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# ARCHITECTURAL CONTROL COMMITTEE (ACC) GUIDELINES

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JUNE 26, 2020

WHISPERWOODS HOME OWNERS ASSOCIATION

# ACC GUIDELINES

ACC Guidelines (hereafter referred to as the “Guidelines”) are published in accordance with Article V, Section 9, paragraph (d) of the Declaration of Covenants, Conditions and Restrictions for Whisperwoods Subdivision, Collierville, Tennessee, produced on December 22, 1999 (hereafter referred to simply as the “Covenants”) and Article V, Section 3, Paragraph (d) of the Bylaws of Whisperwoods Homeowners Association, Inc. The purpose of these Guidelines is to help ACC Members better understand the scope and impact of the Covenants and enhance their ability to administer Article V of the Covenants. Property owners are ultimately responsible for adherence to the Covenants and these Guidelines.

Nothing in these Guidelines is intended to contradict or supersede the Covenants and where disagreements exist, the Covenants will have precedence. These Guidelines do not limit the authority of the ACC. “Not visible from the street or other properties” means not visible by a person standing at ground level and references to “other properties” include all neighborhood common areas.

Procedures for submitting requests for ACC approval for any item or action listed in these Guidelines are contained in the Covenants and online at [www.whisperwoods.org](http://www.whisperwoods.org). All requests to the ACC will be documented on an approved ACC Request Form which can be obtained online or from the property management company. The ACC Request Form should be accompanied by detailed drawings, plans, material samples, color swatches, etc. as necessary to allow the ACC to make a proper determination. Any changes (dimensions, materials, colors, etc.) to a submitted and approved plan after the project is initiated will require further ACC approval. If all work is not completed within the timeframe specified in the approved ACC request, a new request with an updated timeframe must be submitted to and approved by the ACC.

## **New Construction and Changes or Additions to Existing Structures or Outbuildings**

1. New home construction will include the following:
  - a. Minimum required heated and finished area is 3,200 square feet.
  - b. Garages shall face the side or rear, and shall not face the street, unless otherwise approved in writing by the ACC.
  - c. At least 20 inches clearance must be provided between the floor elevation and finished grade along the entire front of the house (and street side on corner lots), unless otherwise approved by the ACC.
  - d. Exterior material: wood mold, simulated wood mold, or used brick or stucco on all fronts (and street side on corner lots), and on sides and rear to at least the first floor ceiling joists.
  - e. Must use approved colors for brick, stucco and trim.
  - f. All roofs must be covered with architectural or slate-like shingles. All materials must have a life expectancy of not less than 25 years. Roof covering materials must be of mixed grays and/or medium to dark brown shades. Materials and colors not included herein may not be installed unless approved by the ACC.
  - g. All windows must have wood frames (vinyl clad or aluminum clad windows are acceptable, with color to match trim), and brick mold is required.
  - h. Minimum 9’ smooth ceiling downstairs.
  - i. The house, and all front yard flatwork, must be of 4,000 psi exposed pea gravel aggregate concrete or brick and all sidewalks must be installed within 12 months after the top layer of asphalt is installed.
  - j. Decorative wrought iron mailbox post and metal box identical to the existing standard as specified herein.
  - k. Solid sod all yards, front, sides, and rear. At least two trees (3 on corner lots) of a minimum 4” caliper must be planted in the front yard.

- l. No landscape credits to buyers. Approved landscaping must be completed by builders within 2 weeks after completion of the house. The value of landscaping material for the front yard must be at least \$1,000 excluding trees and sod.
  - m. Screen all A/C compressors, meters and transformers from view of street.
  - n. Chimneys must be brick or stucco veneer, stucco board or siding is allowed.
  - o. Siding must be no wider than 8 inches. No 4' x 8' sheet siding allowed. No stucco board is allowed unless otherwise approved by the ACC.
  - p. All flashing visible from the street must be copper, except step flashing (which must be painted to match the roof or trim).
  - q. All utility connections, including cable TV and telephone must be underground.
2. Any external change to existing structures and all construction of any additional permanent structures or buildings on any lot or property, including construction of new homes on previously empty lots, must be approved by the ACC prior to making the changes or beginning construction. This includes, but is not limited to, children's play structures, addition or removal of sidewalk or driveway, construction of patio porticoes, backyard fireplaces, pool houses, additional garages or any other such change or additional structure that is visible from any other property. Such approval may require the property owner to submit detailed plans and material descriptions and/or samples to the ACC.
  3. Installation of swimming pools, hot tubs or outdoor spas must be approved by the ACC prior to installation. Above ground pools will not be approved. All pools, hot tubs and spas must be enclosed in a fence and must not be visible from the street or any other property.
  4. No temporary structure (such as a tent, travel trailer, shed or storage pod) will be permitted on any home site. Temporary use of these types of structures must be approved by the ACC.

#### **Mailboxes, House Numbers, Signs, Gates & Fences**

5. Mailboxes shall be maintained in good working order and in a properly erect position. Any damaged mailbox or pole must be repaired or replaced in a timely manner. Only mailboxes and poles of original size and design are allowed. Mailboxes must be painted and numbered on both sides, as described below.
  - a. Mailboxes must be painted solid satin black.
  - b. Numbers on the mailbox must be three inches white vinyl.
6. All houses may have one metal plaque with the street address (house number and street name) affixed to the front of the house. All such signs will be uniform in type, form and color. All other house number or address signs affixed to the house require ACC approval. House number or address signs in the yard or landscaping are prohibited.
7. No signs of any size or description may be placed in neighborhood common areas without the approval of the ACC.
8. No permanent free standing signs will be allowed on any property.
9. Other signs and banners must adhere to the following restrictions:
  - a. Each property may have one sign on each street exposed side/front showing the name of their home security system or security monitoring service. Such sign must be placed in a landscaped area as near as possible to the house.
  - b. One sign may be allowed on a home site during its construction.
  - c. One sign of standard size and content advertising the sale of a property will be permitted. Signs with "sold" banners must be removed promptly after sale closure.
  - d. Political campaign signs will be permitted during the period of thirty (30) days prior to and five (5) days after the election date.

- e. No temporary sign otherwise permitted may exceed five (5) square feet in area nor exceed three (3) feet in height.
  - f. Signs and banners not allowed include, but are not limited to: notices of public events, house number signs in landscaping, and any type of business or activity advertisement.
  - g. Garage sale signs may be posted in the property owner's yard one day prior to the intended sale date and must be removed no later than the day after the end of the sale. Garage sale signs will not be permitted in neighborhood common areas.
10. All gates or bars covering doorways, garage doors, driveways or windows must be approved by the ACC prior to installation.
11. Restrictions on fences are described in the Covenants, Article V, Section 9, Paragraph (b).
- a. All fencing must be approved by the ACC prior to installation. Residents considering installing a fence are encouraged to check Town of Collierville and Shelby County building code restrictions. These codes do not allow residential fences over six feet tall.
  - b. Fences are required around yards that contain permanently installed children's play equipment. (See Para. 17 below)
  - c. Fences will generally be constructed of cedar or cypress in shadow box or board-to-board style. Masonry, wrought iron or other ornamental metal fences may be allowed.
  - d. All fences will be constructed with the smooth side "out" (i.e., the smooth side should be visible from the street and other properties).
  - e. Chain link fencing will only be allowed if completely screened from the view of the street and other properties by some other fencing material. Even in such situations, ACC approval is required prior to installation.

**Clotheslines, Firewood, Garbage Cans, Satellite Dishes & Window Coverings**

12. Clotheslines will not be permitted.
13. All firewood must be stacked and stored so as to not be visible from the street or other properties.
14. Garbage cans must not be visible from the street and should be screened as much as possible from the view of other properties. For corner lots without fences, placement of garbage cans other than in the garage must be approved by the ACC. Additionally, garbage cans, recycle bins, yard refuse and other material intended for pick up and removal by any outside entity (for example, Collierville Public Works or Salvation Army) must not be placed in public view any earlier than 5pm on the day prior to the intended pick up date. Further, empty garbage cans and recycle bins, or any other items left after the intended pick up should be removed from public view not later than the morning after the intended pick up date.
15. Antennae and towers for reception and/or transmission of any type electronic signal are generally prohibited. Satellite dishes of 24" or less in diameter are permitted if located out of view from the street. Installation of satellite dishes and towers must be approved by the ACC.
16. Any interior window coverings visible from the street or another property must be white or some other "neutral" color consistent with the exterior coloration of the house or structure.

**Children's Toys and Equipment, Animals, and other Miscellaneous Property Items**

17. All permanently installed swing sets, jungle gyms, tree houses, dog houses, play houses, pool houses, potting sheds, etc. must be designed to be architecturally consistent with the main structure and harmonious with the neighboring structures and natural surroundings. Any permanently installed children's play equipment must

- be placed inside a fence and must not be visible from the street or other properties and requires ACC approval. For the purpose of these guidelines, “permanent installation” refers to any items that are not intended to be moved on a daily basis.
18. All children’s play toys, balls, bikes, skateboards, etc. are to be picked up and stored by nightfall so as to not be visible from the street or other properties.
  19. Portable basketball goals are permitted but are limited to one per property and must remain in the property driveway or backyard. Portable basketball goals are not permitted on the street. Installation of a permanent basketball goal requires ACC approval.
  20. Pet houses and runs must not be visible from the street or other properties.
  21. Pet owners must clean up after their pets. Moreover, all pets are to be maintained in strict compliance with Collierville Ordinances 2014-01, Section 2, 94.26(A) and Section 3, 94, et.al. in combination with Covenants Section 13, p.11 and/or any such Collierville or Whisperwoods limitation that shall be later approved.

### **Lawn and Garden Accoutrements and Exterior Lighting**

22. Any and all lawn ornaments, including statuary, fountains, birdbaths, watering ornaments, etc., visible from the street or neighboring yard(s) must be of appropriate material, scale and imagery of the residence and must be approved by the ACC.
23. Lawn furniture is generally not permitted in front yards.
24. Exterior lighting is generally limited to permanently installed lighting such as exterior house and landscape lighting, sidewalk lighting, and yard and driveway flood lighting. Exterior lighting must be of compatible design, style, and materials and shall be approved by the ACC prior to installation. Any such lighting must not be so bright or directed in such a fashion as to cause a nuisance to other properties. With the exception of holiday lighting detailed below, all exterior lighting visible from the street or another property must be white in color. Multi-colored landscape lighting will not be approved.
25. Holiday lighting and exterior decoration (e.g., Easter, Halloween, Thanksgiving, Christmas) is allowed, but is limited to one month prior until two weeks after the holiday.
  - a. Other temporary lighting and decorations for special occasions (such as wedding, graduation or birthday) is allowed but may be limited to one week prior to the event until one day after the event.
  - b. Except in the situations listed above, exterior stringed lighting is generally prohibited.

### **Exterior Home and Lawn Maintenance**

26. Property owners are required to maintain the exterior of all structures on their property. Yards, hedges, plants, shrubs and trees must be live (no artificial plants) and kept neatly trimmed at all times. Mulch may be either dark brown or black only; no other colors will be authorized. Excessive weed growth and/or failure to keep grass mowed to a reasonable length may be considered an unauthorized exterior modification with remedy under Article V. Dead plants, shrubs and grass shall be removed and replaced. Tree removal requires ACC approval. (See Para. 29 below) Any brick, wooden or other landscaping wall or dividers must also be properly maintained.
27. Property owners are required to keep their driveways and any sidewalks on their property clean. Grass clippings, leaves and branches resulting from mowing the yard or trimming shrubs must be removed from all driveways, sidewalks and from the street adjacent to the property.
28. Any changes to the exterior appearance of any structure or lot must be approved by the ACC.

- a. Proposed modifications should match the architectural characteristics of the applicant's house, and be compatible with adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, and similar use of materials, color and construction details.
  - b. An application is not required in order to repaint or re-stain an object to match the original color.
  - c. Only colors in subdued or neutral tones will be considered for the body color. Bright or high intensity colors will not be permitted. (This language from the original document provides greater guidance to the committee)
29. Any addition, deletion or change to exterior landscaping visible from the street or another property requires approval of the ACC. Such changes include, but are not limited to, installing or expanding landscaping not immediately adjacent to the house (for example installing or removing "islands" around trees) or removing existing landscaping.
30. Adding or removing trees that are or are expected to grow to be more than 10 feet tall or more than six inches in diameter at a point two feet above the ground require ACC approval. Dead or diseased trees must be removed. Trees removed from front and side yards must be replaced. Trees removed from back yards may require replacement at ACC discretion. The ACC may require a property owner to replace an existing tree with a tree that is, or will grow to be, of similar size and shape to the one removed. [See also Covenants, Article V, Section 9, Paragraph (c).]
31. Proposed modifications must relate favorably to the landscape, the applicant's home, adjacent homes, the neighborhood, and must be compatible to both visual and functional impacts.
- a. Visual impact refers to the aesthetic appearance of the proposed modifications, which includes consideration of design quality, scale, location and architectural compatibility.
  - b. Functional impact refers to such concerns as view, sunlight, ventilation and drainage.

Examples of adverse functional impacts include structural additions that would cause a significant loss of sunlight or ventilation to a neighboring dwelling, and an alteration in topography that would change natural drainage patterns to the detriment of a neighboring property.

#### **Parking of Vehicles & Trailers**

32. No vehicle (including property owners' personally owned vehicles), trailer or moveable structure (such as a storage pod) may be parked on the street, in a yard or in a vacant lot overnight other than in exceptional circumstances. Such exceptional circumstances must be approved by the ACC. Curbside parking between 1a.m. and 5a.m. is generally prohibited by Collierville Ordinance 72.25.
33. Disabled vehicles shall not be parked anywhere in the subdivision, except inside an enclosed garage.

#### **Business Activity and Other Objectionable Uses**

34. No manufacturing, trade, commercial or industrial activities will be conducted upon any property or inside any structure constructed thereon without prior approval of the ACC. Personal-use vehicles with commercial signs or logos must be parked out of view of the street and other properties.
- a. Home office activities are permitted as long as such activities are confined to the interior of structures.
  - b. Per the Covenants, Article V, Section 16, No commercial breeding of animals will be allowed.

35. Every resident has a right to the quiet enjoyment of their property. The following activities are strictly prohibited:
- a. Any noxious or offensive activity of any sort.
    - i. Noxious or offensive behavior may include, but is not limited to, plants, animals, or devices of any sort whose normal activity or existence is in any way noisy, dangerous, unsightly, or of a nature that may diminish the enjoyment of another property. Examples include, but are not limited to, incessant or late evening or early morning dog barking, loud music, disorderly guests, illegal activities of any kind, lewd behavior, objectionable language, the operation of noisy equipment at late evening or early morning hours.

**Enforcement of Covenants and ACC Guidelines**

36. Property Manager as ACC designee will administer this section.