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