

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H

D

HOUSE BILL 218  
PROPOSED COMMITTEE SUBSTITUTE H218-PCS40431-RI-8

Short Title: Streamline Permits/Redevelopment of Property.

(Public)

Sponsors:

Referred to:

March 4, 2021

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

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

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

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

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

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

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

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

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

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

27 **"§ 160D-403. Administrative development approvals and determinations.**

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



\* H 2 1 8 - P C S 4 0 4 3 1 - R I - 8 \*

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

3 ...

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

14 ...."

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

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

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