

# IMPERVIOUS SURFACE GUIDE

## Impervious Surface Limits within Watershed Protection Overlay Districts

The Orange County Unified Development Ordinance (UDO) includes impervious surface limits for land development activities located within Orange County's jurisdiction. Orange County enforces these limits within thirteen (13) Watershed Protection Overlay Districts (<https://experience.arcgis.com/experience/e575a905696e441fbbded052342eceb?org=orangecountync>) – see map on Page 2 of this document.

Impervious surface limits vary across Orange County based on the specific **Watershed Protection Overlay District** in which the site is located. Orange County's impervious surface limits are generally summarized in Table 1 – Impervious Surface Limits (see Page 3 of this document). See UDO Section 4.2 for background information and additional details. The UDO can be downloaded at the link below: <https://www.orangecountync.gov/3040/Unified-Development-Ordinance-UDO>

## What is Impervious Surface? What is Built Upon Area (BUA)?

Impervious surface is defined in the UDO as, "A surface composed of any material that impedes or prevents the natural infiltration of water into the soil. Such surfaces include concrete, asphalt, and gravel surfaces." The UDO defines **Built-Up Area (BUA)** as, "That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g., roads, parking lots, paths), recreation facilities, (e.g., tennis courts), etc." **Orange County evaluates the BUA for the measurement, tracking, and enforcement of impervious surface limits within Watershed Protection Overlay Districts.**

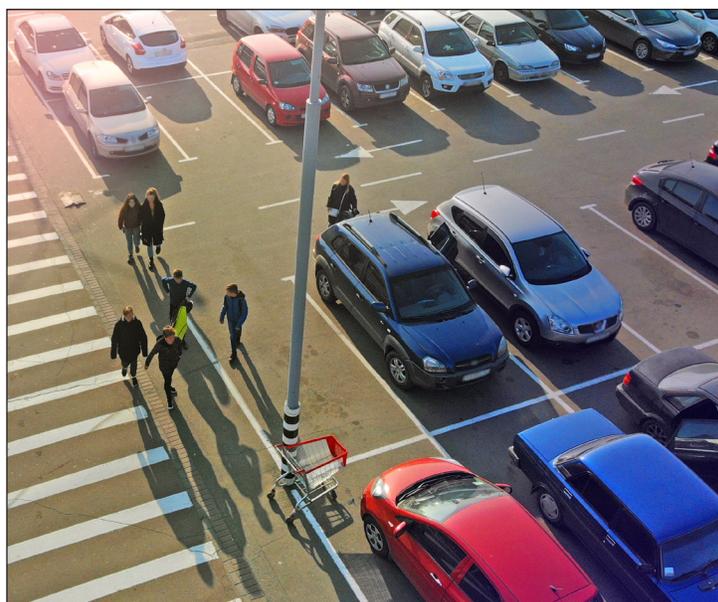
The following ground covers are **not considered impervious surface**, nor are they considered BUA:

- 1) wooden slatted decks;
- 2) the water area of a swimming pool;
- 3) a surface of number 57 stone, as designated by the American Society for Testing and Materials (ASTM), laid at least four inches thick over a geotextile fabric;
- 4) 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); and
- 5) 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.

## Are there Exceptions to the Enforcement of Impervious Surface Limits?

**Yes.** Based on Orange County's implementation of Watershed Protection Overlay Districts, the defined date for which BUA is considered existing development is January 1, 1994.

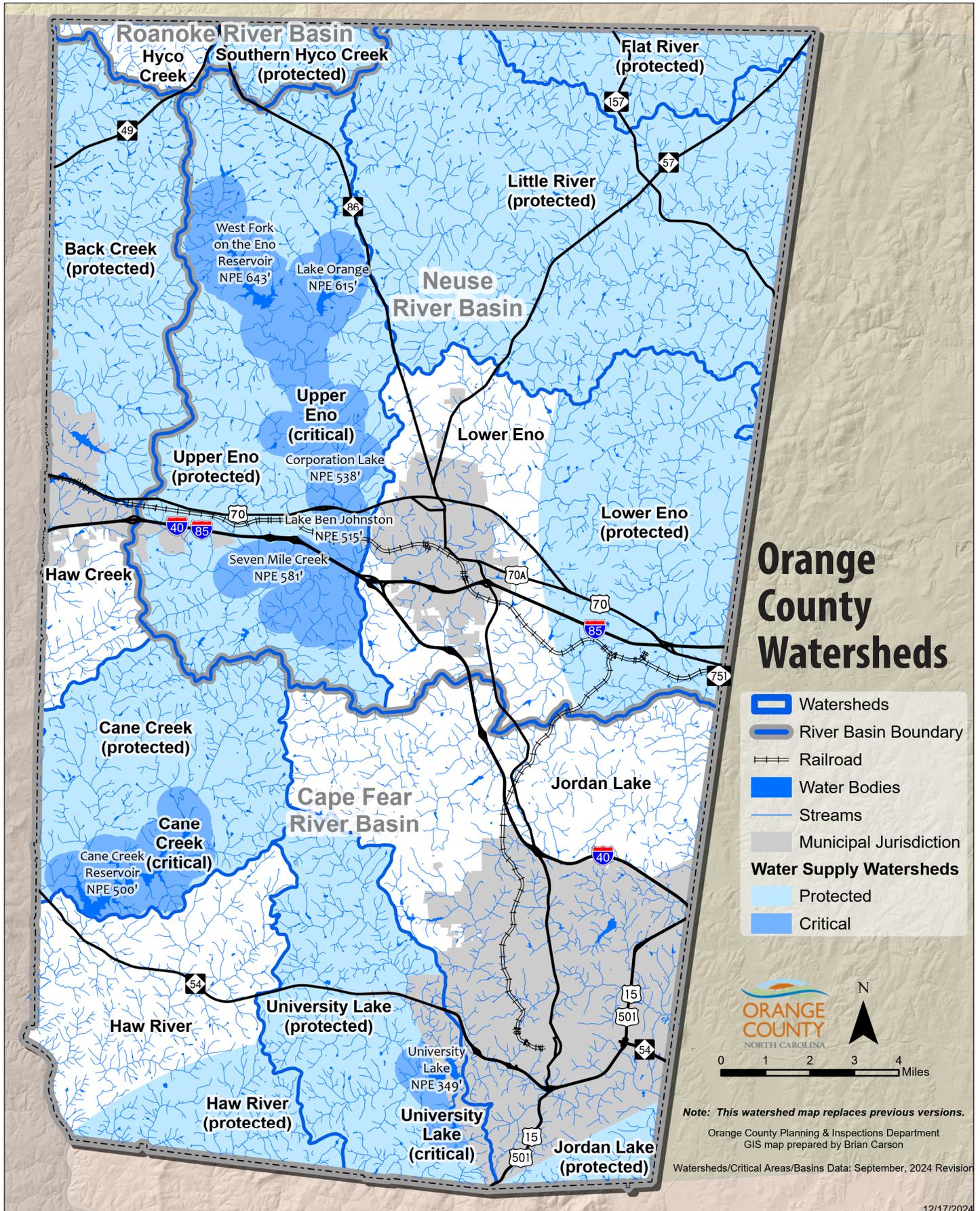
**For all watersheds except for the University Lake and Cane Creek watersheds, any BUA in existence prior to January 1, 1994, is considered "existing" and is not subject to Orange County's impervious surface limits for new development nor the associated stormwater management requirements for new development.**



The "existing" dates for the University Lake and Cane Creek watersheds are April 2, 1990, and October 19, 1999, respectively.

Please note that there are watershed-specific exceptions to the Existing Development Date that apply exclusively to lot densities, stream classifications, and buffer rules. If you have questions about watershed-specific exceptions, or if you believe your property was platted prior to January 1, 1994, but no development has yet occurred and no BUA yet exists, please contact Orange County staff to discuss any applicable exceptions and/or the allowable BUA for that property.

# Watershed Protection Overlay Districts



**Table 1 – Impervious Surface Limits**

<b>Watershed Protection Overlay District</b>	<b>Impervious Limits (Residential)</b>	<b>Impervious Limits (Non-Residential)</b>	<b>Existing Development Date</b>
University Lake Critical Area (UNIV-CA)	6% (see UDO Table 4.2.5.1 for exceptions)	6%	April 2, 1990
University Lake Protected (UNIV-PW)	6% (see UDO Table 4.2.5.1 for exceptions)	12% (see UDO Table 4.2.6 for exceptions)	April 2, 1990
Cane Creek Critical Area (CANE-CA)	6% (see UDO Table 4.2.5.1 for exceptions)	6%	October 19, 1999
Cane Creek Protected (CANE-PW)	6% (see UDO Table 4.2.5.1 for exceptions)	12% (see UDO Table 4.2.6 for exceptions)	October 19, 1999
Upper Eno Critical Area (U-ENO-CA)	6% (see UDO Table 4.2.5.1 for exceptions)	6%	January 1, 1994*
Upper Eno Protected (U-ENO-PW)	12% (outside of Transition Areas) 30% (within Transition Areas) 70% (within "high density" or EDD Areas)	12% (see UDO Table 4.2.6 for exceptions)	January 1, 1994*
Lower Eno Protected (L-ENO-PW)	24% (with curb and gutter) 36% (without curb and gutter) 70% (within "high density" or EDD Areas)	24% (with curb and gutter) 36% (without curb and gutter) 70% (within "high density" or EDD Areas)	January 1, 1994
Little River Protected (LITTLE-PW)	6% (see UDO Table 4.2.5.1 for exceptions)	12% (see UDO Table 4.2.6 for exceptions)	January 1, 1994
Back Creek Protected (BACK-PW)	12% (outside of Transition Areas) 30% (within Transition Areas) 70% (within "high density" or EDD Areas)	12% (see UDO Table 4.2.6 for exceptions)	January 1, 1994
South Hyco Creek Protected (HYCO-PW)	12%	12% (see UDO Table 4.2.6 for exceptions)	January 1, 1994
Flat River Protected (FLAT-PW)	12%	12% (see UDO Table 4.2.6 for exceptions)	January 1, 1994
Haw River Protected (HAW-PW)	24%	24%	January 1, 1994
Jordan Lake Protected (JORDAN-PW)	24%	24%	January 1, 1994

\*There are additional exceptions to the Existing Development Date specific to parcels located adjacent to the West Fork Eno Reservoir (WFER).

**For additional information or questions, please contact the Orange County Planning and Inspections Department at 919-245-2575 or 919-245-2583.**