

Low Density Residential Subdivisions
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** 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 Henderson County Water Quality Division 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 *The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the Henderson County Water Quality Division.*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. *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.*
9. *Each lot will maintain a 30* foot wide vegetated buffer between all impervious areas and surface waters.*
10. *All roof drains shall terminate at least 30* foot from the mean high water mark of surface waters.*

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

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,

Signature

SEAL

My Commission expires _____