



CHARLOTTE

Zoning Interpretation

Grandfathering of Impervious Surfaces for Stormwater Purposes

No development or use of land, which involves or would create more than 20,000 square feet of impervious ground cover, except for land developed or used for agricultural purposes, shall be permitted without the submission and approval of a drainage plan, in accordance with the requirements of this part. No certificate of zoning compliance, certificate of occupancy, or building permit for such development shall be issued until the draining plan is approved by the City Engineer.

Impervious ground cover in existence prior to October 1, 1978 of these regulations shall not be used in measuring the 20,000 square feet identified in Subsection (1) above.

ISSUE

During redevelopment, if a site is completely cleared, is credit given for the impervious surface that was in place prior to October 1, 1978?

POLICY

The purpose of this section is to allow the continuance of existing impervious conditions even during redevelopment. As such, even upon removal, a project shall receive credit for those impervious surfaces in place prior to October 1, 1978. Stormwater improvements will not be required unless more than 20,000 square feet of new impervious coverage is planned for the site. Impervious coverage that has been removed for a period of 12 months or more shall not be credited (see 7.102(6)).

Typically in zoning, during complete redevelopment, a site must come into conformance with all requirements of the zoning ordinance. In the Charlotte Zoning Code this standard is stated in chapter on nonconformities (Chapter 7). For stormwater, a special clause was provided in Section 12.601 regarding what to do with previously existing impervious coverage. Based on chapter 7, Section 7.103(5), no special clause would be needed to simply deal with the expansion of a building or other structures on a site. This section states that expanded areas must comply with the zoning ordinance. Based on 12.601(1), if the expanded area exceeded 20,000 square feet of impervious coverage, a drainage plan would be required. As such, it appears that the intent of 12.601(2) is to override Chapter 7 in how it treats redevelopment projects by giving credit for previously installed impervious surfaces thereby maintaining the status quo rather than attempting to improve existing conditions.

Evidence shall be provided by the applicant during plan review to establish the impervious coverage as of October 1, 1978. Examples of acceptable evidence include air photos, surveys, previously approved zoning or engineering site plans or other materials that can establish the extent of impervious coverage to October 1, 1978.

Date Agreed: September 23, 2008	Approved By: Katrina J. Young Zoning Administrator
Code Sections: 12.601 (2)	SUPERSEDES :