

# THE ENCLAVE AT SPARKLE CREEK

## HOMEOWNER'S GUIDELINES

### Introduction

The purpose of this document is to provide each lot Owner with a general outline of his or her responsibilities as recorded in the Covenants and Restrictions of Enclave at Sparkle Creek. The Covenants and Restrictions are designed to facilitate the construction process while ensuring design compatibility. Therefore, all proposed architectural and landscape designs must be submitted to and approved by the Architectural Committee of the Enclave Homeowners' Association. This requirement encompasses all initial designs, later additions or alterations of any home, structure, wall, fence, or exterior elements. It will be the Owner's responsibility to insure that the architect and builder adhere to the Covenants and Restrictions and the approved plans and specifications.

### Selecting Your Architect

Only a select group of qualified design professionals have been chosen to submit proposed designs to the Architectural Committee for approval. Only designs done by these professionals may be submitted (See attached list at the end of these guidelines).

### Selecting Your Builder

Equally important is employing a highly responsible custom home builder who is cooperative, capable of the highest quality work, and who will abide by all Architectural Committee guidelines. You should consult with the Architectural Committee prior to the final selection of a builder as only builders who are approved by the Committee shall be permitted to engage in construction activities in The Enclave.

### Review Procedure

Final approval to start any type of improvement or change will not be given until a full set of plans (Final Working Drawings) showing the full nature and impact of the proposed improvement has been submitted as required, appropriately reviewed, and approved by the Committee. The Architectural Committee utilizes a simple review process that is designed to assure smooth coordination between the Committee and the Owner's design professional.

The Committee requires the following three sequential submittals:

1. Schematic
2. Preliminary
3. Final

### Submittal Requirements

All submittals must contain the following basic information:

1. Lot number, street address, owner's name, present address, telephone number and date
2. Firm preparing submittal with address and telephone number
3. Scale for each drawing or detail
4. Stage of each submission, ie. schematic, preliminary, or final.
5. Existing site conditions including field run topography at no more than two foot intervals, existing trees with diameters 6 inches or greater, easements, boundary lines, required setbacks, existing adjacent structures, and street names
6. Two copies of the submittal itself.

#### A. Schematic Submittal

Provided an approved architect has been engaged, you may begin the review process by submittal of your schematic. The schematic submission should represent what is planned. It should include all relevant site information as described above in sketch form. The submittal need not be highly detailed, but, at the same time, it should be sufficiently representative for the Architectural Committee to assess the design implications of the proposal.

The intention of the Architectural Committee at this stage is to weed out all proposed designs that would clearly not be in harmony with the design standards, the existing natural features of surrounding homes so the submitting Owner's will not spend valuable time and money on a proposal that has no chance of becoming a reality. A check representing the design review fee (which initially shall be in the amount of \$600.00) made out to the Enclave at Sparkle Creek Homeowner's Association must accompany the initial submittal to defray Association professional review expenses.

#### B. Preliminary Submittal

This submission should incorporate all revisions required by the Architectural Committee from the schematic submittal. It is understood that these plans, once approved, will be carried to the working drawing stage, and, in order to allay the probability of design issues arising after working drawings are complete, the preliminary drawings should be fully representative. The site plan portion of the submittal should include the following additional information not included in the schematic submittal:

1. Precise location of all improvements proposed.
2. Proposed site grading at no more than two foot intervals with spot elevations where necessary.
3. Scale for each drawing or detail.
4. Stage of each submission, ie. schematic, preliminary, or final.
5. Proposed finished floor elevations which shall in no event be at an elevation lower than the elevation shown on the Plat.
6. Compressor location.
7. Meter locations.
8. Fencing locations and materials.

The architecture at this detail should show all exterior elevations and floor plans in detail as well as all exterior materials and colors. The landscape architecture detailing the hardscape should also be submitted at this time.

#### C. Final Submittal

Final working drawings to be submitted for building permits must be reviewed and approved by the Architectural Committee prior to application for a building permit. The Final Submission should respond positively to all comments made by the Committee during the earlier stages. The site plans and architectural submittals should at this stage contain all necessary details and specifications for construction. It is critical that the architectural elevations show proposed grading lines corresponding to the site plan, and must be accompanied by actual color and material samples. In the case of roofing, proposed brick or stone work, the Committee requires that a small mock up approximately 3 feet by 4 feet be constructed on site with the proposed mortar mix and tooling utilized. All approvals or disapprovals either complete and final, conditional, or qualified, will be in writing and signed by an Architectural Committee representative.

#### Initial Construction

Once final plans have been approved in their entirety by the Architectural Committee, the Owner may proceed with construction on a stage-by-stage basis, subject to the approval at each stage by the Architectural Committee.

### Construction Inspections

Each design professional must make a minimum of five inspections and after each inspection will certify in writing to the Committee that the house is being constructed in substantial accordance with the plans and specifications approved by the Committee prior to the construction. Construction may not proceed into the next stage of construction unless the Owner's Design Professional has provided written certification that the preceding stages of construction are in compliance with the approved plans.

Inspections are required at the completion of the following stages:

1. foundation;
2. framing;
3. cornice/shell;
4. final building; and
5. final landscaping.

### Construction Requirements

During construction, tidiness of the site and conscientiousness toward neighboring lots will be of the utmost concern. Contractors' sloppiness will not be tolerated. As recorded in the covenants, each builder will be required the following:

1. Each lot must have its own dumpster which must be emptied prior to overflow.
2. Each site must be cleaned of debris at the end of each day.
3. Construction materials must be kept out of the right-of-way at all times.
4. Construction working hours are from 7:00 a.m. until 7:00 p.m. on weekdays, 7:00 a.m. until 4:00 p.m. on Saturdays, and 12:00 noon until 4:00 p.m. on Sundays.\*
5. There must be absolutely no dumping of excess concrete or any other materials within Enclave at Sparkle Creek.
6. Each Builder and Owner is responsible for establishing property corners and construction staking. Only a licensed Engineer should survey the property and locate proposed improvements.
7. Each Builder and Owner is responsible for protecting all Common Area infrastructure, walls, fencing and other Common Area Improvements adjacent to and within the subject property.

Any deviation from the above will result in fines and necessitate immediate corrective measures at the Owner's and/or Builder's expense and expose the Owner and Builder to additional liabilities.

Violations of the Covenants and Restrictions will not be tolerated. The Committee and the Association have the right to impose on the owner an initial fine of \$500.00\* for anyone violation of the Covenants, a fine of \$100.00\* per day for continued or unremedied violation, and the payment of any attorney and or corrective costs involved.

\*Subject to change

## Approved Architects

|                    |                            |                |                        |
|--------------------|----------------------------|----------------|------------------------|
| Jack Arnold        | 7310 South Yale            | 985.845.8181   | Tulsa, OK 74136        |
| Terry Barham       | 410 N. McLean              | 901.276.2854   | Memphis, TN 38018      |
| Jeffrey Blackledge | 356 S. Main St.            | 901.527.3560   | Memphis, TN 38103      |
| T. Douglas Enoch   | 5050 Poplar Ave.           | 901.685.7636   | Memphis, TN 38117      |
| Hnedak Bobo Grp.   | 101 S. Front St.           | 901.525-2557   | Memphis, TN 38103      |
| Lewis A. Graeber   | 4152 Crestview Pl.         | 601.366.3611   | Jackson, MS 39211      |
| Looney Ricks Kiss  | 175 Toyota Plaza           | 901-521-1440   | Memphis, TN 38103      |
| Robert F. McAlpine | One Dexter Ave.            | 334.262.8315   | Montgomery, AL 36104   |
| Oscar E. Menzer    | 866 Ridgeway Loop<br>Road  | 901.767.6640   | Memphis, TN 38120      |
| John Millard       | 766 South White<br>Station | 901.682.5631   | Memphis, TN 38117      |
| Brad Shapiro       | 4646 Poplar Ave.           | 901.685.9001   | Memphis, TN 38117      |
| Charles Shipp      | 4646 Poplar Ave.           | 901.680.0204   | Memphis, TN 38117      |
| Ken Tate           | 206 Covington St.          | 1.985.845.8181 | Madisonville, LA 70447 |

## Approved Builders

|                               |               |
|-------------------------------|---------------|
| Hank Akers                    | Master Design |
| Richard Akers                 | Doyle Ricks   |
| Charles Clarke                | Chip Tayloe   |
| John Duke                     | Don Willis    |
| Karen Garner (Magnolia Homes) |               |
| Alfred Greenberg              |               |
| Hank Hill                     |               |
| Russell Kostka                |               |
| Eddie Kircher                 |               |
| Lou Nesta                     |               |

# THE ENCLAVE AT SPARKLE CREEK DESIGN REGULATIONS

## Purpose

These Residential Design Regulations are intended to act as a guideline for the Enclave Lot Owner and the Design Professionals employed by the Owner. The standards for this development are purposely high so that property values will be enhanced by the structures proposed and constructed in The Enclave.

The Enclave Lot Owner is also responsible for compliance with the following documents and/or agencies:

1. Enclave "Design Regulations";
2. Enclave "Owner's Guidelines";
3. Enclave "Declaration of Covenants and Restrictions";
4. Memphis / Shelby County Department of Construction Code Enforcement;
5. Other applicable local codes.

The Enclave has also developed a "Style Book" which is intended to convey the architectural character typical of traditional, recognizable architectural forms such as colonial, Williamsburg, Country French, English Tudor, and similar timeless styles desired in the Enclave.

These regulations are strictly aesthetic in their intent. In cases of contradiction with local safety codes, these regulations shall be overruled, with notification given to the Developers and the reviewing Architect. In no way does compliance with these regulations exempt a structure from conformance with other applicable codes.

Variance to these Residential Design Regulations may be granted on the basis of architectural merit. These regulations will be updated periodically, and all subsequent changes will apply to all buildings which have yet to complete the constructions document phase.

## Building Walls

Building Walls for primary structures shall be finished in (1) real stucco (no E.I.F .S. allowed), (2) natural stone (no prefabricated synthetic stone allowed), (3) cut limestone veneer, (4) half-timber with stucco or limed or painted brick, or (5) limed antique brick (since the brick will be covered with lime, the brick can be different shades and colors of old handmade brick), (6) painted wood mould brick, (7) natural brick, (8) wood painted ship-lap siding or (9) painted wood board-and- batten.

Building Walls may be built of no more than two primary wall material types. Any change in materials shall occur for both logical as well as aesthetic reasons.

Stucco Veneer shall be 1" thick real stucco applied either directly over masonry or on wire mesh (on stud walls) in two coats (base coat, and finish coat). Either a color impregnated (a colored finish coat) or a painted finish is acceptable. Also, either a sand or a smooth finish is allowed.

Natural Stone Veneer shall be laid in traditional techniques - like a roughly squared, loosely coursed ashlar patten (see attached drawings for approved stone patterns). No dry stack stone will be allowed on building walls - only on courtyard or retaining walls. Mortar color shall blend with the stone color. Samples shall be laid for the Developer's and/or Review Architect's approval.

Painted Brick finishes shall be constructed using wood mould brick with a flush mortar joint.

Freestanding: Walls and Fences shall be designed in a way that they are both traditional and compatible with the house style.

### Chimneys

Chimneys shall be constructed of masonry (no prefab fireplaces will be allowed) and veneered with brick, real stucco, cut-stone, limed brick, or painted brick - the material chosen being compatible with the building walls. Chimneys shall clear the height of the roof ridge that is closest to it. Taller chimneys draw better and are more aesthetic. No metal chimney caps are acceptable. Terra cotta chimney pots, new or antique, are preferred.

### Windows

Windows and Exterior Glass Doors shall be one of the following: custom wood (painted) made by an experienced millwork shop; architectural-series wood or aluminum-clad wood from a national window company like "Marvin," "Kolbe & Kolbe," "Pozzi," or equal.

Windows and Exterior Glass Doors shall have true divided lites or simulated divided lites (no snap-in muntins allowed). If windows are metal-clad, painted custom wood brick moulds and sills shall be added to give the windows a traditional appearance from the outside.

### Front Doors

Front Doors and All Exterior Solid Doors shall be custom-made in a French style, and may be painted, stained, or finished in a special way (Restoration or seeded glass is suggested but not required).

### Gutter and Downspouts

Gutters and Downspouts, when used, shall be copper or lead-coated copper. Galvanized metal (painted or natural) may be considered and shall be approved only if the architectural committee determines such to be appropriate to the exterior of the residence. Gutters shall be half-round (6") on cast hanger straps. Downspouts shall be round (4"). Conductor heads / scuppers of the same material as the gutters and downspouts are preferred but not required.

### Roofs

**Roofs for primary structures shall be clad in one of the following: (1) cedar shakes, (2) architectural square-cut cedar shingles, (3) treated pine shingles, (4) antique slate, (5) new slate, (6) new or antique clay tiles (either barrel or flat), (7) synthetic slate, or (8) fiberglass shingles with a 50 year warranty (Certainteed "Grand Manor" or equal.)**

### Dormers

Dormers shall be traditionally detailed either in a segmented arch, hip, gable, or shed style. Dormers shall be completely detailed on the submitted working drawings and supervision of their construction shall be closely observed by the Owner's Design Professional.

### Shutters

Shutters shall be operable and properly sized and shaped to match the window or French door openings. No shutter shall be constructed of any synthetic material and custom-made wood (painted or stained) is preferred but not required.

### Garage Doors

Garage Doors shall be custom-made wood (painted or stained) with a high-grade wood. No synthetic or flat paneled doors are allowed. No double car doors are allowed.

#### Columns

Columns shall be architecturally correct in design and blend with the house. Columns shall be constructed of natural materials. No plastic or fiberglass plinths are allowed. Plinths are to be a stone material such as limestone.

#### Exterior Building Steps & Sidewalks

Exterior Building Steps and Sidewalks shall be traditionally or classically designed depending on the style of the house and shall integrate into the landscape. All steps and sidewalks shall be constructed of natural materials with no aggregate concrete or stamped concrete being: allowed.

#### Porch Lighting & Exterior Lighting

Porch Lighting that can be viewed from a development street shall be low-level lighting. Only gas lanterns or lanterns with incandescent bulbs (preferably controlled by a rheostat) shall be allowed.

Exterior Lighting shall be achieved by using low-level moon-lighting in trees, path lighting, low-level landscape up-lighting, and lanterns that are compatible with the style of the house. Exterior lighting plans shall be submitted to the Review Committee along with the landscape plans. No flood lights or recessed cans in the cornice are allowed.

#### Driveways

All driveways and autocourts shall be (1) natural stone pavers, (2) crushed stone, (3) granite cobblestones, (4) cast concrete pavers, (5) asphalt, (6) stamped concrete or (6) washed aggregate concrete.

#### Variances

Variances to the Architectural Regulations may be granted on the basis of architectural merit.