

Built Upon Area

A) Storm Water Permitting

1. The North Carolina Department of Environmental Quality (NC-DEQ) Storm Water Permit for OHE legally obligates us to enforce a 5,300 square foot “Built Upon Area (BUA)” for each of our lots.
 - a) This in addition to the 5,300 square foot “**impervious surface**” limit stated in our Declaration.
 - b) The only surfaces that can currently be excluded from the State-mandated BUA totals are listed on the attached NC-DEQ guidance “**A-4. Built-Upon Area**”
- i.
 - c) OHE requires listing the total BUA for the project to be listed on the certified site plan
 1. This includes all covered permeable and impermeable surfaces
 2. You can get a credit from the ARB towards the BUA limit for any surfaces that the ARB agrees to exempt from the totals
 3. Refer to the attachment “A-4. Built-Upon Area” for allowable exemptions

B) Driveway and walkway options

- a) The ARB will consider “non-concrete” options for driveways and walkways
- b) See the attached examples
 1. These options do not require approval by the State
 2. If an owner wants to consider one of these options, they will need to submit it the ARB for approval

A-4. Built-Upon Area

N.C.G.S.143-214.7(b2): For purposes of implementing stormwater programs, "**built-upon area**" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include:

- a slatted deck;
- the water area of a swimming pool;
- a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric;
- a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or
- landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.

The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection.

NOTE: The above definition of "built-upon area" applies only to state stormwater programs.

Some additional guidance on using #57 stone in accordance with the statute is as follows:

- The #57 stone may not be mixed with other aggregate material;
- "**Geotextile fabric**" means a permeable geosynthetic comprised solely of non-biodegradable textiles. [15A NCAC 2H .1002(19)]
- The #57 stone and geotextile fabric may not be placed on top of an impervious material, such as crusher run or asphalt;
- The #57 stone area may not use an underdrain system that discharges without treatment; and
- The soil on which the 57 stone will be placed (subgrade) should not be mechanically compacted prior to installation; however, the statute does not prohibit this.

Non-concreate options









