

**PREPARED BY PLANNING DEPARTMENT
ORANGE COUNTY
NORTH CAROLINA**

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**DECLARATION OF
IMPERVIOUS SURFACE RE-ALLOCATION**

PLAT BOOK/PAGE _____

This DECLARATION, made this _____ day of _____ 2020, by *PROPERTY OWNER* of the property described in the Property Description section of this declaration, hereinafter called the Declarant.

WITNESSETH

Declarant agrees for themselves 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 original declarations recorded within Book _____ Page _____ of the Orange County Registry and the following revised conditions re-allocating impervious surface area for each lot, which restrictions, conditions, and covenants shall run with the said property and inure to the benefit of and be binding upon the heirs, successors, and assigns of the Declarants and other acquiring parties and persons.

PROPERTY DESCRIPTION

Being all of Lots *X and Y*, etc. as shown on the plat entitled "*FINAL PLAT*", dated *XXXXX*, as drawn by *LAND SURVEYOR*, recorded within Plat Book _____ Page _____ of the Orange County Registry hereinafter "the property" or "the subdivision".

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 shall include any gravel, concrete, or asphalt surface. These would also include, but not be 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 a protected watershed.

Impervious surface allowances and calculations for an individual development shall be cumulative for original lot and/or construction. This gross allowed impervious surface area may be distributed as indicated below. Any subsequent additions and calculations of impervious surface coverage for individual lots shall include that portion of a right-of-way between the centerline of the street and the abutting property line of the lot unless there are no opposite lots, which in that case would include the entire road.

NOTE: Some subdivisions may span 2 or more watersheds. The impervious allotments can be rebalanced among lots as long as the total combined impervious is not exceeded for the total subdivision area.

The aforementioned properties are located within the *XXXXX* Watershed Overlay District. The total impervious surface for the development shall not exceed *XX% YY* sq. ft. of the lot.

The new, revised impervious surface allocation for each new lot/road shall be as follows:

1. LOT X = *XXXXX* sq. ft.
2. LOT Y = *XXXXX* sq. ft.
3. ROAD = *XXXXX* sq. ft. (In the right-of-way and outside single family lots)

The above square footages denote the maximum allowable impervious surface area for the lots or road. The calculations do not subtract the square footage of existing impervious surfaces (e.g., existing structures and driveways) as depicted on the Final Plat. The existing impervious surface calculations shall be itemized upon application for future building permits affecting these lots.

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.

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

By: _____

PROPERTY 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: _____