**High Density Commercial Subdivisions**

**Deed Restrictions & Protective Covenances**

In accordance with Article 14, Division III of the City of Wilmington Land Development Code, deed restrictions and protective covenants are required for High Density Commercial Subdivisions where lots will be subdivided and sold and runoff will be treated in an engineered stormwater control facility. 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.

Project Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Owner / Developer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. *The following covenants are intended to ensure ongoing compliance with the City of Wilmington Stormwater Management Permit Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as issued by the City of Wilmington/Engineering.*
2. *The City of Wilmington 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 *The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the City of Wilmington.*
5. *Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the City of Wilmington.*
6. *The maximum allowable built-upon area per lot is square feet.*

**OR, if the proposed built-upon areas per lot will vary, please REPLACE #6 above with the following:**

*The maximum built-upon area per lot, in square feet, is as listed below:*

*Lot # BUA Lot # BUA Lot # BUA Lot # BUA\**

\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

  *Check \_\_\_\_\_\_\_* ***Yes*** *or \_\_\_\_\_\_* ***No*** *if additional lot BUA information has been attached.*

 *\* If additional space is needed please attach lot BUA spreadsheet.*

*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, compacted gravel, brick, stone, slate, coquina, and parking areas, but does not include raised open wood decking, washed gravel excluding fines, or the water surface of swimming pools. Note: sidewalk improvements allocated as right-of-way BUA shall not count against deeded lot restricted BUA.*

1. *All runoff from the built-upon areas on the lot must drain into the permitted system. This may be accomplished through a variety of means including roof drain gutters which drain to the street, grading the lot to drain toward the street, or grading perimeter swales to collect the lot runoff and directing them into a component of the stormwater collection system. Lots that will naturally drain into the system are not required to provide these additional measures.*
2. *The owner of each lot, whose ownership is not retained by the permittee, is required to submit a separate stormwater permit application to the City of Wilmington and receive a permit prior to construction.*

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 lot:

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_