

High Density Developments with Outparcels
Deed Restrictions & Protective Covenances

In accordance with Title 15 NCAC 2H.1000 and S.L. 2006-246, the Stormwater Management Regulations, deed restrictions and protective covenants are required for **High Density Developments with Outparcels** where outparcel lots will be subdivided from the main tract and sold. 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 outparcel or future development area:

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 *The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the Town of Fletcher and Henderson County Stormwater Management.*

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 built-upon area for the outparcel(s) shown on the approved plans is as follows:*

Outparcel #	BUA	Outparcel #	BUA
_____	_____	_____	_____
_____	_____	_____	_____

These allotted amounts include any built-upon area constructed within the property boundaries, and that portion of the right-of-way between the lot lines 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. *The runoff from all built-upon area within the outparcel or future development area must be directed into the permitted stormwater control system.*
8. *Built-upon area in excess of the permitted amount will require a permit modification.*
9. *The connection from the outparcel's collection system into the stormwater control shall be made such that short-circuiting of the system does not occur.*

For those outparcels or future development areas whose ownership is not retained by the permittee, the new owner shall submit a separate offsite stormwater permit application to the Town of Fletcher and Henderson County Stormwater Management and receive a permit prior to construction.

10. *The project and each outparcel 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 _____