A BILL TO BE ENTITLED
AN ACT TO LIMIT THE SCOPE OF REQUIREMENTS FOR CERTIFICATES OF OCCUPANCY AND TO ESTABLISH GENERAL REQUIREMENTS FOR LOCAL GOVERNMENTS WHEN APPROVING DEVELOPMENT PERMIT APPLICATIONS.
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.
For development approvals, a local government reviewing plans, or a local government that contracts with a private engineering or architectural firm for plan review, for commercial buildings that are submitted under the seal of any design professional licensed under Chapters 83A, 89A, or 89C of the General Statutes shall not place additional requirements as a condition of the issuance of a certificate of occupancy unless otherwise required by an applicable code, as defined 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.
The following shall apply to local governments evaluating and approving construction permits related to site construction and land use permitting:

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

(2) The governing body shall adopt a written policy, standard, procedure, or ordinance establishing or authorizing a department to establish a schedule that shall be used by the department in reviewing permit applications, including the maximum number of days in which a department shall have to approve or deny a complete application. The schedule may allow for extenuating circumstances which make adherence impractical; provided, however, that any schedule exceptions imposed shall be noted in the quarterly report, as defined in subdivision (4) of this section. The schedule shall be made available
for public inspection and shall be published on the local government’s website, if available. If the governing body authorizes a department to establish a schedule as provided in this subdivision, the governing body shall approve the schedule before it is implemented for use by the public.

(3) 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 the requirement is included in a written policy, standard procedure, or ordinance adopted or authorized by the governing body.

(4) A department responsible for reviewing construction permit applications shall, on a quarterly basis, submit to the governing body a report detailing the department’s compliance with the schedule established under subdivision (2) of this section, including the number of permit application reviews that were completed within the time periods specified in the schedule, the number completed prior to the expiration of the time periods, and the number completed after the expiration of the time periods. The department’s report shall be made available for public inspection and shall be published on the local government’s website, if available. The local government may present the data in the format of its choosing provided it is in compliance with this section.

(5) A written policy, standard procedure, or ordinance 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. The requirement for departments or agencies to review 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 permittee to construct off-site infrastructure improvements, including improvements related to utilities or traffic, unless the improvements are roughly proportionate and reasonably proximate to the impact of the permittee’s development.

(8) A sedimentation and erosion control plan sealed by an engineer licensed under Chapter 89C of the General Statutes and submitted to a local government as part of the development plan shall not be altered by a local government unless the development plan has been altered. A local government may not impose changes to the sealed sedimentation and erosion control plan if the licensed engineer attests that the changes will not function properly, unless the local government accepts all liability.

(9) A voluntary agreement, or any other type of agreement that has the intent or effect of reversing, subverting, or modifying State law, shall be prohibited. The plan initially submitted to the local government for approval shall be recognized as the determinant of the voluntariness of any subsequent agreement. Nothing in this Chapter shall prevent the developer and the local government from entering into an agreement in which the developer voluntarily, knowingly, and willingly conveys real property, donates personal
property, constructs amenities, or otherwise agrees to provide benefits to the public in conjunction with the development project; provided, however, that the agreement is not directly or indirectly conditioned upon a development approval by the local government for that development or any other development by that developer. Except as specifically authorized in this Chapter, a development regulation shall not require a financial extraction or concession of any kind from a developer as a condition of any development approval.

(10) A development fee ordinance shall not allow for an automatic adjustment of a development fee, absent a subsequent ordinance enactment by the local government. All local government development fees shall be provided in a single fee schedule adopted as an ordinance on an annual basis after a public hearing in which all of the following apply:

a. Beginning not less than 24 hours prior to the public hearing, the public is provided a means by which persons may sign up to speak which must include an online portal if that local government maintains a website or other similar means.

b. Persons speaking at the public hearing shall have not less than two minutes to speak. No limit is placed on the number of persons who may speak.

(11) A local government shall not require a tree survey as part of the development process if that local government does not have a tree ordinance approved in accordance with applicable statutes. 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 as required in subdivision (1) of this section.

(12) 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. This act is effective when it becomes law and applies to site plans submitted for approval on or after that date.