



# **DETERMINING BUILT-UPON AREA RESTRICTIONS IN MECKLENBURG COUNTY**

## **Background:**

- State and local regulations (specifically water supply watershed protection ordinances and post-construction ordinances) protect streams and lakes in Mecklenburg County from pollution by restricting activities in the land areas that drain to them.
- Built-upon area (also called impervious area) is a source of pollution that is controlled by these regulations. Pollutants, such as oil and chemicals, deposited on these surfaces wash straight to creeks and lakes in runoff during rain events causing negative water quality impacts.
- Built-upon area is defined as both impervious and partially impervious cover including buildings, pavement, gravel, recreational facilities (tennis courts, etc.) but does not include wooden slatted decks and the water area of a swimming pool.

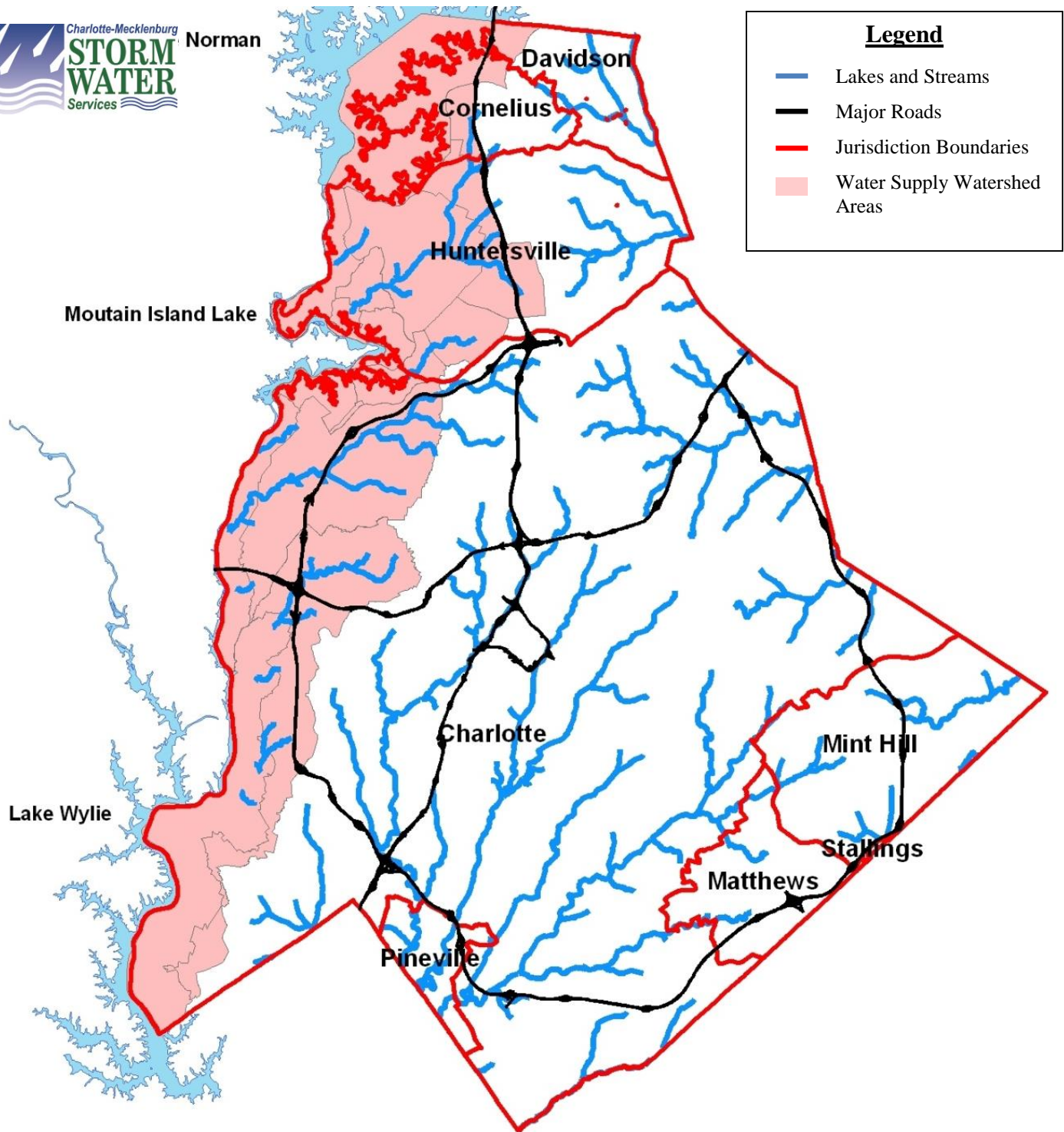
## **Building Restrictions:**

- Built-upon area restrictions apply to all properties located in water supply watershed restriction areas (refer to map below) and most all other properties in Mecklenburg County. Built-upon area that existed prior to the effective date of the applicable regulation is not included in the built-upon area restriction.
- The amount of built-upon area allocated to a property is dependent on a number of factors, including whether the development is high or low density, proximity to the lake and applicable regulation. For individual lots in subdivisions, the developer sets the built upon area restrictions during the development process.
- Property owners that exceed their allowed built-upon area could be fined and required to remove the additional area.
- Properties developed in the City of Charlotte after July 1, 2008 or properties developed in Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville after July 1, 2007 are likely subject to built-upon area restrictions.
- To determine if a property is located in a water supply watershed restriction area, go to <http://charmeck.org> (select "Departments", select "Geospatial Information Services", select "POLARIS 3G"). Enter the property address or PID in the search field (upper left corner) and select "Floodplain, Zoning & Watershed Info" at the lower left portion of the screen. If a "Watershed Class" such as PA or Ca is indicated under the heading "Watershed District" at the bottom left portion of the screen, then the property is located in a water supply watershed restriction area and is likely subject to the built-upon area requirements. To view the specific watershed ordinances and guidelines, click on "Detailed Information" at the bottom left portion of the screen.

## **Determining Building Restrictions for a Specific Property:**

- If a property is located in a subdivision, the maximum built upon area allocated to that property can be obtained from the approved recorded plat, which is sometimes available by using the “Legal Desc.” link on the left side of the screen in POLARIS under the property address. This will take you to the Register of Deeds website for viewing of the recorded plat. While viewing the recorded plat you will see on left hand side of page a “Related Documents” link. Click this link to see if there is a revised plat that may include changes to allotted impervious restrictions. The revised plat will be noted as MAP/R. Should you want to go back to the previous plat click the back button. If the property in question is not located in a subdivision or if the subdivision was approved prior to the effective date of the regulation, then the maximum allowed built upon area can be obtained by reviewing the applicable regulation as described above.
- Check the amount of built-upon area available on the scanned survey of the property located on the Mecklenburg County Code Enforcement website at <http://charmeck.org> (select “Departments”, select “Code Enforcement (County)”, select “Public Records & Documents” select “Online Document Research”).
- If new built upon area has been added since this survey or if a survey is not available, a survey should be performed to obtain an exact measure of available built-upon area for building.
- If no scanned survey is available, an approximation of built upon area is available at <http://charmeck.org> (select “Departments” select “Geospatial Information Services”. “GeoPortal” is on the right hand side of page.
- Property owners are responsible for maintaining compliance with built-upon area restrictions on their lot whether the building activity requires a building permit or not. Sometimes, property owners add built-upon area that does not require a building permit (such as a patio, walkway, etc.) and unknowingly violate their built-upon area restriction. Oftentimes this is not discovered until the property owner attempts to sell their property and the buyer’s property survey reveals that the built-upon area limit has been exceeded, which makes the property in violation and can impede the sale of the property.
- Following the addition of any new impervious area that requires a building permit, a new survey is required to demonstrate compliance with built-upon area restrictions prior to releasing a Certificate of Compliance. If this survey reveals the built-upon area limit has been exceeded, the property owner is responsible for removing the area or obtaining a variance from the jurisdiction to allow it to remain. Contact the jurisdiction’s Planning Department for additional information (go to the jurisdiction’s official website, select “Departments” select “Planning Department”).

# Charlotte-Mecklenburg Water Supply Watershed Restriction Areas



**For more information, call Charlotte-Mecklenburg Storm Water Services' Water Quality Program at 704-336-5456**