A BILL TO BE ENTITLED
AN ACT TO LIMIT THE SCOPE OF REQUIREMENTS FOR CERTIFICATES OF OCCUPANCY, TO ESTABLISH GENERAL REQUIREMENTS FOR LOCAL GOVERNMENTS WHEN APPROVING DEVELOPMENT PERMIT APPLICATIONS, AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA BUILDING CODE COUNCIL TO CONDUCT CERTAIN COST-BENEFIT ANALYSES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 160D of the General Statutes is amended by adding a new section to read:

§ 160D-403.1. Commercial plan review for sealed plans.
When plans for commercial buildings are submitted under the seal of any design professional licensed under Chapters 83A, 89A, or 89C of the General Statutes and those plans are reviewed by the local government with development approval authority or, if authorized by statute, by a private engineering or architectural firm under contract with that local government to review commercial plans, that local government shall not condition the issuance of a certificate of occupancy on the imposition in the sealed commercial plans of any additional requirement unless that additional requirement is required by an applicable code. As used in this section, "applicable code" has the same meaning as in G.S. 160D-931(2)."

SECTION 2. Article 4 of Chapter 160D of the General Statutes is amended by adding a new section to read:

§ 160D-407. General requirements for approving permit applications.
All of the following shall apply to the process used by a local government to evaluate and decide whether to approve a permit related to site construction and land use permitting:

(1) All standards or requirements for the issuance of a construction permit shall be in writing and based on a policy, standard procedure, or ordinance adopted by the governing body and be available for public inspection. The written policy, standard procedure, or ordinance may include formal land-use maps, capital improvement plans, or fiscally constrained road improvement requirements established by the local government or the Department of Transportation.

(2) The written policy, standard procedure, or ordinance adopted under subdivision (1) of this section shall do all of the following:

a. Designate a department of the local government to establish a schedule that shall be used to review permit applications, including the maximum number of days in which a department shall have to approve or deny a complete application. Any schedule established under this
sub-division shall be approved by the governing board before being promulgated to the public.

b. The schedule adopted under sub-division a. of this subdivision may allow additional time for review of permit applications due to extenuating circumstances, but the occurrence of any extenuating circumstances must be noted in the quarterly report, as defined in subdivision (4) of this section.

c. The schedule adopted under sub-division a. of this subdivision shall be made available for public inspection and be published on the local government’s website, if available.

(3) Notwithstanding any provision of this Chapter, a local government shall not require a permittee to reserve land, dedicate rights-of-way, adhere to planning or land use conditions, or make accommodations for future construction activities, including the installation of future infrastructure, unless that requirement is included in a written policy, standard procedure, or ordinance adopted under subdivision (1) of this section.

(4) Any local government department responsible for reviewing construction permit applications shall, on a quarterly basis, submit to its governing board a report detailing the department’s compliance with the schedule established under subdivision (2) of this section. The report shall be made available for public inspection and published on the local government’s website, if available. The local government may present the data in any format provided it complies with this section. This report shall include at least all of the following:

a. The number of permit application reviews completed within the time periods specified in the schedule.

b. The number of permit application reviews completed after the expiration of the time periods.

(5) A written policy, standard procedure, or ordinance adopted under subdivision (1) of this section shall not require a construction permit to be reviewed if another agency or department, including a State agency or department, has conducted its own review of the same or another permit related to the same project. Written policies, standard procedures, or ordinances adopted by the local government shall require that construction permits issued by the local government shall be reviewed concurrently with another permit related to the same project. This requirement for departments or agencies to review construction permits concurrently does not apply if the project is proposed to be constructed in phases, making a concurrent review impractical, or if the permittee requests nonconcurrent reviews.

(6) A local government may establish an online permit application and review process and require its use.

(7) A local government shall not require a tree survey as part of the development approval process if that local government does not have a tree ordinance authorized by law. Nothing in this subdivision shall be deemed to prohibit a local government from establishing development parameter buffer zones and other designated preservation areas; provided that any buffer zones or designated preservation areas are provided in the written policy, standard procedure, or ordinance adopted under subdivision (1) of this section.

(8) A local government shall have the authority to regulate the portion of any private road, driveway, or parking lot that lies upon the public right-of-way as to slope, width, thickness of the pavement, and design that matches any
existing roadway. All other aspects pertaining to private roads, driveways, and
parking lots contained within a submitted plan shall be approved by the local
government if they (i) are designed by a design professional licensed in this
State and (ii) meet or exceed all applicable federal and State laws and
regulations."

SECTION 3. If G.S. 143-138, as amended by Section 2 of House Bill 489 of the
2021 Regular Session of the General Assembly, becomes law, there is appropriated from the
General Fund of the State to the North Carolina Building Code Council the sum of twenty
thousand dollars ($20,000) in nonrecurring funds for the 2021-2022 fiscal year to be used by the
North Carolina Building Code Council to implement the provisions of that section.

SECTION 4. This act is effective when it becomes law and applies to construction
permits submitted for approval on or after that date.