



May 22, 2019

To: All Development Community Members, Consultants and Development Design Professionals

From: Shea S. Bolick, PE, PLS 
Stormwater Development Review Supervisor
E-mail: shea.bolick@durhamnc.gov

Subject: Letter to Industry 5/22/19 – Amendments to Stormwater Performance Standards for Development and Associated Reference Guide for Development Revisions

Purpose of Memo

The purpose of this memo is to advise that City Council adopted amendments to the Stormwater Performance Standards for Development, Durham City Code Chapter 70, Article X, Sections 70-736 through 70-744. The revisions affect each section, some significantly. These ordinance amendments can be found at either of the following links:

Clean Copy of Ordinance – <https://durhamnc.gov/DocumentCenter/View/26444/STORMWATER-PERFORMANCE-STANDARDS-FOR-DEVELOPMENT>

Copy with Tracked Changes -
<https://cityordinances.durhamnc.gov/OnBaseAgendaOnline/Documents/ViewDocument/Final-Published%20Attachment%20-%2012528%20-%20ORDINANCE%20-%20PROPOSED%20ORDINANCE%20AMENDMENTS%20-.pdf?meetingId=309&documentType=Agenda&itemId=11246&publishId=51775&isSection=false>

Along with the ordinance amendments, revisions were necessary to the Reference Guide for Development (RGD) as detailed below.

Stormwater Services Standard Notes contained in Section 12 of the RGD have been revised to remove language which is no longer applicable for projects reviewed under the current ordinance. These changes primarily involve removing references to Stormwater Facility Agreements, as they are no longer applicable for new projects reviewed and approved under the current ordinance. These revised standard stormwater notes are attached and will be included in the online version of the RGD as soon as possible. For projects reviewed and approved under the prior ordinance, the prior notes are still valid.

Section 8.2: Supplemental Stormwater Development Requirements were included in the RGD. This specifies mandatory provisions for the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) for applicable development projects reviewed and approved under the current ordinance. Sec. 8.2 is attached and will be included in the online version of the RGD as soon as possible. Projects approved under the previous ordinance will continue to be required to comply with Exhibit A in the recorded Stormwater Facility Agreement.

Further revisions to the RGD will be forthcoming, with the top priority being an update to Section 8.1 (Stormwater Impact Analysis) to ensure it complies with the current ordinance requirements, which were adopted by City Council on May 20, 2019.

Effective Dates

All revisions were effective May 21, 2019, the date the adopted ordinance amendments would first be relevant for any new development submittals received.

STORMWATER SERVICES STANDARD NOTES

The following notes are required on the cover sheet for site plans/preliminary plats, construction drawings, and on final plats as noted by the appropriate section below for each type submittal.

The following notes shall be included in the Public Works Conditions of Approval box on the cover sheet for Site Plan/Preliminary Plat submittals. These notes may or may not apply to the project depending on the requirements of the project (to be determined by designer and during review).

- At a minimum, the stormwater design details for this project shall be governed by the minimum standards of the most recent edition of the City of Durham (City) Reference Guide for Development (RGD) and any Letters to Industry (posted on the City's website) that are in effect the date Construction Drawings are first received for review by the City.

- Final design calculations for the stormwater control measure(s) (SCM[s]) require the use of storage indication routing methodology such as TR-20 or HEC-1 models. For each SCM, as applicable, stage-storage relationship and inflow and outflow hydrographs are required. All tabulated data including calculations showing the limiting discharge, whether orifice, weir, barrel, or outlet control, as appropriate is required. HydroCad, Hydraflow Hydrographs, and PondPack are commonly used and recognized software programs which incorporate routing methodology accepted by the City.

- *Use for residential developments with a Homeowners Association:*

Stormwater control measure(s) (SCM[s]) permit fee(s) and a payment into the Stormwater Replacement Fund are required for all SCM(s) associated with this development. Construction of the development is not allowed to commence until these items are provided in accordance with City Stormwater Standards or in accordance with written policy. The designer shall submit a sealed engineer's construction cost estimate for every SCM proposed in the development prior to approval of the construction drawings.

- *Use for Multi-family and other type developments:*

Stormwater control measure(s) (SCM[s]) permit fee(s) and either a payment into the Stormwater Replacement Fund or the provision of an alternate security are required for all SCM(s) associated with this development. Construction of the development is not allowed to commence until these items are provided in accordance with City Stormwater Standards or in accordance with written policy. The designer shall submit a sealed engineer's construction cost estimate for every SCM proposed in the development prior to approval of the construction drawings if a financial guarantee in the form of payment into the Stormwater Replacement Fund is utilized.

- An as-built certification for the stormwater control measure(s) (SCM[s]), provided by the BMP Certifying Engineer (BCE), is required. The as-built certification shall be submitted in accordance with the City of Durham BCE Program, refer to Section 8.6, BMP Certifying Engineer Program for Stormwater

BMPs in the City of Durham, of the Reference Guide for Development. The SCM as-built certification(s) shall be approved by the Stormwater Development Review Section prior to issuance of any final certificates of occupancy/compliance for development, with the exception of when an appropriate construction security has been provided for single family or townhome development. With this provided construction security, certificates of occupancy/compliance can be issued for a percentage of single family lots in accordance with City requirements.

- Stormwater control measure(s) (SCM[s]) design calculations will not be reviewed or approved with the Site Plan/Preliminary Plat submittal. All SCM designs will be reviewed and approved during the construction drawing submittal process. If, at the time of construction drawing submittal, it is found that the proposed SCM(s) is undersized, not properly accessible, or otherwise insufficient or unsuitable for the site, it is the responsibility of the applicant to insure that the applicable stormwater ordinance requirements are met. A revised site plan or preliminary plat may be required if the originally proposed SCM(s) are found insufficient, not properly accessible, or unsuitable and alternative SCM(s) with associated easements are required.
- The Developer/Contractor shall schedule a preconstruction meeting with the Stormwater Development Review section prior to commencing work on any Stormwater Control Measure (SCM). If the SCM will be constructed initially as a Sedimentation and Erosion Control (S&EC) device, to be converted to a permanent SCM at a later time, the preconstruction meeting should be scheduled prior to construction of the S&EC device. Call 919-560-4326 Ext. 30238 to schedule the required meeting a minimum of three business days prior to the desired meeting date. This is in addition to other preconstruction meeting requirements for erosion control, engineering inspections, etc.
- *Use for Single Family Detached, Townhome and Duplex Residential Developments making use of a nutrient bank and/or the North Carolina Division of Mitigation Services (NC Ecosystem Enhancement Program) when insufficient credits are available from the nutrient banks:*

To receive construction drawings approval for Single Family Detached, Townhome and Duplex Residential Developments that are making use of nutrient banks and/or the NCEEP, the approval of the construction drawings is contingent upon the purchase of nutrient credits. If a revised site plan/preliminary plat is submitted for this site, the revised site plan/preliminary plat will be subject to any ordinances in place at the time of the revised site plan/preliminary plat submission. Prior to the approval of any construction drawings or prior to the release of any building permits pertaining to this development, whichever comes first, a letter/receipt showing the purchase of the nutrient credits for this development and a copy of the nutrient bank ledger if applicable, showing the total nutrient credits available minus any and all deductions, is to be provided to the Stormwater Development Review Section. However, if insufficient credits are available from nutrient banks and NCEEP will not accept payment, then the applicant shall submit a revised site plan/preliminary plat back to the Durham City-County Planning Department and shall comply with the current Stormwater Performance Standards in place at the time of the revised site plan/preliminary plat submission.

- *Use for developments other than Single Family Detached, Townhome and Duplex Residential Developments making use of a nutrient bank and/or the North Carolina Division of Mitigation Services (NC Ecosystem Enhancement Program) when insufficient credits are available from the nutrient banks:*

To receive site plan/preliminary plat approval for developments other than Single Family Detached, Townhome and Duplex Residential Developments that are making use of nutrient banks or NCEEP, the approval of the site plan/preliminary plat is contingent upon the purchase of nutrient credits. If a revised site plan/preliminary plat is submitted for this development, the revised site plan/preliminary plat will be subject to any ordinances in place at the time of the revised site plan/preliminary plat submission. Prior to the approval of the site plan/preliminary plat, a letter/receipt showing the purchase of the nutrient credits for this development and a copy of the nutrient bank ledger if applicable, showing the total nutrient credits available minus any and all deductions, is to be provided to the Stormwater Development Review Section.

The following notes shall be included on the cover sheet for Construction Drawings submittals. These notes may or may not apply to the project depending on the requirements of the project (to be determined by the designer and during review).

- At a minimum, the stormwater design details for this project shall be governed by the minimum standards of the most recent edition of the City of Durham (City) Reference Guide for Development (RGD) and any Letters to Industry (posted on the City's website) that are in effect the date Construction Drawings are first received for review by the City.
- Final design calculations for the stormwater control measure(s) (SCM[s]) require the use of storage indication routing methodology such as TR-20 or HEC-1 models. For each SCM, as applicable, stage-storage relationship and inflow and outflow hydrographs are required. All tabulated data including calculations showing the limiting discharge, whether orifice, weir, barrel, or outlet control, as appropriate is required. HydroCad, Hydraflow Hydrographs, and PondPack are commonly used and recognized software programs which incorporate routing methodology accepted by the City.
- Stormwater control measure(s) (SCM[s]) permit fee(s) and either payment into the Stormwater Replacement Fund or the provision of an alternate security is required for all SCMs associated with this development. Construction of the development is not allowed to commence until these items are provided in accordance with City Stormwater Standards. The designer shall submit a sealed engineer's construction cost estimate for each SCM proposed in the development prior to approval of the construction drawings if a financial guarantee in the form of payment into the Stormwater Replacement Fund is utilized. Note that the Stormwater Replacement Fund is the only financial guarantee option for residential developments with a homeowners association.
- An as-built certification for the stormwater control measure(s) (SCM[s]), provided by the BMP Certifying Engineer (BCE), is required. The as-built certification shall be submitted in accordance with the City of Durham BCE Program, refer to Section 8.6, BMP Certifying Engineer Program for Stormwater

BMPs in the City of Durham, of the Reference Guide for Development. The SCM as-built certification(s) shall be approved by the Stormwater Development Review Section prior to issuance of any final certificates of occupancy/compliance for development, with the exception of when an appropriate construction security has been provided for single family or townhome development. With this provided construction security, certificates of occupancy/compliance can be issued for a percentage of single family lots in accordance with City requirements.

- The Developer/Contractor shall schedule a preconstruction meeting with the Stormwater Development Review section prior to commencing work on any Stormwater Control Measure (SCM). If the SCM will be constructed initially as a Sedimentation and Erosion Control (S&EC) device, to be converted to a permanent SCM at a later time, the preconstruction meeting should be scheduled prior to construction of the S&EC device. Call 919-560-4326 Ext. 30238 to schedule the required meeting a minimum of three (3) business days prior to the desired meeting date. This is in addition to other preconstruction meeting requirements for erosion control, engineering inspections, etc.

The following notes shall be included on Final Plats. These notes may or may not apply to the project depending on the requirements of the project (to be determined by applicant and during review).

- *Restrictive covenants note(s) required per the final plat checklist for residential developments with a HOA:*

THE "COMMON ELEMENTS" AND/OR "OPEN SPACES" EXPRESSLY ARE DEDICATED HEREBY FOR THE USE AND ENJOYMENT OF THE HOMEOWNERS IN (ENTER NAME OF DEVELOPMENT) AND ARE TO BE CONVEYED BY (ENTER OWNER NAME) TO (ENTER HOMEOWNER ASSOCIATION NAME), AS MORE FULLY PROVIDED IN THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS APPLICABLE TO (ENTER NAME OF DEVELOPMENT) DATED _____ AND RECORDED IN BOOK _____, PAGES _____, IN THE DURHAM COUNTY REGISTRY, AS AMENDED FOR THIS AND FUTURE SECTIONS AND MAPS, SAID DECLARATION BEING HEREBY INCORPORATED AND MADE A PART OF THIS PLAT.

STORMWATER FACILITY RESPONSIBILITY: THE (ENTER HOMEOWNER ASSOCIATION NAME) SHALL BE RESPONSIBLE FOR MAINTAINING THE COMPLETED PERMANENT STORMWATER FACILITY(IES) IN ACCORDANCE WITH THE OPERATION AND MAINTENANCE MANUAL(S) OR AS DIRECTED BY THE GOVERNEMENT OFFICE HAVING JURISDICTION FOR STORMWATER PERFORMANCE STANDARDS AND, IF THE OWNER'S ASSOCIATION SHOULD BE DISSOLVED OR CEASE TO EXIST, THEN IN THAT EVENT THE OWNERS OF RECORD AT THE TIME OF REQUIRED MAINTENANCE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY AND ALL COSTS ATTENDANT THERETO.

- *Easement note per the final plat checklist for developments without an HOA:*

THE OPERATION, MAINTENANCE, AND RECONSTRUCTION RESPONSIBILITY OF THE STORMWATER CONTROL MEASURE(S) (SCM[s]) LOCATED WITHIN THE SCM ACCESS & MAINTENANCE EASEMENT RESTS WITH THE OWNER PER SECTION 70-743 OF THE DURHAM CITY CODE. THE SCM ACCESS &

MAINTENANCE EASEMENT GRANTS THE CITY OF DURHAM AND THEIR ASSIGNS RIGHT OF ACCESS TO THE PERMANENT STORMWATER CONTROL MEASURE(S) FOR INSPECTIONS AND ENFORCEMENT OF OPERATION & MAINTENANCE. NO OBSTRUCTION SHALL BE ALLOWED IN THE EASEMENT WHICH COULD IMPEDE NECESSARY MAINTENANCE BY THE OWNER AND ANY ENFORCEMENT BY THE CITY.

- *Easement note per the final plat checklist for developments with an HOA:*

THE STORMWATER CONTROL MEASURE (SCM) ACCESS & MAINTENANCE EASEMENT GRANTS THE CITY OF DURHAM AND THEIR ASSIGNS RIGHT OF ACCESS TO THE PERMANENT STORMWATER CONTROL MEASURE(S) FOR INSPECTIONS AND ENFORCEMENT OF OPERATION & MAINTENANCE. NO OBSTRUCTION SHALL BE ALLOWED IN THE EASEMENT WHICH COULD IMPEDE NECESSARY MAINTENANCE BY THE OWNER OR ENFORCEMENT BY THE CITY.

- *Optional blanket easement for multi-family and other development (cannot be used for limited residential):*

THE CITY OF DURHAM AND THEIR ASSIGNS HAVE RIGHT OF ACCESS TO THE PERMANENT STORMWATER CONTROL MEASURE(S) (ENTER TYPE(S)) FOR INSPECTIONS AND MAINTENANCE ENFORCEMENT. A BLANKET ACCESS EASEMENT TO, OVER AND AROUND THE STORMWATER CONTROL MEASURE IS HEREBY GRANTED FOR INSPECTIONS AS WELL AS ENFORCEMENT OF OPERATION & MAINTENANCE. ANY OBSTRUCTION PLACED IN THE BLANKET EASEMENT THAT IMPEDES NECESSARY MAINTENANCE ENFORCEMENT WILL BE REMOVED AND ALL THE ASSOCIATED COSTS WILL BE BORNE SOLEY BY THE OWNER.

Section 8.2: Supplemental Stormwater Development Requirements

This section provides criteria for meeting City Stormwater Standards for development items associated with stormwater control measure plan review, platting, and construction. This section will be further supplemented in the future to document and clarify accompanying Stormwater Development Review items required throughout the development review process.

8.2.1 Provisions for Declaration of Covenants, Conditions & Restrictions

Final plats to be recorded for any residential development that requires a stormwater control measure(s) and which the dwellings or units will be sold to private individuals is required to have an owners association established in accordance with the NC Secretary of State's requirements. This nonprofit corporation (the owners association) shall oversee the Declaration of Covenants, Conditions and Restrictions (CC&Rs) established for the development to maintain the open space and/or common area that are part of it.

The City of Durham requires that both the owners association and the CC&Rs are established prior to or at the time of final plat recording for any development that incorporates an owners association. The CC&Rs shall include the standard language shown below and shall be submitted to Stormwater Development Review electronically at StormwaterBMPs@durhamnc.gov in conjunction with the submission of any final or condo plat for any development that has approved stormwater control measures as part of it. The required language shall be clearly marked or highlighted to distinguish it from the other text in the document. Leaving these required items unaddressed will delay stormwater approval of the plat dictating the need for this.

Mandatory language required for the Declaration of Covenants, Conditions and Restrictions:

ARTICLE (fill in) Obligations Regarding Stormwater Facilities

The Property includes one or more stormwater management facilities (hereafter "Facility/ies") that is/are the perpetual responsibility of the Association. Such Facilities are subject to the Durham City Code, Chapter 70, Article X, Section 70-743 (Inspection, Maintenance, Repair, and Reconstruction) and is binding on the Association. The Facilities, associated easements, and stormwater notes are or will be shown on a plat(s) recorded with the Durham County Register of Deeds. The Property subject to the above section of the Durham City Code is the "Property" referred to in this Article. The Stormwater Facilities must be maintained in accordance with City Requirements, which include all ordinances, policies, standards, and maintenance protocols. In particular the City's current "Owner's Maintenance Guide for Stormwater BMPs Constructed in the City of Durham" (available at the time of recording this document at <http://durhamnc.gov/DocumentCenter/View/2239/Owners-Maintenance-Guide-for-Stormwater-BMPs-PDF?bidId=> and the operation and maintenance manual prepared specifically for the Facility/ies containing requirements that apply to the Association's Facilities.

Nothing in the remaining Article of these Restrictive Covenants filed by Declarant as part of this Declaration or any subsequent modifications of this Declaration may reduce the Association's or Lot Owners' obligations with regard to the Facility/ies. Such additional covenants may increase the obligations or provide for additional enforcement options.

The Stormwater Facility/ies and their location are as follows: *(Insert below the description of Facilities as well as Plat Book citation and/or Lot identification)*

In addition to the above obligations, the Association's obligations with regard to the Facilities are:

1. **Inspections/Routine Maintenance.** In accordance with City Requirements, the Association shall cause the Facility/ies to be inspected i) annually; and, ii) after major storm events that cause visual damage to the Facility; and iii) upon notification from the City to inspect. The inspection shall be performed by a licensed North Carolina Professional Engineer or a North Carolina Registered Landscape Architect certified by the City who shall document those things mandated under City Requirements. The inspection shall occur annually during the month in which the Facility/ies as-built certification was accepted by the City, which month may be determined through contact with the City of Durham Department of Public Works, Stormwater Division. The inspection shall be reported to the City as further described below.

2. **Repair and Reconstruction.** The Association shall repair and/or reconstruct the Facility/ies as it determines is necessary, and, at a minimum, as set forth in City Requirements or as directed by the City to allow the Facility/ies to function for its intended purpose, and to its design capacity. The Association shall provide written reports regarding major repair or reconstruction to the City in accordance with City Requirements.

3. **Stormwater Budget Line Items & Funding.** The dues of the Association shall include amounts for upkeep and reconstruction of the Facilities which shall be included in dues charged to Lots or members from the point that Lots or members are charged dues for other common purposes. The Association shall maintain two (2) separate funds in its budget for the Facility/ies. The first, the "Inspection and Maintenance Fund," shall be for routine inspection and maintenance expenditures and shall be used for annual inspections, maintenance, and minor repairs. The funds for this purpose may be maintained as part of the Association's general account. The second fund, the "Major Reconstruction Fund," shall be a separate, increasing reserve fund that will build over time and provide money for major repairs to and eventual reconstruction of the Facility/ies. The Major Reconstruction Fund shall be maintained in an account that is separate account from the Association's general account as described below. At a minimum, the Association shall, annually, earmark *(Insert \$ amount after consulting Stormwater Development Review)* from its collected dues for the Inspection and Maintenance Fund and *(Insert \$ amount after consulting Stormwater Development Review)* for the Major Reconstruction Fund. These minimum amounts shall be increased annually by 3% per year over the prior year's amount. The Association may set a higher amount in its discretion, or if directed by Durham Director of Public Works after an examination of the Facility/ies. The Association shall set dues at a sufficient amount to fund each of the two line items in addition to the Association's other obligations. The Association may compel payment of dues through all remedies provided in these Covenants or otherwise available under law.

4. **Assessments/Liens.** In addition to payment of dues, each Lot shall be subject to assessments by the Association for the purpose of fulfilling the Association's obligations under this Article. Such assessments shall be collected in the manner set forth in these Covenants. As allowed under NCGS §47F, or successor statutes, or, for condominiums, as allowed under NCGS 47C, or successor statutes, all assessment remaining unpaid for 30 days or longer shall constitute a lien on the Lot. Such lien and costs of collection may be filed and foreclosed on by the Association. In addition, the Association's rights may, in the discretion of the City, be exercised by the City, as a third party beneficiary and/or as Attorney in Fact for the Association.

5. **Stormwater Expenditures Receive Highest Priority.** Notwithstanding any contrary provisions of the covenants of which this Article is a part, to the extent not prohibited by law, the inspection, maintenance, repair, and replacement/reconstruction of the Facility/ies shall receive the highest priority (excluding taxes and assessments and other statutorily required expenditures) of all Association expenditures.

6. **Separate Account for Major Reconstruction Fund. Engineer's Report.** The

Association shall maintain the Major Reconstruction Fund for the Facility/ies in an account separate from the Association's general account. The Association shall use the Fund only for major repairs and reconstruction of the Facility/ies. No withdrawal shall be made from this fund unless the withdrawal is approved by two Association officials who shall execute any documents allowing such withdrawal. Prior to withdrawing funds from this account, the Association shall (i) obtain a written report from an engineer approved in accordance with City Requirements regarding repairs or reconstruction needed and approximate cost of such repair or reconstruction; and (ii) submit such report to the Director of the City's Department of Public Works, and notify the Director of the repairs or reconstruction to be undertaken on the Facility, the proposed date, and the amount to be withdrawn from the Major Reconstruction Fund. In the event of an emergency, withdrawal and expenditure of funds may be made after telephone notification to the Stormwater Services Division of the Department.

7. **Annual Reports to City.** The Association shall provide to the City annual reports in substance and form as set forth in City Requirements. At a minimum each report shall include:

- i. the annual Facilities inspections report described in section (1) above;
- ii. if requested by City, a description of repairs exceeding normal maintenance that have been performed on the Facility/ies in the past year, and the cost of such repairs;
- iii. if requested by City, a bank or account statement showing the existence of the separate Major Reconstruction Fund described in Section (6) above and the balance in such fund as of the time of submission of the report;
- iv. if requested by City, the amount of Association dues being set aside for the current year for each of the two stormwater funds – the Inspection and Maintenance Fund and the Major Reconstruction Fund.

8. **Facility/ies to Remain with Association; Lot Owners' Liability.** To the extent not prohibited by law, the Facility/ies shall remain the property of the Association and may not be conveyed by the Association. In the event the Association ceases to exist or is unable to perform its obligations, all Lot Owners, excluding the Lots owned by the Association, shall be jointly and severally liable to fulfill the Association's obligations. Such Lot Owners shall have the right of contribution from other owners with each Lot's pro rata share being calculated as Lot Owner's proportional obligations are otherwise defined in these Covenants. The City may also exercise rights described in the Durham City Code and other remedies provided by law.

9. **City Rights; Liens Against Owners.** In addition to rights granted to the City by ordinance or otherwise, the City shall have the following rights, generally summarized below:

- a. Direct the Association in matters regarding the inspection, maintenance, repair, and /or reconstruction of the Facility/ies;
- b. If the Association does not perform the work required by ordinance or by these covenants, do such work itself, upon 30 days' written notice to the Association.
- c. Access the Facility/ies for inspection, maintenance, and repair, crossing as necessary the lot(s) on which the Facility/ies are located and all other private and public easements that exist within the Property subject to these covenants.
- d. Require reimbursement by the Association of the City's costs in inspecting, maintaining, repairing, or reconstructing the Facility/ies.
- e. Enforce any debts owed by the Association against Lot Owners if such debts are not fully paid by the Association. The debt may be allocated to Lot Owners as provided in the other sections of these Covenants, and may be made a lien on each owner's property, may be added to each owner's utility bills, and may result in foreclosure.

10. **No Dissolution.** To the extent not prohibited by law, the Association shall not enter into voluntary dissolution unless the Facility is transferred to a person who has been approved by the City and has executed formal acceptance with the City assuming the obligations of the Association. Individual Lots and Lot Owners continue to be liable for the Facility/ies in the event the Association is dissolved without an approved responsible party that is assuming the Association's obligations.

11. **No Amendment.** Without the prior written consent of the City, which may be given by the Durham Public Works Director, and notwithstanding any other provisions of these Restrictive Covenants, the Association may not amend or delete this Article with the exception of supplementing its provisions in a more detailed manner to better describe members' or Lot Owners' obligations regarding each other.