

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2021**

**SESSION LAW 2021-164**  
**HOUSE BILL 218**

AN ACT TO CLARIFY STORMWATER RUNOFF REQUIREMENTS APPLICABLE TO  
PREEXISTING DEVELOPMENT IN WATER SUPPLY WATERSHEDS.

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) In the sole discretion, and at the voluntary election, of the property owner, 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)** G.S. 143-214.7(b3) reads as rewritten:

"(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. Provided, however, a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in G.S. 214.5(d3). This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances."

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



**SECTION 2.** This act becomes effective November 1, 2021, and applies to applications for permits and other approvals received on or after that date.

In the General Assembly read three times and ratified this the 27<sup>th</sup> day of September, 2021.

s/ Carl Ford  
Presiding Officer of the Senate

s/ Donna McDowell White  
Presiding Officer of the House of Representatives

s/ Roy Cooper  
Governor

Approved 9:55 a.m. this 8<sup>th</sup> day of October, 2021