



Fleming Gardens Subdivision

Architectural and Landscape Design Guidelines



No improvement of any kind shall be made to any lot nor shall such improvements be constructed, repaired, replaced, remodeled, placed or allowed to remain on any lot until the conditions and criteria of the Fleming Gardens Subdivision Architectural and Landscape Design Guidelines (The "Guidelines") have been followed and all plans including a Site Plan therefore have been submitted to and approved by the Architectural Control Committee (ACC).

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General Considerations

Introduction:

These Guidelines are supplementary to the Declaration of Covenants, Conditions and Restrictions (the “CC&Rs”) for The Fleming Gardens Subdivision, recorded in the Shelby County, Collierville Registry. The criteria herein are intended to complement the Covenants and should a conflict arise, the covenants shall prevail.

The Covenants state that no improvements are to be erected on the Property without being approved by the Architectural Control Committee (the “ACC”) pursuant to Article VII of the Covenants. The ACC works with the Guidelines and Covenants to assure an attractive, compatible, and aesthetically pleasing community. The Guidelines are used by the ACC for the evaluation of projects submitted to them. The final decision of the ACC may be based on purely aesthetic considerations. It is important to note that these opinions are subjective and may vary as committee members change over time.

Membership:

The ACC is comprised of 3 members appointed by the Declarant or the Board of Directors.

General Considerations

Responsibilities of the ACC:

1. Reviewing and evaluating each of the plans submitted by an Owner for adherence to the Design Guidelines and compatibility of the design with the adjoining sites and common spaces.
2. Approving all new construction and landscaping.
3. Monitoring the design and process in order to ensure compliance with Covenants and approved construction documents.
4. Enforcing the Design Guidelines through special assessment or remedy as per the Covenants.
5. Interpreting the Covenants and Design Guidelines at the request of the Owners.
6. Approving all modifications to existing structures, including but not limited to walls, fences, exterior painting, material replacements, window tinting, renovations, additions, play structures and landscaping which includes yard structures and fountains.
7. In the event that a member of the ACC is called upon to review and evaluate a

plan for a structure to be located on a property adjacent to where that member resides, said member may comment on that structure but may not vote on its acceptability. An adjacent property shall be defined as the three properties directly in front of and the three properties directly behind as well as the property directly to the sides of the ACC member's property.

Responsibilities of the Homeowners:

1. Homeowner shall get ACC approval before starting any new construction or home improvement.

Enforcement Powers:

Any structure, improvement, or landscaping that is placed on any home site without ACC approval is considered to be in violation of these Design Guidelines and the Covenants. The ACC has the power to fine and/or direct that the non-conforming structure be brought into compliance at the Owner's expense. Should the Owner fail to comply with the directives of the Board, the ACC will act in accordance with the Covenants to bring the non-conforming item into compliance.

Limitation of Liability:

Design and plan decisions by the ACC do not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans. Owners should work with their architect and or contractor to determine whether the design and materials are appropriate for the intended use. In addition, decisions by the ACC do not assure approval by any governmental agencies. Owners are responsible for obtaining or ensuring that their agent or contractor obtains all required permits before commencement of construction. The Declarant, the Association, the Board of Directors, any committee, or member of any of the foregoing shall not be held liable for any injury, damages, or loss arising out of the manner or quality of approved plans for construction on or modifications to any home site. In all matters, the committees and their members shall be defended and indemnified by the Association.

General Considerations

The Review Procedure:

No improvement shall be erected, remodeled or placed on any Lot, except by the Declarant, or its assigns, until all plans and specifications and a site plan have been submitted to and approved in writing by the ACC as to:

(a) quality of workmanship and materials, adequacy of site dimensions, adequacy of structural design, and facing of main elevation with respect to nearby streets;

(b) conformity and harmony of the external design, color, type and appearance of exterior surfaces;

(c) location with respect to topography and finished grade elevation and effect of location and use on neighboring Lots and any improvements situated thereon and drainage arrangement; and

(d) the other standards set forth within the architectural and landscape design guidelines in which the ACC has been vested with the authority to render a final interpretation and decision.

Final plans and specifications (including a site plan showing the location of the contemplated improvements on the Lot) for all improvements proposed to be

constructed on a Lot shall be submitted to the ACC for approval or disapproval. The ACC is authorized to request the submission of samples of proposed construction materials. Any modification or change to the ACC– approved set of plans and specifications (specifically including, but without limitation, the above described site plan) must again be submitted to the ACC for its inspection and approval. The ACC’s approval or disapproval as required herein shall be in writing.

See Exhibit D for the Application for Architectural Design Form.

Once the ACC has approved the plans and specifications for the proposed improvements, the construction of such improvements must be promptly commenced and diligently pursued to completion, and if such construction is not commenced within the time set therefore by the ACC in the written approval (but in no event later than four (4) years after such approval), such approval shall be deemed rescinded and before construction of improvements can thereafter be commenced on the Lot in question, the plans and specifications therefore must again be approved by the ACC pursuant to this Article.

General Considerations

Conditions of Approval - Rejection of Plans:

Approval by the ACC shall in no way relieve the Owner and/or Builder of responsibility and liability for the adherence to any applicable ordinances and codes. Construction documents submitted for review or any portion thereof may be disapproved upon any grounds, which are consistent with the purpose and objectives of the ACC. The final decision of the ACC may be based on purely aesthetic considerations.

Architectural and Contractor Requirements:

All plans for the construction of dwellings and other buildings or significant structures in the Development must be designed and drawn by a licensed architect or a professional, experienced home designer. The plans must meet, at a minimum, the building codes of Shelby County and the State of Tennessee. All construction work must be completed under the direct supervision of a general contractor, herein referred to as the builder, who holds license in the State of Tennessee.

Design Criteria

The following items serve to establish the initial Architectural and Landscape Design Criteria used in The Fleming Gardens and can be modified at any time by the Committee.

1. Architectural Style:

The architectural designs should be customized for each lot to maximize the natural features that exist.

Non-approved architectural styles are Victorian, Mediterranean, Italianate, Modern, and Contemporary.

2. Exterior Materials:

A. Exterior walls may incorporate any of the following materials: Brick, Stone, and Siding. Vinyl siding or vinyl shakes will not be allowed. In general, the exterior will have a minimum of four sides same material. However, exceptions will be made to accommodate a Craftsman style house. Accent materials will be allowed. Decisions will be made on the merits of a design.

B. Roofing: Standard shingle will be an architectural grade dimensional shingle (preferred). Earth tone colors are preferred, but other selections are approvable. Metal roofing is only allowed as an accent. Example: Porch or backyard structures.

C. Windows and Doors: Wood, Vinyl Clad or Aluminum Clad are approvable materials.

D. Vinyl is approvable for soffits, etc. in order to have a more maintenance free exterior.

See Exhibit A for Samples of Standard Exterior Materials.

Design Criteria

3. Design Features:

A. The main roof should be a minimum 8 vertical to 12 horizontal pitched roof (other pitches will be considered on an individual basis), either gabled, hipped or a combination of the two. Roof forms should be well organized and demonstrate the same character on all sides of the residence. Shed roof forms are discouraged. Eave lines should align wherever possible. Eaves and rakes should be articulated by multiple fascia boards, cove and crown molds or gutters.

B. Windows and doors should reflect restraint in the number of types, styles, and sizes. Consistency of detailing on all elevations should be maintained. All openings should be articulated through the use of shutters, flat or arched lintels, projecting sills or surrounds.

C. Main entrance should have a sense of prominence that is reflected in the design. It should be sheltered on the exterior and include either a pair of doors with or without sidelights or a single door with sidelights. It should contain more detail than other openings but be consistent in styling.

D. Foundations must be brick, stone or concrete.

Design Criteria

E. Raised deck supports should incorporate materials which relate to the residence such as brick, stone or decorative wooden columns.

F. Retaining walls which attach to the residence should utilize the same materials that the wall comes in contact with. Cross-tie timbers may be used following approval by the ACC.

G. Quoins, when utilized in the design, should be expressed on the side elevations as well.

H. All fencing must be approved by the ACC. Max. height 6'. Wooded fence is the preferred choice. Iron fence is allowed under ACC approval. Each installation will be examined on its own merit. No previously approved installation shall constitute establishing a precedent for approval. Approval of a fence does not constitute approval for any additional improvements (such as play equipment, playhouses or basketball equipment). These items must either be detailed on the application, or, preferably, be on a separate application that is submitted for approval.

See Exhibit B for approved fence design and fencing requirements.

Design Criteria

I. No above ground pools allowed. Pools and the like shall be screened from visibility from neighboring lots and streets pursuant to the Restrictive Covenants, and Shelby County restrictions may override.

J. Standard approved mailbox must be used for the neighborhood.

K. Utility yards are recommended to be screened by a small fence, brick wall or sufficient landscaping. Materials used must compliment the exterior of the home. Trash containers must be kept out of sight.

L. Plans from a Registered Landscape Architect (RLA) shall be submitted for review by the ACC not later than the insulation inspection of the dwelling. Natural areas within the landscape plan are acceptable; however, the entire front or rear areas cannot be left in a natural state. If areas within the yard are left natural, these areas must be kept in a well maintained appearance. Foundation planting shall be required on all homes. This material shall be a minimum of 3' at installation.

See Exhibit C for Landscape

M. Gutters and downspouts shall be



Standard mailbox and standard mailbox with landscape around it - allowed



Overgrown plants at main entry not allowed

Design Criteria

required for all homes. All gutters shall be seamless and shall be painted to match the trim color of the house. Gutters matching the roof color are also permitted.



Gutters and downspouts matching roof, main door entry and shutters color - allowed



Gutters and downspouts matching fascia, garage door and windows trim color - allowed



This bourbon color at garage doors, siding and trims is not part of the neighborhood color scheme. Color must be submitted for approval



Design Criteria

4. Technical and Procedural Items:

A. Water run-off and water control for backyard and frontyard is the responsibility of the homeowner.

B. The ACC has the right to make reasonable changes to keep abreast of current technology and industry trends.

Exhibits

EXHIBIT A

Samples of Standard Exterior Colors and Materials.



Brick sample



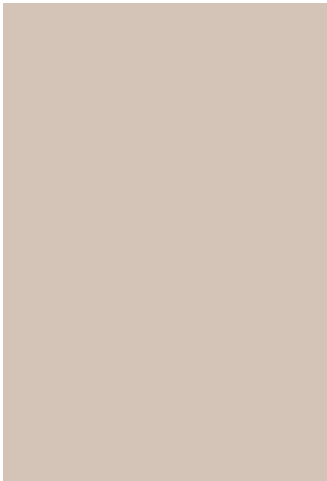
Accent color sample



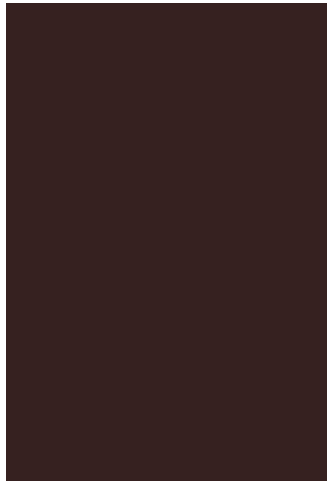
*Shutter color sample
(if applicable)*



Note: Dark colors can be used on shutters only but cannot be used to paint trims, sidings or garage doors.



Accent color sample



Shutter color sample (if applicable)



Brick sample



Exhibits

EXHIBIT B

Approved Fence Design and Fencing Requirements

Wood fence colors will be restricted to wood tone colors. Stain preferred and has better results when re-staining in following years. Paint are not encouraged as paint chips and is hard to remove.



Concrete fence with iron gate - allowed depending on board's approval

ON PRESSURE-TREATED WOOD	ON CEDAR WOOD
Natural (Clear)	Natural (Clear)
Cedar	Cedar
Redwood	Redwood

Wood fence stain allowed. Other colors might be considered upon request



Stained wood fence with iron gate - allowed



Pressured Treated wood fence - allowed

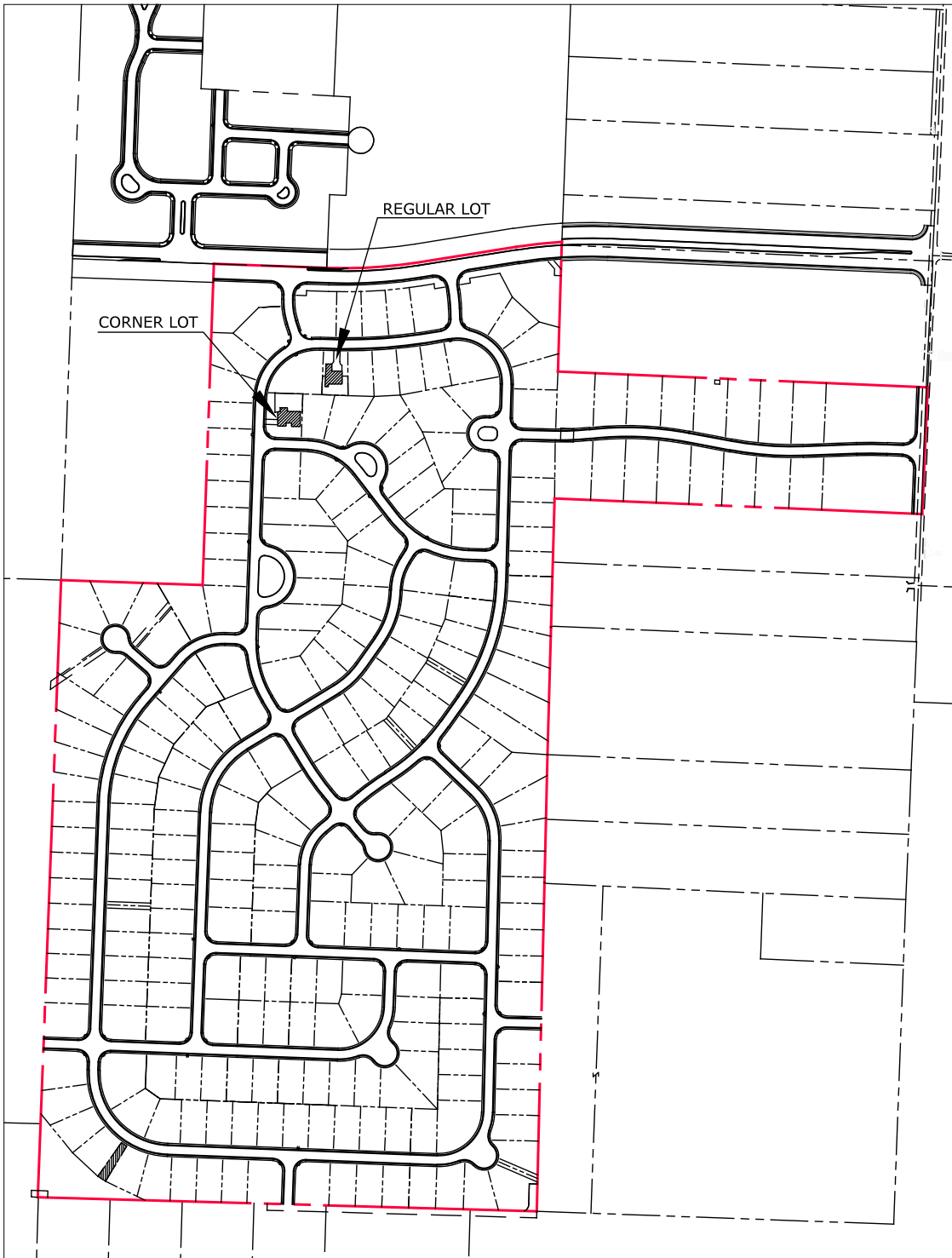


Stained wood fence - see stain color allowed

EXHIBIT B

Site Plan

- 1- Corner Lot
- 2- Regular Lot



Fleming Gardens Subdivision Key Plan

Exhibits

EXHIBIT B

1- Corner Lot - Fence Requirement

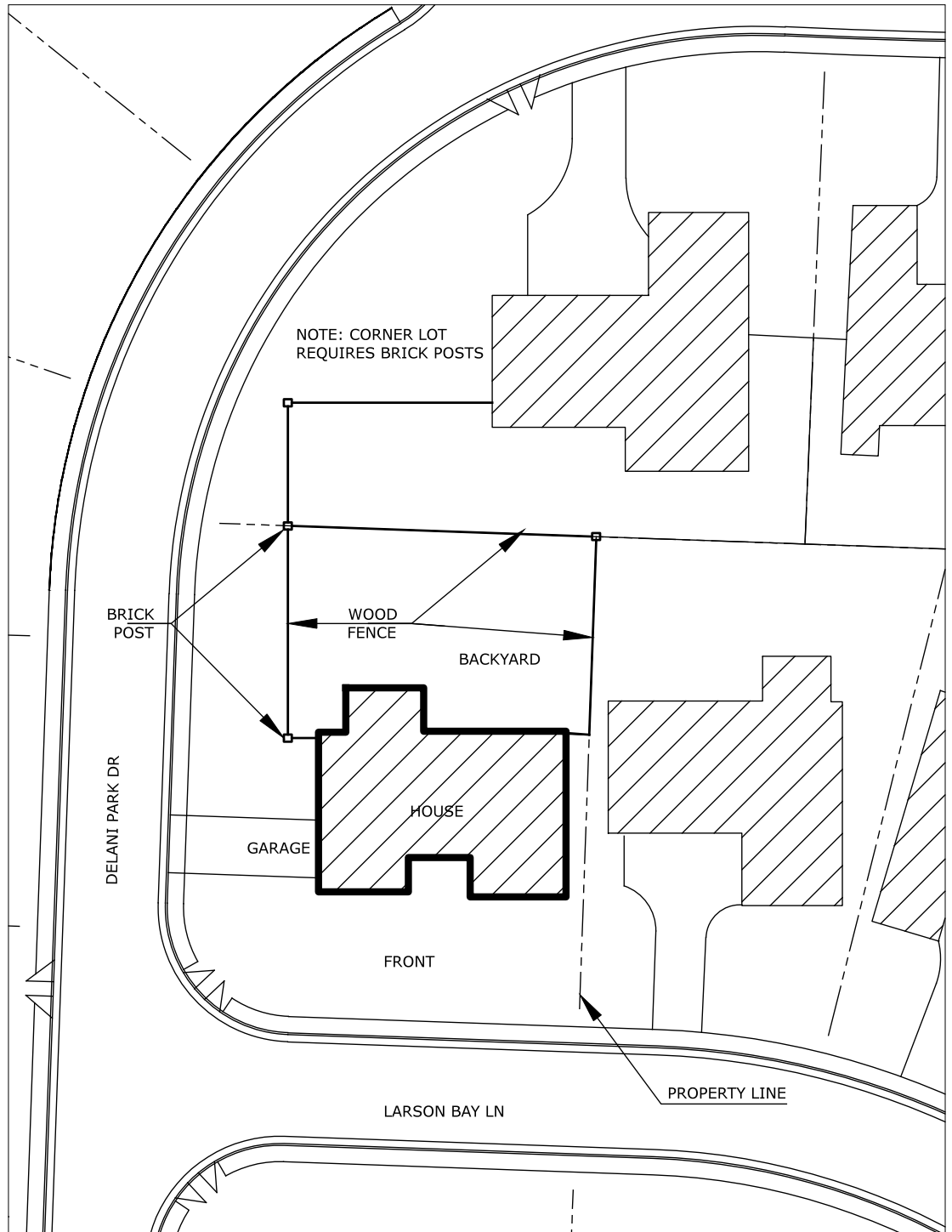
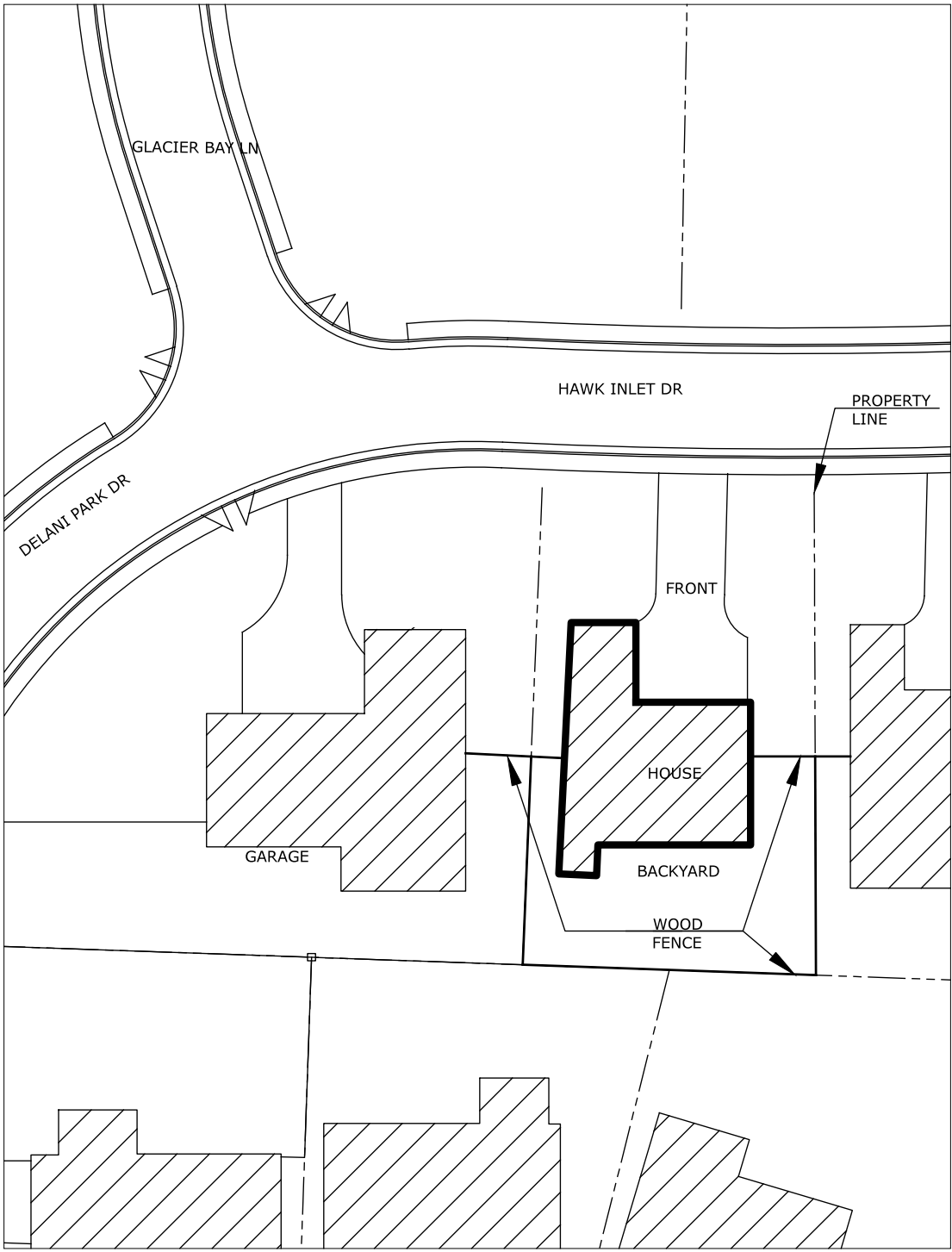


EXHIBIT B

2- Regular Lot - Fence Requirement



Exhibits

EXHIBIT C

Landscape

1- No overgrown plants permitted at the frontyard

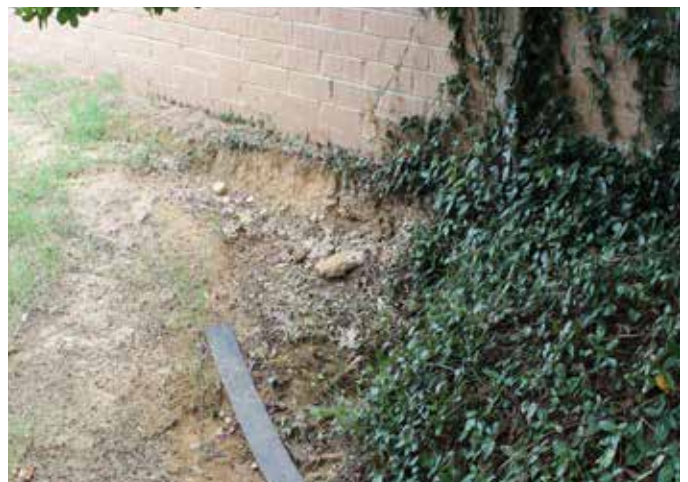
2- Yard erosion and brick flowerbed edge maintenance is responsibility of homeowner.



Maintenance required



Maintenance required



Water run-off and erosion control is responsibility of the homeowner

Exhibits

EXHIBIT D

Application for Architectural Request Form - Sample

Find form here: <http://fleminggardenshoa.wordpress.com/documents/>

ARCHITECTURAL REQUEST FORM

NAME OF HOA: _____

OWNERS NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

CONTRACTORS NAME & PHONE:

EST. START DATE _____ EST. COMPLETE DATE _____

DESCRIPTION OF IMPROVEMENTS & MATERIALS:

PLEASE INCLUDE ANY ADDITIONAL INFORMATION (PERMITS, PLOT PLAN, SURVEY, BROCHURE, ELEVATIONS, PICTURES, ARCHITECTURAL PLANS, ETC...)

Return to: Theresa Boehling, Association Manager, 901-753-4170 ext. 111
Keith Collins Company, LLC
3036 Centre Oak Way
Germantown, TN 38138
Fax 901-753-6215
Email: tboehling@keithcollinsco.com

-----OFFICE USE ONLY-----

Submit date: _____ Approval date: _____

Approved by (name of board member) _____

Design Guidelines sources:

1- The Hamptons Subdivision Architectural and Landscape Design Guidelines 2013
http://thehamptonsnc.com/documents/Hamptons_Architectural_Guidelines_2013.pdf

2- Meadow Park Homeowner Association website
<http://www.meadowparkhomeownersassociation.com>

3- Fleming Gardens HOA website
Covenants, Conditions and Restrictions (CC&Rs):
<http://fleminggardenshoa.wordpress.com/documents/>



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Approved by Fleming Gardens HOA Board of Directors 2015