

MAGNOLIA RIDGE HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE

**APPLICATION FOR ARCHITECTURAL PLAN APPROVAL
COVER SHEET**

The *Magnolia Ridge Residential Declaration of Protective Covenants, Conditions and Restrictions* (the "Declaration") is a legally binding agreement by and between all lot Owners of Magnolia Ridge and the Magnolia Ridge Homeowners Association, Inc. (Association). By the Declaration, the Association was expressly made subject to the *Georgia Property Owner's Association Act* (Act). The Declaration and the Act establishes the Association's Board of Directors (Board) as the governing body for managing the affairs of the Association. The Association adopted certain *Bylaws* (Bylaws) for the purpose of stipulating the structure and procedures of the Association's governance. These enabling documents grant the Board the authority and power to adopt and publish rules and regulations; which are binding on all lot Owners.

The Bylaws authorize the Board to establish advisory committees; which committees are not authorized to exercise any authority under the Act, Declaration or Bylaws. The Declaration specifically provides for the establishment of the Architectural Control Committee (Committee), which acts in an advisory role and serves at the will of the Board, and has the power and duties enumerated in the Declaration. The Declaration requires the Owner, Lessee, Licensee or Occupant must obtain approval from the Committee prior to initiation of any "Improvement" to property subject to the Declaration.

The Committee reserves the right to deny any application that is not consistent with the Development Standards set forth in the Declaration. A copy of the Declaration, the Act and the Bylaws are available for viewing/download at www.magnoliaridgehoa.org.

As set forth in Article IV., Section 5., of the Declaration, the Board shall have the sole right to grant reasonable variances from the provisions of the Declaration, or any portion thereof, in order to overcome practical difficulties and to prevent unnecessary hardship in the application of those provisions. For a variance consideration, the Applicant hereto must submit a separate application to the Committee for a Variance on the form specified by the Board.

Prior to commencing any Improvement to property, the Owner, Lessee, Licensee or Occupant must determine if the Improvement requires a City of Fayetteville Building Permit and complies with all City of Fayetteville Building and Zoning Ordinances. Committee approval is not a substitute for a Building Permit.

PROCESS FOR OBTAINING COMMITTEE APPROVAL:

1. Submit a completed **Application for Architectural Plan Approval** (Application) to the Committee for review.
2. If required by City code, submit the approved Application to the City of Fayetteville for purposes of obtaining a Building Permit. **NOTE:** *The City requires HOA approval for proposed projects prior to issuing a Building Permit.*
3. Post the Building Permit at the job site as required by City code and forward a copy of the Building Permit to the Committee.
4. Complete the approved project in the manner described in the Application and Building Permit. **NOTE:** *Any variance from the approved project description must be approved by the Committee on a resubmitted Application and may require a revised Building Permit.*
5. Submit a "project completion" statement to the Committee and, if a Building Permit was required, attach a copy of the City's final inspection approval document.

**MAGNOLIA RIDGE HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE
APPLICATION FOR ARCHITECTURAL PLAN APPROVAL**

NAME:	DATE OF REQUEST:
ADDRESS:	LOT #

TYPE OF IMPROVEMENT TO BE REVIEWED: (CHECK ALL THAT APPLY)

<input type="checkbox"/> BUILDINGS / ACCESSORY BUILDINGS	<input type="checkbox"/> DECKS OR PORCHES	<input type="checkbox"/> FENCES	<input type="checkbox"/> LANDSCAPING	<input type="checkbox"/> MAILBOX
<input type="checkbox"/> OTHER (DESCRIBE):				

**DESCRIBE IN DETAIL THE PROPOSED CONSTRUCTION/IMPROVEMENT
(INCLUDE ALL EXTERIOR FINISHES, MATERIALS, COLORS)**

IF ADDITIONAL SPACE IS REQUIRED, ATTACH SEPARATE SHEETS AS NECESSARY

SIGNATURE OF APPLICANT: _____

MINIMUM REQUIRED SUPPORTING DOCUMENTATION:

- **PLAT PLAN WITH SETBACK LINES SHOWN** (AVAILABLE ON THE MAGNOLIA RIDGE WEBSITE)
- **PLOT PLAN** (AN ARCHITECTURAL PLAN - DIAGRAM SHOWING EXISTING AND PROPOSED PROJECT SITE IMPROVEMENTS)
- **ARCHITECTURAL FLOOR PLANS, ROOF PLANS, ELEVATION DRAWINGS** (FOR BUILDINGS OR ADDITIONS)
- **COPY OF BUILDING PERMIT OR STATEMENT FROM CITY OF FAYETTEVILLE THAT A PERMIT IS NOT REQUIRED**
- **SIGNED COPY OF AN EASEMENT WAIVER** (ATTACHED) – IF REQUIRED

MAIL THIS FORM ALONG WITH ALL REQUIRED SUPPORTING DOCUMENTATION TO:

MAGNOLIA RIDGE HOMEOWNERS ASSOCIATION, INC.
ATTN: ARCHITECTURAL CONTROL COMMITTEE
P O Box 142354
FAYETTEVILLE, GA 30214

NOTE: YOU MAY ALSO EMAIL A SCANNED COPY OF YOUR DOCUMENTATION TO ACC@MAGNOLIARIDGEHOA.ORG

ACC USE ONLY BELOW THIS LINE

<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED (WITH MODIFICATIONS)	<input type="checkbox"/> DISAPPROVED
ACC FILE NO.	SIGNED:	DATE

EASEMENT WAIVER

To Whom it May Concern,

The undersigned property owner is aware that certain easements are located on his/her lot as granted and conveyed by plats, will, deed, contract and other methods, and such easements grant certain nonpossessory interests and property rights in the owner's real property to the grantee(s).

The undersigned agrees that the Magnolia Ridge Homeowners Association, Inc., in the exercise of its Architectural Control function, has no legal or contractual obligation to determine or ensure that any existing or planned fence, landscaping or other improvement located within an easement area does not violate the interests and property rights of the easement grantee(s). Furthermore, the undersigned acknowledges that neither the Association, nor the grantee(s), or anyone claiming under or through same, shall have any obligation to the undersigned property owner to remove, repair, replace or relocate such improvements if and as required by the grantee(s) in the enjoyment of their interests and property rights. All reasonable and lawful costs therefore shall be borne solely by the property owner, regardless of which party incurred the cost, including any and all costs incurred by the grantee(s) to recover same.

Property Owner's Signature

Date of Execution

Property Owner's Printed Name
As Shown on the Property Deed

MAGNOLIA RIDGE HOMEOWNERS ASSOCIATION PLANNING & CONSTRUCTION STANDARDS

Terms used to describe structures, buildings and other improvements, whether temporary or permanent in nature, shall have the same meaning ascribed to them as set forth in the *International Building Code* and/or the *International Residential Code* both as adopted by the State of Georgia and the City of Fayetteville, Georgia, and/or as otherwise defined in the City of Fayetteville, Georgia *Code of Ordinances*. Where terms are not defined through the foregoing methods, such terms shall have ordinarily accepted meanings such as the context implies.

The following named Improvements are subject to Rules and Regulations adopted by the Board of Directors in accordance with Georgia Code:

DECK and PORCH MAINTENANCE, RECONSTRUCTION & NEW CONSTRUCTION:

1. CONFORMANCE WITH THE DECLARATION AND CITY OF FAYETTEVILLE CODE:

- Eaves, Steps, Etc.: Swimming Pools, decks, uncovered porches, patios, eaves and steps shall not be considered as a part of a building, provided however, that this shall not be construed to permit any portion of a structure to encroach upon another lot.
- Maintenance Required: All buildings and/or improvements shall at all times be kept in good condition and repair. (Refer: Article IV., Section 3.)
- Committee review of proposed deck and porch maintenance, reconstruction and new construction is required. (Refer: Article VII., Section 3.) However, the Committee may waive the review requirements for ordinary maintenance projects.
- Deck and Porch Maintenance may be exempted by the City of Fayetteville from permitting and inspection requirements. **Any person contemplating a deck or porch maintenance project of any scope must first check with the Fayetteville Building Department.** The following subject to change:
 - a. Fayetteville may exempt certain ordinary maintenance projects in accordance with the *Georgia State Minimum Standard One- and Two-Family Dwelling Code*. In general, the replacement of stair treads and deck boards may be considered ordinary maintenance.
 - b. Fayetteville may exempt replacement of deck and stairway guardrails as ordinary maintenance.
 - c. The removal and replacement of structural beams or load bearing supports is not considered ordinary maintenance and is subject to Fayetteville's permitting and inspection requirements.
 - d. The removal and replacement of deck stair stringers, structural beams or load bearing supports is not considered ordinary maintenance and is subject to Fayetteville's permitting and inspection requirements.

2. CONFORMANCE WITH STATE OF GEORGIA CODE – Georgia has issued amendments to the *Prescriptive Deck Details* based on the 2012 International Residential Code. Fayetteville follows the Georgia Code. A copy of the *Prescriptive Deck Details* is available for viewing/download at www.magnoliaridgehoa.org, under the Architectural Control dropdown menu. **NOTE:** Georgia requires a copy of the *Prescriptive Deck Details* to be on the job site and available to the inspector during each inspection.

3. PERMITS – The City of Fayetteville may require a Building Permit prior to construction, as is noted above. - A copy of the building permit (if required) or a statement from the City that a permit(s) is not required shall be submitted to the Committee prior to the start of any Committee approved Deck and Porch Maintenance, Reconstruction or New Construction project.

ACCESSORY BUILDINGS - TEMPORARY STRUCTURES, SHEDS & OUTBUILDINGS:

1. CONFORMANCE WITH THE DECLARATION AND CITY OF FAYETTEVILLE CODE:

- No animals, livestock or poultry shall be kept on any lot; and accessory buildings to house, keep or maintain same are not permitted (Refer: City Ordinance Section 14-5).
- Dogs, cats or other household pets may not be kept, bred or maintained for any commercial purpose and accessory buildings to house, keep or maintain same for commercial purposes are not permitted per Article VI., Section 3. H).

2. PLACEMENT – No Accessory Building may be placed or constructed nearer to the front property line than the rear corner of the residence and no closer to the property boundary lines than the minimum setback or building lines shown on recorded plats.

3. MATERIALS – Accessory buildings may be constructed and finished with materials commonly used in such constructions, such as wood, vinyl, fiberglass, aluminum or steel. Accessory buildings may be pre-fabricated and placed or assembled on site, or stick built on site. Foundations may be constructed of wood skids, concrete block, brick or concrete piers. No accessory building shall be constructed with a poured concrete floor. No accessory building shall be constructed using shipping crates or containers.

4. **PERMITS** – The City of Fayetteville may require a Building Permit prior to construction and may require an accessory building to be anchored.
 - A copy of the building permit (if required) or a statement from the City that a permit(s) is not required shall be submitted to the Committee prior to the start of any Committee approved Accessory Building project.

ACCESSORY BUILDINGS - DETACHED GARAGES:

1. **CONFORMANCE WITH THE DECLARATION** – Each single-family dwelling shall have a functional two-car garage attached to the residence per Article VI., Section 3. E). Permitting a detached garage shall not extinguish or waive in any way the Owner’s obligations to provide a functional two-car garage attached to the residence.
 - Although a breezeway may be permitted to connect a detached garage to the residence, the detached garage so connected shall not be considered to be an attached garage for purposes of the Declaration.
 - A detached garage shall be deemed a permanent outbuilding and conform to Article VI., Section 4.
2. **PLACEMENT** – No detached garage may be placed or constructed nearer to the front property line than the rear corner of the residence, and no closer to the property boundary lines than the minimum setback or building lines shown on recorded plats.
3. **MATERIALS** – All detached garages must be finished with either vinyl siding, brick, stucco or stacked stone, or a combination of such materials to conform with Article VI., Section 3. C). The exterior finishes of the detached garage shall be consistent with the exterior finishes of the residence constructed on the lot, including any front elevation finishes.
 - The detached garage door design, finish and materials shall be consistent with the residence’s attached garage door.
 - Roof color and pitch shall be consistent with the residence and conform to Article VI., Section 3. F).
 - All detached garages shall be constructed on a poured concrete foundation and with a poured concrete floor.
 - No open style designs (carports) are permitted.
 - All driveways and parking areas serving a detached garage shall be constructed of concrete and conform to Article VI., Section 9. C).
4. **PERMITS** – The City of Fayetteville requires a Building Permit prior to construction (Refer: City Ordinance Section 94-6).
 - A copy of the Building Permit shall be submitted to the Committee prior to the start of any Committee approved detached garage project.

SIDEWALKS & WALKWAYS:

1. **CONFORMANCE WITH THE DECLARATION:**
 - For purposes of the Declaration, walkways (including sidewalks) are defined as “Improvements” and as such are subject to review and approval of the Architectural Control Committee.
 - A “sidewalk is defined as a usually paved walk for pedestrians at the side of a street. A “walkway” is defined as a passage for walking.
 - All residences must have a sidewalk which runs continuously along the entire road frontage of the front yard. All sidewalks must be constructed of concrete and be forty-eight inches in width and conform to Article VI., Section 8.
 - For purposes of the Declaration at Article VI., Section 8., a walkway shall not be deemed a sidewalk unless it meets the definition of a sidewalk as set forth above.
 - Walkways other than sidewalks shall be constructed of poured concrete, concrete or stone pavers, or brick.
2. **PERMITS** – The City of Fayetteville may require a Building Permit prior to construction.
 - A copy of the building permit (if required) or a statement from the City that a permit is not required shall be submitted to the Committee prior to the start of any Committee approved Walkway or Sidewalk project.

NON-ORNAMENTAL FENCES, ORNAMENTAL FENCES & DOG RUNS:

1. **CONFORMANCE WITH THE DECLARATION:**
 - **PLACEMENT** – No fence of any kind may be placed or constructed nearer to the front property line than the rear corner of the residence to conform to Article VI., Section 1. B). **EXCEPTION:** On any corner lot and double frontage lot, non-ornamental Fences may be located in the secondary front yard on or behind the building line or 20 feet from the right-of-way, whichever is less so long as the fence is not placed or constructed nearer to the primary front property line than the rear corner of the residence.
 - **EASEMENT AREAS** – (Refer: Article IX). To wit: *“Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on recorded plats. Within these easements, no structure,*

planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the Owner, Lessee, Licensee or Occupant of such lot, except for those improvements for which a public authority or utility company is responsible.” All Applications for Architectural Plan Approval for fences within an easement area must be accompanied by a signed Easement Waiver.

2. **NON-ORNAMENTAL FENCES** – shall mean all fences other than ornamental fences and walls, including, but not limited to: stockade fences, all masonry, block, brick, rock walls, chain-link fences, wire fences, wire-mesh fences, screening fences, privacy fences, and all fences of any type over four feet in height (Refer: City Ordinance Section 94-401. (a).)
 - **MATERIALS** – All non-ornamental fences must be of a wood, brick, stucco or stone material. No chain link fences shall be allowed (except enclosing a retention pond area); conforming to Article VI., Section 12.
 - **FENCE HEIGHT** – All fences shall be a minimum of 5 feet – maximum of 6 feet; conforming to Article VI., Section 12. Fence height is measured from the normal grade to the top of the highest component of the fence (Refer: Fayetteville Code Section 94-401).
3. **ORNAMENTAL FENCES** – shall mean a wrought iron fence or a picket style fences with a height of no more than four feet, which contains vertical members, which vertical members are uniformly fixed so that at least 50 percent of the vertical plane created by the fence is open with no visual obstructions (Refer: City Ordinance Section 94-401. (a).)
 - **PLACEMENT** - Ornamental Fences may be located, erected or maintained in rear yards only, behind the rear line of the residence, but only if confined by a non-ornamental fence otherwise constructed in accordance with Article VI., of the Declaration.
4. **DOG RUNS** – Do not fall under the definition of a Non-Ornamental Fence or an Ornamental Fence are not permitted in Magnolia Ridge. A Variance to construct a Dog Run will not be granted.
5. **PERMITS** – The City of Fayetteville requires a Building Permit for all fences prior to construction (Refer: City Ordinance Section 94-401. (f).)
 - A copy of the Building Permit or a statement from the City that a permit is not required shall be submitted to the Committee prior to the start of any Committee approved fencing project.

LANDSCAPING & MASS PLANTINGS:

1. **CONFORMANCE WITH THE DECLARATION at Article VI., Section 6. A):**
 - The front yard of every lot shall be sodded with Bermuda grass.
 - Minimal areas in the front yard may be used as “pine islands” or other landscape design theme.
 - All areas of a yard adjoining a public right-of-way must be sodded with Bermuda grass.
 - **MASS PLANTINGS** – For purposes of the Declaration, Mass Plantings are defined as “Improvements” and as such are subject to review and approval of the Committee. **All Applications for Architectural Plan Approval for mass plantings within an easement area must be accompanied by a signed Easement Waiver.**

MAILBOXES:

1. **CONFORMANCE WITH THE DECLARATION:**
 - For purposes of the Declaration, mailboxes are defined as “Improvements” and as such are subject to review and approval of the Committee.
2. **VARIANCE** – A permanent and blanket Variance has been granted by the Board of Directors from the provisions ARTICLE VI., Section 11., of the Declaration regarding mailbox construction and materials. To wit: Any commercially available mailbox that is approved by the U.S. Post Office and is not materially offensive to any Owner or group of Owners, and conforms with and is in harmony of external design with neighboring properties subject to the Declaration may be constructed or erected on any lot subject to the Declaration.
 - The Owner should submit both this *Application for Architectural Plan Approval* along with an application for a *Variance* in the same filing for a mailbox approval.