

PREPARED BY PLANNING DEPARTMENT
ORANGE COUNTY
NORTH CAROLINA

Return to: {name of declarants}
{Address}

**DECLARATION OF DEVELOPMENT
RESTRICTIONS AND REQUIREMENTS**

**RECORDED CONCURRENTLY WITH
SURVEY FOR {Name}**

PLAT BOOK/PAGE _____

This DECLARATION, made this _____ day of _____ 2020, by {Name} of the property described in the Property Description section of this declaration, hereinafter called the Declarant.

WITNESSETH

Declarant agrees for himself and with any and all persons, firms, or corporations hereinafter acquiring any of the property described in the Property Description section of this declaration, that the same shall be subject to the following restrictions, conditions,

and covenants relating to the use and occupancy thereof, which restrictions, conditions, and covenants shall run with said property and insure to the benefit of and be binding upon the heirs, successors, and assigns of the Declarant and other acquiring parties and persons.

PROPERTY DESCRIPTION

Being all of Lots {list lots}, as shown on the plat entitled "{Title of Survey}" as drawn by {Surveyor}, dated {date}, and recorded in Plat Book _____, Page _____ of the Orange County Registry, hereinafter "the property" or "the subdivision".

SETBACKS

Building structures shall meet the following applicable setbacks as required by Orange County Unified Development Ordinance (UDO) Section 3.3 on Residential Zoning Districts:

- Front yard setback of {xx feet} as measured from the edge of right-of-way and/or front property line, and
- Side/rear yard setback of {xx feet} as measured from identified side and rear property lines.

Exceptions to the setback requirements include certain architectural features as detailed within the UDO.

SEWAGE DISPOSAL

Location of sewage disposal systems on all lots in the subdivision may restrict the size and location of improvements on each lot. The provision of sewage disposal facilities shall be limited to the installation of onsite subsurface soil absorption sewage disposal facilities as reviewed and permitted by the Orange County Division of Environmental Health.

LAND USE BUFFERS

There shall be a {xx ft. Type (x) Land Use Buffer} installed along the {road name(s)} right-of-way. The buffer shall be composed of deciduous and/or evergreen vegetation and meet applicable standards (See UDO Table 6.8.6 on Buffer Types). Any plantings must remain in a healthy state. Dead or unhealthy trees shall be replaced.

LANDSCAPING

A {xx ft.} vegetative buffer shall be installed along the {road names}. right-of-way and shall be preserved to ensure compliance with existing County landscaping requirements pursuant to Section 6.8.4 of the UDO.

Clear cutting of trees is prohibited on all lots. No trees measuring twelve (12) inches or more in diameter at a point four and one half (4.5) feet above the ground shall be cut. Exceptions shall include clearing of trees for the location of buildings, driveways, and septic systems.

REQUIREMENTS FOR STREAM BUFFERS

Per the UDO, areas in and along streams shall be required to remain in their natural state unless the area is subject to serious erosion, in which case an erosion resistant vegetative cover shall be established and maintained as required by the UDO.

Based on current GIS data, there is a jurisdictional stream on subdivision property. The stream has a ____ required stream buffer measured from the top of bank on either side of the stream.

Prior to the commencement of earth disturbing activities, owners/developers of individual lots as denoted on said plat shall be required to verify the presence, location, and buffer width requirements for all regulated water features. Final determinations as to the presence, location, and required buffer width(s) shall be made by County staff in accordance with the provisions of the UDO.

IMPERVIOUS SURFACE CALCULATION

An impervious surface is a surface composed of any material that impedes or prevents the natural infiltration of water into the soil. Such surfaces include any gravel, concrete, or asphalt surface. These include but are not limited to: streets and parking areas; sidewalks; patios; and structures that cover the land.

In order to promote infiltration of stormwater runoff into the soil and to minimize direct and immediate runoff into streams and water supply impoundments, impervious surface ratios are required for all subdivisions located within protected or critical watersheds.

The property within {Subdivision name} Subdivision is in the {Zoning District} zoning district and {Watershed} overlay. The impervious surface for each lot shall

not exceed ___% of that lot. The permitted square footage for impervious surface on each lot is calculated as follows:

{List Lots impervious surface limits}

FLOOD REGULATION

Orange County has adopted flood damage prevention standards as contained within the UDO. Based on current FIRM data, there is no floodplain on this property. However, updates to Federal Insurance Rate Maps (FIRM) by the Federal Emergency Management Association (FEMA) could result in the extension of floodplain onto the property in the future. It is incumbent on local property owners to verify their status with respect to their property's location within identified flood zones.

OPEN BURNING

The open burning of trees, limbs, stumps, and construction debris on site is prohibited.

DURATION OF RESTRICTIONS

The restrictions imposed by these Declarations shall remain in full force and effect until such time as they are removed by the official legislative or administrative action of Orange County or another governmental unit with jurisdiction over the property.

CERTIFICATE OF DEDICATION AND MAINTENANCE

The undersigned hereby certifies that the land shown on the subdivision plat referenced under 'Property Description' on page 2 is owned by the undersigned and is located within the subdivision-regulation jurisdiction of Orange County and hereby freely dedicates all rights-of-way, easements, streets, recreation area, open space, common area, utilities, and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or by an incorporated neighborhood or homeowners association or similar legal entity.

IN WITNESS WHEREOF, Declarant has caused this instrument to be signed and sealed on the day and year first written above.

By: _____

{Owner}

By: _____

{Owner}

NORTH CAROLINA

_____ COUNTY

I, _____, a Notary Public of said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Development Restrictions and Requirements.

Witness my hand and notarial seal, this ____ day of _____, 20____.

Notary Public

My Commission Expires: _____