

**Low Density Residential Subdivisions with Curb Outlet Swales**  
**Deed Restrictions & Protective Covenants**

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 **Low Density Residential Subdivisions with curb outlet swales**, where lots will be subdivided and sold. Deed restrictions and protective covenants are necessary to ensure that the development maintains a "built-upon" area consistent with the applicable regulation governing the density level.

I, \_\_\_\_\_ acknowledge and affirm by my signature below, that I will cause the following deed restrictions and protective covenants to be recorded for \_\_\_\_\_ prior to the sale of any lot:

1. *The following covenants are intended to ensure ongoing compliance with Henderson County Stormwater Management Permit Number \_\_\_\_\_, as issued by the Henderson County Water Quality Division under the Stormwater Management Regulations.*
2. *The State of North Carolina 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 *The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the Henderson County Water Quality Division.*
5. *Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the Henderson County Water Quality Division.*
6. *The maximum allowable built-upon area per lot is \_\_\_\_\_ square feet. 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, and coquina, but does not include raised, open wood decking, or the water surface of swimming pools.*
7. *In the case of a lot within CAMA's regulated AEC, where the Division of Coastal Management calculates a different maximum allowable built-upon area for that lot than is shown herein, the governing maximum built-upon area for that lot shall be the most restrictive of the two.*
8. *This project proposes a curb outlet system. Each designated curb outlet swale shown on the approved plan must be maintained at a minimum of 100' long with 5:1 (H:V) side slopes or flatter, have a longitudinal slope no steeper than 5%, carry the flow from a 10 year storm in a non-erosive manner, and maintain a dense vegetated cover.*
9. *Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with the development except for average driveway crossings, is strictly prohibited by any persons.*
10. *Each lot will maintain a 30\* foot wide vegetated buffer between all impervious areas and surface waters.*
11. *All roof drains shall terminate at least 30\* foot from the mean high water mark of surface waters.*
12. *Filling in, piping or altering any designated 5:1 curb outlet swale associated with the development is prohibited by any persons.*

**\*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 \_\_\_\_\_