

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 369
Committee Substitute Favorable 5/6/25
Committee Substitute #2 Favorable 6/10/25
PROPOSED SENATE COMMITTEE SUBSTITUTE H369-PCS10651-CJa-23

Short Title: Parking Lot Reform/Stormwater Control.

(Public)

Sponsors:

Referred to:

March 12, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRICT LOCAL GOVERNMENTS FROM REGULATING CERTAIN
3 ASPECTS OF OFF-STREET PARKING SPACES AND TO MODIFY THE AUTHORITY
4 OF CERTAIN LOCAL GOVERNMENTS TO REQUIRE STORMWATER CONTROL
5 FOR REDEVELOPED PROPERTY.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. PROHIBITING CERTAIN ZONING AND DEVELOPMENT LIMITATIONS**
9 **RELATED TO OFF-STREET PARKING**

10 SECTION 1.(a) G.S. 160D-702 reads as rewritten:

11 "§ 160D-702. Grant of power.

12 ...

- 13 (c) A zoning or other development regulation shall not do any of the following:
- 14 (1) Set a minimum square footage of any structures subject to regulation under
15 the North Carolina Residential Code.
 - 16 (2) Require ~~a~~an off-street parking space to be larger than 9 feet wide by 20 feet
17 long unless the parking space is designated for handicap, parallel, or diagonal
18 parking.
 - 19 (2a) Require an off-street parking lot to meet a minimum number of parking spaces
20 per development or structure, regardless of occupancy or use.
 - 21 (3) Require additional fire apparatus access roads into developments of one- or
22 two-family dwellings that are not in compliance with the required number of
23 fire apparatus access roads into developments of one- or two-family dwellings
24 set forth in the Fire Code of the North Carolina Residential Code for One- and
25 Two-Family Dwellings.
 - 26 (4) Establish or require pavement design standards for public roads or private
27 roads that are more stringent than the minimum pavement design standards
28 adopted by the Department of Transportation.

29"

30 SECTION 1.(b) There is appropriated from the General Fund to the Department of
31 Commerce the sum of five thousand dollars (\$5,000) in nonrecurring funds for the 2026-2027
32 fiscal year to assist in educating property owners on the financial opportunities that relate to
33 adjusting the number of parking spaces within their parking lots to better align with actual, and
34 anticipated, usage and thereby saving possible unneeded expenditures.



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1 SECTION 1.(c) This section becomes effective July 1, 2026.

2
3 **PART II. MODIFY THE AUTHORITY OF CERTAIN LOCAL GOVERNMENTS TO**
4 **REQUIRE STORMWATER CONTROL FOR REDEVELOPED PROPERTY**

5 SECTION 2.(a) G.S. 143-214.7 reads as rewritten:

6 "**§ 143-214.7. Stormwater runoff rules and programs.**

7 ...

8 (a1) Definitions. – The following definitions apply in this section:

9 (1) Built-upon area. – As defined in G.S. 143-214.7D.

10 (2) Development. – Any land-disturbing activity that increases the amount of
11 built-upon area or that otherwise decreases the infiltration of precipitation into
12 the subsoil. ~~When additional development occurs at a site that has existing~~
13 ~~development, the built-upon area of the existing development shall not be~~
14 ~~included in the density calculations for additional stormwater control~~
15 ~~requirements, and stormwater control requirements cannot be applied~~
16 ~~retroactively to existing development, unless otherwise required by federal~~
17 ~~law.~~

18 (2)(3) Redevelopment. – Any land-disturbing activity that does not result in a net
19 increase in built-upon area and that provides greater or equal stormwater
20 control to that of the previous development.

21 ...

22 (b3) Stormwater runoff rules and programs shall not require private property owners to
23 install new or increased stormwater controls for (i) ~~preexisting development existing built-upon~~
24 ~~area,~~ or (ii) redevelopment activities that do not remove or decrease existing stormwater controls.
25 ~~When a preexisting development is redeveloped, either in whole or in part, increased stormwater~~
26 ~~controls shall only be required for the amount of impervious surface being created that exceeds~~
27 ~~the amount of impervious surface that existed before the redevelopment, irrespective of whether~~
28 ~~the impervious surface that existed before the redevelopment is to be demolished or relocated~~
29 ~~during the development activity. When development or redevelopment occurs at a site that has~~
30 ~~existing built-upon area: (i) the existing built-upon area shall not be included in the density~~
31 ~~calculations for additional stormwater control requirements, irrespective of whether the existing~~
32 ~~built-upon area is to be demolished, relocated, replaced, or remains in place during development~~
33 ~~activity; (ii) the existing built-upon area at the site is not subject to additional stormwater control~~
34 ~~requirements under this section, regardless of whether the existing built-upon area is demolished,~~
35 ~~relocated, replaced, or remains in place during the development activity; (iii) for purposes of~~
36 ~~determining the size of the area for which stormwater control measures are required for a~~
37 ~~development or redevelopment, built-upon area that existed before the development or~~
38 ~~redevelopment shall be applied on a square-foot-for-square-foot basis to reduce the built-upon~~
39 ~~area for which stormwater control measures are required; and (iv) stormwater control~~
40 ~~requirements cannot be applied retroactively to existing built-upon area, unless otherwise~~
41 ~~required by federal law. A property owner may elect to treat the stormwater resulting from the~~
42 ~~net increase in built-upon area above the preexisting existing built-upon area at the development~~
43 ~~or redevelopment for the purpose of exceeding allowable density under the applicable water~~
44 ~~supply watershed rules as provided in G.S. 143-214.5(d3). This subsection applies to all local~~
45 ~~governments regardless of the source of their regulatory authority. Local governments shall~~
46 ~~include the requirements of this subsection in their stormwater ordinances.~~

47 ...

48 (b8) A local government may offer nonmandatory incentives that waive building, zoning,
49 connection, or other regulations or fees, provide additional tax and financial benefits, or institute
50 other incentives for development or redevelopment that implements additional stormwater
51 control measures beyond those required by this section and rules adopted thereunder.

1"

2 **SECTION 2.(b)** Each local government that implements a stormwater management
3 program shall amend its stormwater ordinance to conform to G.S. 143-214.7(b3), as amended by
4 subsection (a) of this section, within 12 months of the effective date of this section. Any local
5 stormwater ordinance that is inconsistent with G.S. 143-214.7(b3), as amended by subsection (a)
6 of this section, is void and unenforceable on and after that date. A local government may adopt,
7 amend, or repeal ordinance provisions implementing G.S. 143-214.7(b8) at any time after the
8 effective date of this section.

9 **SECTION 2.(c)** This section is effective when it becomes law and applies to
10 stormwater rules and stormwater program amendments adopted on or after that date.

11
12 **PART III. EFFECTIVE DATE**

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