accordance with the ARB "Sign Standards and Specifications." ARB permission is required for all others.
- (n) The contractor must provide minimum One Million Dollar value Certificates of Insurance for itself and all subcontractors entering Misty Harbor premises.
- (o) When the building and landscaping are complete, and a Certificate of Occupancy has been received from the Building Department of Camden County, the applicant must request a final inspection by the ARB to ensure conformance with the approved plans and receive a Misty Harbor Certificate of Occupancy.

#### **SECTION 4.24      VARIANCES**

- (a) The ARB may in its sole discretion deviate from these written Guidelines if a determination is made that such a variance is consistent with the general intent of the Guidelines, and where a condition exists that would otherwise make it impossible to comply without creating an unreasonable hardship for the property owner. All variances must be requested and approved in writing. It is understood that any such variation from these Guidelines granted to a property owner does not create a precedent, or otherwise, any obligation on the part of the ARB to extend a similar variance to another property owner.
- (b) When two or more guidelines conflict,
  - (i) It is at the sole discretion of the ARB to determine which guideline presides.
    - 1) Any conflicting guidelines not adhered to will be recorded as an authorized variance, citing the conflict as the reason for variance.