

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 162
PROPOSED SENATE COMMITTEE SUBSTITUTE H162-PCS10674-RI-42

Short Title: Parking Lot Reform/Stormwater Control.

(Public)

Sponsors:

Referred to:

February 24, 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. The limitations
21 of this subdivision shall not, however, apply to local governments located in
22 the coastal area, as those terms are defined under G.S. 113A-103, except with
23 respect to the following properties located in the coastal area:

24 a. Within the boundaries of a National Register Historic District or a
25 local historic district.

26 b. That are either (i) individually listed in the National Register of
27 Historic Places or (ii) individually designated as a local historic
28 landmark.

29 c. Properties located within a district on the Study List for the National
30 Register of Historic Places as maintained by the North Carolina State
31 Historic Preservation Office or a national or State historic landmark.

32 (3) Require additional fire apparatus access roads into developments of one- or
33 two-family dwellings that are not in compliance with the required number of
34 fire apparatus access roads into developments of one- or two-family dwellings
35 set forth in the Fire Code of the North Carolina Residential Code for One- and
36 Two-Family Dwellings.



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- 1 (4) Establish or require pavement design standards for public roads or private
2 roads that are more stringent than the minimum pavement design standards
3 adopted by the Department of Transportation.

4"

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

6
7 **PART II. MODIFY THE AUTHORITY OF CERTAIN LOCAL GOVERNMENTS TO**
8 **REQUIRE STORMWATER CONTROL FOR REDEVELOPED PROPERTY**

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

10 "§ 143-214.7. Stormwater runoff rules and programs.

11 ...

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

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

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

22 (2)(3) Redevelopment. – Any land-disturbing activity that does not result in a net
23 increase in built-upon area and that provides greater or equal stormwater
24 control to that of the previous development.

25 ...

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

51 ...

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

5 "

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

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

15
16 **PART III. EFFECTIVE DATE**

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