

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 218
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40135-MH-51

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

Sponsors: Representative Zenger.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY STORMWATER RUNOFF REQUIREMENTS APPLICABLE TO
3 PREEXISTING DEVELOPMENT IN WATER SUPPLY WATERSHEDS AND TO
4 EXEMPT CERTAIN FOOTPRINT EXPANSIONS FROM SITE PLAN MAJOR
5 MODIFICATION REQUIREMENTS.

6 The General Assembly of North Carolina enacts:

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

8 "(d3) Neither the Commission nor a local government implementing a water supply
9 watershed protection program shall apply impervious surface restrictions to the redevelopment
10 of property when the redevelopment includes installation of a system for the collection,
11 treatment, and discharge of stormwater runoff from both the existing and redeveloped areas of
12 the property in a manner that complies with all applicable State and federal stormwater
13 management requirements."

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

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

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

19 "**§ 160D-403. Administrative development approvals and determinations.**

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

31 ...

32 (d) Changes. – After a development approval has been issued, no deviations from the
33 terms of the application or the development approval shall be made until written approval of
34 proposed changes or deviations has been obtained. A local government may define by ordinance
35 minor modifications to development approvals that can be exempted or administratively
36 approved. The local government shall follow the same development review and approval process



1 required for issuance of the development approval in the review and approval of any major
2 modification of that approval. A developer expanding the footprint of buildings approved in the
3 original development agreement by up to twenty percent (20%) shall not constitute a major
4 modification if the agreement has been completed within the last 15 years and there has been no
5 change in the permitted use of the property.

6"

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

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

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