

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

**Return to: DONNA PUCKETT
1555 NC 56
SUITE 2
CREEDMOOR, NC 27522**

**DECLARATION OF DEVELOPMENT
RESTRICTIONS AND REQUIREMENTS**

**RECORDED CONCURRENTLY WITH
MINOR SUBDIVISION PLAT FOR
DONNA K. PUCKETT**

PLAT BOOK/PAGE _____

This DECLARATION, made this _____ day of _____ 2017, by Donna K. Puckett and Stephen M. Puckett of the property described in the Property Description section of this declaration, hereinafter called the Declarant.

WITNESSETH

Declarant agrees for herself 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 the 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 1 and 2 as shown on the plat entitled "Minor Subdivision Plat for Donna K. Puckett" as drawn by Puckett Surveyors, PLLC and dated February 10, 2017 and recorded in Plat Book _____, Page _____, Orange County Registry, hereinafter "the property" or "the subdivision".

Note that the parent tract for this subdivision is 46.21 acres. Lot 1 and Lot 2 account for 15.01 acres total. The remaining 31.2 acres are to be subdivided via an exempt subdivision, which will be recorded concurrently with the Minor Subdivision Plat for Lot 1 and Lot 2. Only Lot 1 and Lot 2 are subject to this declaration.

SETBACKS

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

- Front yard setback of 40 feet, as measured from the edge of right-of-way and/or front property line, and
- Side/rear yard setback of 20 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 Type B (30 ft.) Land Use Buffer created along Carr Store Road (S.R. 1004) and Lee's Chapel Road (S.R. 1360) as required by the UDO. The buffer shall be composed of deciduous and/or evergreen vegetation and meet applicable standards (see options 1, 2, 3, or 4 of UDO Table 6.8.6 on Buffer Types). Any installed plantings must remain in a healthy state. Dead or unhealthy trees shall be replaced.

LANDSCAPING

The existing 30ft. vegetative area along Carr Store Road and Lee's Chapel Road 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. An exception shall include clearing of trees for the location of buildings, driveways, septic systems, and garden areas.

REQUIREMENTS FOR STREAM BUFFERS

The property is subject to compliance with established stream buffer standards and regulations as detailed within the UDO. 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 bodies.

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.

Current GIS data indicate there are no streams present on Lots 1 and 2. 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 shall include any gravel, concrete, or asphalt surface. These would 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 calculations for an individual development shall be cumulative for original construction and 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.

As approved, the property within this subdivision is located within the Agricultural Residential (AR) zoning district and the Upper Eno Critical Watershed Overlay District, which carries a maximum impervious surface area limitation of 6%.

The maximum permitted allotment of impervious surface on each lot in this subdivision is as follows:

1. Lot 1 is afforded 17,000 square feet of allowable impervious surface area exclusive of right-of-way.
2. Lot 2 is afforded 17,182 square feet of allowable impervious surface area exclusive of right-of-way.

FLOOD REGULATION

Orange County has adopted flood damage prevention standards as contained within the UDO. Periodic updates to Federal Insurance Rate Maps (FIRM) by the Federal Emergency Management Association (FEMA) may result in the extension of floodplain onto the lots contained with this project. It is incumbent on local property owners to verify their status with respect to their property's location within identified flood zones.

Based on current FIRM data, there is no floodplain on this property. Please note periodic updates to FIRM Maps may change this situation.

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 1 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: _____
Donna K. Puckett

Stephen M. Puckett

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: _____