GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

HOUSE BILL 218
Committee Substitute Favorable 4/27/21

Short Title: Streamline Permits/Redevelopment of Property. (Public)

Sponsors:

Referred to:

March 4, 2021

A BILL TO BE ENTITLED

AN ACT TO CLARIFY STORMWATER RUNOFF REQUIREMENTS APPLICABLE TO PREEXISTING DEVELOPMENT IN WATER SUPPLY WATERSHEDS AND TO EXEMPT CERTAIN FOOTPRINT EXPANSIONS FROM SITE PLAN MAJOR MODIFICATION REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 143-214.5 is amended by adding a new subsection to read:

"(d3) A local government implementing a water supply watershed program shall allow an applicant to exceed the allowable density under the applicable water supply watershed rules if all of the following circumstances apply:

(1) The property was developed prior to the effective date of the local water supply watershed program.

(2) The property has not been combined with additional lots after January 1, 2021.

(3) The property has not been a participant in a density averaging transaction under subsection (d2) of this section.

(4) The current use of the property is nonresidential.

(5) The stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.

(6) The remaining vegetated buffers on the property are preserved in accordance with the local water supply watershed protection program requirements."

SECTION 1.(b) The Commission shall adopt rules, and local governments shall amend their ordinances and local programs, to implement the requirements of this act.

SECTION 1.(c) This section becomes effective October 1, 2021, and applies to applications for permits and other approvals received on or after that date.

SECTION 2.(a) G.S. 160D-403 reads as rewritten:

"**§ 160D-403. Administrative development approvals and determinations.**

(a) Development Approvals. – To the extent consistent with the scope of regulatory authority granted by this Chapter, no person shall commence or proceed with development without first securing any required development approval from the local government with jurisdiction over the site of the development. A development approval shall be in writing and may contain a provision requiring the development to comply with all applicable State and local laws. A local government may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent

of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

…

(d) Changes. – After a development approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained. A local government may define by ordinance minor modifications to development approvals that can be exempted or administratively approved. The local government shall follow the same development review and approval process required for issuance of the development approval in the review and approval of any major modification of that approval. A developer expanding the footprint of buildings approved in the original development agreement by up to twenty percent (20%) shall not constitute a site plan modification if the agreement has been completed within the last 15 years and there has been no change in the permitted use of the property.

…."

SECTION 2.(b) Local governments shall amend their ordinances and local programs to implement the requirements of this section.

SECTION 2.(c) This section becomes effective October 1, 2021, and applies to applications for permits and other approvals received by local governments on or after that date.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.