



**A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING
TEMPORARY STRUCTURES AND OUTBUILDINGS
OTHER THAN DETACHED GARAGES**

WHEREAS, pursuant to the *Georgia Property Owner's Association Act* and the *Magnolia Ridge Residential Declaration of Protective Covenants, Conditions and Restrictions* (the "Declaration"), the Association, acting through its Board, has the right to adopt reasonable rules and regulations which are binding on all Owners, Lessees, Licensees and Occupants; as those terms and others herein are defined in the Declaration. The Board therefore may issue reasonable rules and regulations for the express purpose of curing any ambiguity in or any inconsistency between the provisions contained in the Declaration; and

WHEREAS, the Declaration at ARTICLE II., defines an "out-building" as an "Improvement", which is subject to the development standards of ARTICLE VI., and the submission of plans to the Architectural Control Committee (the "Committee") for review and approval prior to commencing any construction or alteration. An "outbuilding" is defined as: "A building (such as a stable or a woodshed) separate from but accessory to a main house."¹ Section 4., of ARTICLE VI., provides: "No structure of a temporary character, tool or storage shed, barn or other outbuilding of any type shall be located on any lot at any time, unless approved in writing by the Committee." Note that Fayetteville Zoning Code uses the term "accessory buildings" in lieu of "outbuildings". For purposes of these rules and regulations, the terms shall be considered interchangeable and "accessory buildings" will be used from this point herein to conform to code; and

WHEREAS, the Declaration at ARTICLE VI., Section 3. C), specifies approved building materials applicable to the exterior of every dwelling, and Section 3. F), specifies roof color and pitch (presumably applicable primarily to dwellings). However, the Declaration is silent as to building materials, or roof color and pitch applicable to accessory buildings. This lack of guidance in the Declaration for the development of accessory buildings creates ambiguity in or inconsistency between the provisions and fails to meet the real and demonstrated needs of the Owners, Lessees, Licensees and Occupants to construct or reconstruct accessory buildings on the interior of their lots. Furthermore, the strict application of these provisions creates practical difficulties and unnecessary hardship upon the Owners, Lessees, Licensees and Occupants; and

WHEREAS, based on the above findings, the Board deems it necessary to enact Rules and Regulations regarding the construction or reconstruction of accessory buildings. The Board believes that this action meets both the letter and intent of the Declaration at ARTICLE IV., Section 5., as cause for the Board to grant reasonable variance from the provisions of the Declaration.

¹ Merriam-Webster Dictionary

NOW, THEREFORE, be it resolved by the Board of Directors of the Magnolia Ridge Homeowners Association, Inc., that the following Rules and Regulations are applicable to the construction or reconstruction of accessory buildings, and shall be have the same force and effect as if written into ARTICLE VI., DEVELOPMENT STANDARDS of the Declaration:

Accessory Buildings: i.e. Temporary Structures and Outbuildings

1. Conformance with the Declaration and City of Fayetteville Code:

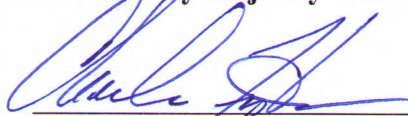
- No animals, livestock or poultry shall be kept on any lot; and accessory buildings to house, keep or maintain same are not permitted (Refer to City Ordinance Section 14-5).
 - Dogs, cats or other household pets may not be kept, bred or maintained for any commercial purpose; and accessory buildings to house, keep or maintain same for commercial purposes are not permitted.
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. Foundations may be construed of wood skids, concrete block, brick or concrete piers. No accessory building shall be constructed with a poured concrete floor
4. **Permits:** The City of Fayetteville may require a Building and/or Zoning Permit prior to construction, and may require an accessory building to be anchored.
- A copy of the Building and/or Zoning 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

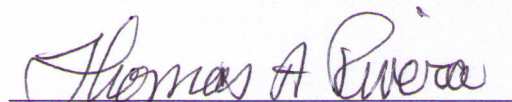
1. The Association acting through its Board of Directors has issued specific Rules and Regulations regarding Detached Garages.

The above Rules and Regulations shall become effective on the date of this Resolution and shall remain in full force and effect until rescinded, amended or replaced.

Resolved by majority vote of the Board of Directors on the Ninth day of March, 2019



President of the Association



Vice President of the Association