

High Density Commercial Subdivisions
Deed Restrictions & Protective Covenances

In accordance with Title 15 NCAC 2H.1000 and S.L. 2006-246, the Management Regulations, deed restrictions and protective covenants are required for **High Density Commercial Subdivisions** where lots will be subdivided and sold and runoff will be treated in an engineered stormwater control facility. Deed restrictions and protective covenants are necessary to ensure that the development maintains a built-upon area consistent with the design criteria used to size the stormwater control facility.

I, _____, acknowledge, affirm and agree by my signature below, that I will cause the following deed restrictions and covenants to be recorded prior to the sale of any lot within the project known as _____:

1. *The following covenants are intended to ensure ongoing compliance with Town of Fletcher Stormwater Management Permit Number _____, as issued by Henderson County Stormwater Management under the Stormwater Management Regulations.*
2. *The Town of Fletcher is made a beneficiary of these covenants to the extent necessary to maintain compliance with the stormwater management permit.*
3. *These covenants are to run with the land and be binding on all persons and parties claiming under them.*
4. *The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the Town of Fletcher and Henderson County Stormwater Management.*
5. *Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the Town of Fletcher and Henderson County Stormwater Management.*
6. *The maximum allowable built-upon area per lot is _____ square feet.*

***Note: If the BUA per lot varies, please substitute the following statement for the one above and provide a complete listing of the proposed BUA for each lot:**

The maximum built-upon area per lot, in square feet, is as listed below:

<u>Lot #</u>	<u>BUA</u>	<u>Lot #</u>	<u>BUA</u>	<u>Lot #</u>	<u>BUA</u>	<u>Lot #</u>	<u>BUA</u>
_____	_____	_____	_____	_____	_____	_____	_____

This allotted amount includes any built-upon area constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.

7. *All runoff from the built-upon areas on the lot must drain into the permitted system. This may be accomplished through a variety of means including roof drain gutters which drain to the street, grading the lot to drain toward the street, or grading perimeter swales to collect the lot runoff and directing them into a component of the stormwater collection system. Lots that will naturally drain into the system are not required to provide these additional measures.*
8. *The owner of each lot, whose ownership is not retained by the permittee, is required to submit a separate stormwater permit application to the Town of Fletcher and Henderson County Stormwater Management and receive a permit prior to construction.*
9. *The project and each lot will maintain a 30** foot wide vegetated buffer between all impervious areas and surface waters.*

****50 foot for projects located in the 20 coastal counties.**

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Signature: _____ Date: _____

I, _____, a Notary Public in the
State of _____, County of _____,
do hereby certify that _____ personally appeared
before me this the _____ day of _____, 20____, and acknowledge
the due execution of the foregoing instrument. Witness my hand and official seal,

SEAL

Signature

My Commission expires _____