

First Colony Community Association

SWIMMING POOLS, SPAS / HOT TUBS AND PONDS (WATER GARDENS)

Article VIII, Section 5 of the Declaration of Covenants, Conditions, and restrictions for First Colony (the "deed restrictions") requires that:

.... plans and specifications showing the nature, kind, shape, color, size, materials, and location of such modifications, additions or alternatives shall be submitted to the Modifications Committee for approval....

The following guidelines have been developed to assist homeowners in complying with the above requirement of the deed restrictions. **A Modifications Request form must be submitted prior to installation.**

Submittal requirements: Include a completed modifications request form signed by the property owner. A survey site plan (plot plan) which includes all property lines, building lines, utility easements, distance from pool to back of said property line, dimensions of pool, location and dimensions of decking, location of pool equipment and how it is screened from view. The pool and drainage plan must be drawn to scale on the site plan. The percentage of the total coverage of all hardscape elements (this includes pools, decks, house, garage, driveway, sidewalks, other additions, etc.) within the lot where required. Pool water or backwash must drain internally and not drain onto adjacent properties (including streets, sidewalks & reserves). Before construction, special permission must be requested and granted to enter an FCCA reserve or common area.

Common Area Access: If access through any landscape reserves, green belts, common areas or the golf course is necessary, written permission will have to be requested and granted before approval can be given. Homeowners are required to request access in writing; a plot plan is required showing where the property will be entered. In addition, the homeowner must sign an "Access Agreement" form stating that they acknowledge any damage done to our reserves will have to be repaired by the homeowner to the satisfaction of FCCA. If the homeowner does not make the needed repairs, or the repairs are not up to the expected standards, FCCA will complete the necessary work and charge the homeowner back at our cost plus 20%. WHEN COMMON AREA ACCESS IS REQUESTED, A DEPOSIT OF \$250.00 IS REQUIRED PRIOR TO APPROVAL. The deposit will held until a final site inspection is performed by FCCA. Only if the access area is determined to be in a condition acceptable to FCCA will the full deposit be refunded. This deposit does not absolve the homeowner from paying any and all costs above the \$250.00 if FCCA makes repairs to the reserve.

Adherence to these guidelines will usually result in the prompt approval of your request; however, adherence does not guarantee approval, nor does it eliminate the need to submit a written request in advance of installation. Failure to submit a request in advance may result in the homeowner incurring unnecessary expenses to modify or remove the modification and being subject to fines. Also, homeowner is subject to fines for placing or allowing contractors to place advertising signs.

LOCATION AND DIMENSIONS

Pools

Unless otherwise specified in the Supplemental Amendment or Developmental Guidelines, swimming pools may be constructed within the architectural building lines of each lot and cannot encroach on utility easements. Pool decks may extend beyond the building lines, but must allow adequate room for landscaping and fencing. Pool surface, deck, and all mechanical and electrical equipment must be fully screened from public view, including public streets, common areas and reserves, golf courses with a combination of trees, hedges, walls or fences. Above ground swimming pools are specifically prohibited.

Spas / Hot Tubs

May be in-ground or self-contained above ground models. Spas must meet the same location and drainage requirements as required for pools. They must also follow all of the same submission and material specifications, as those required for pools. They shall be located in the rear or side yard so that they are completely screened from public view. Any spa enclosure must follow the gazebo guidelines.

Ponds (Water Gardens)

Must follow all of the same submission, material & location specifications, as those required of pools. They shall be located in the rear or side yard so that they are completely screened from public view. Ponds cannot cause run off or drainage problems onto adjacent properties.

Waterfalls

If any type of waterfall is to be incorporated into the design of a pool, spa or pond; the dimensions and materials used must be fully specified out. The height of a waterfall shall not exceed thirty-six (36") inches when measured from the ground.

MAINTENANCE

All pools, spas and ponds must be maintained in such a fashion that they do not detract from the neighborhood.

NOTE: Some neighborhoods may have more restrictive guidelines, which would supercede these guidelines.

The FCCA Executive Director approved these guidelines on the 6th of December, 2004 based on a authority by the Board of Directors. Changes to these guidelines may be made at any time without prior notice.



Sandra K. Denton, Executive Director