

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1059

Short Title: CAMA/Urban Waterfront Redevelop.

(Public)

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Sponsors: Representative Wright.

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Referred to: Commerce, if favorable, Judiciary II.

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April 21, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE COASTAL AREA MANAGEMENT ACT TO ALLOW  
2 CERTAIN TYPES OF REDEVELOPMENT WITHIN URBAN WATERFRONTS  
3 THAT HISTORICALLY HAVE A PATTERN OF URBAN-LEVEL  
4 DEVELOPMENT.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. Article 7 of Chapter 113A of the General Statutes is amended by  
8 adding a new section to read:

9 "**§ 113A-120.2. Permits for urban waterfront redevelopment in historically urban**  
10 **areas.**

11 (a) Notwithstanding any other provision of law, any person may apply to the  
12 Commission for a permit for major development granting permission to use the person's  
13 land for a nonwater dependent use that is otherwise prohibited by rules, standards, or  
14 limitations prescribed by the Commission, or orders issued by the Commission, pursuant  
15 to this Article. The procedure to apply for the permit shall be as provided by G.S. 113A-  
16 119.

17 (b) Notwithstanding G.S. 113A-120(a), the Commission may grant the permit if  
18 the following criteria are met:

19 (1) The land is waterfront property located in a municipality.

- 1           (2)   The land has a history of urban-level development as evidenced by any  
2           of the following:  
3           a.     The land is an historic place that is listed, or has been approved  
4           for listing by the North Carolina Historical Commission, in the  
5           National Register of Historic Places pursuant to the National  
6           Historic Preservation Act of 1966.  
7           b.     The land is an historical, archaeological, and other site owned,  
8           managed or assisted by the State of North Carolina pursuant to  
9           Chapter 121 of the General Statutes.  
10          c.     The land has a CBD zoning classification, or any other  
11          classification that may be designated as acceptable by the  
12          Commission.  
13          (3)   The proposed activity is sponsored in part or in whole by the local  
14          jurisdiction in which the activity would be located for the purpose of  
15          significantly increasing public access consistent with the Coastal Area  
16          Management guidelines.  
17          (4)   The municipality in which the activity would occur has determined that  
18          the activity will not have a significant adverse impact on the  
19          environment.  
20          (5)   The activity for which the variance is requested is consistent with local  
21          development regulations, public access plans, and other applicable local  
22          authority.

23          (c)   When the Commission finds that (i) the criteria in subsection (b) of this section  
24          are met, (ii) practical difficulties or unnecessary hardships would result from strict  
25          application of the guidelines, rules, standards, or other restrictions applicable to the  
26          property, and (iii) such difficulties or hardships result from conditions that are peculiar to  
27          the property involved, the Commission may vary or modify the application of the  
28          restrictions to the property so that the spirit, purpose, and intent of the restrictions are  
29          preserved, public safety and welfare secured, and substantial justice preserved and may  
30          issue a permit under this section.

31          (d)   Except as otherwise provided by this section, all other provisions of this  
32          Article apply to a permit applied for under this section, including the provisions of G.S.  
33          113A-120(b1) and (b2)."

34                Section 2. G.S. 113A-120(b1) reads as rewritten:

35                "(b1) In addition to those factors set out in subsection (a) of this section, and  
36 notwithstanding the provisions of subsection (b) of this ~~section~~, section or of G.S. 113A-  
37 120.2, the responsible official or body may deny an application for a permit upon finding  
38 that an applicant, or any parent or subsidiary corporation if the applicant is a corporation:

- 39                (1) Is conducting or has conducted any activity causing significant  
40                environmental damage for which a major development permit is  
41                required under this Article without having previously obtained such  
42                permit or has received a notice of violation with respect to any activity

- 1                   governed by this Article and has not complied with the notice within the  
2                   time specified in the notice;
- 3           (2)       Has failed to pay a civil penalty assessed pursuant to this Article, a local  
4                   ordinance adopted pursuant to this Article, or Article 17 of Chapter 113  
5                   of the General Statutes which is due and for which no appeal is pending;
- 6           (3)       Has been convicted of a misdemeanor pursuant to G.S. 113A-126, G.S.  
7                   113-229(k), or any criminal provision of a local ordinance adopted  
8                   pursuant to this Article; or
- 9           (4)       Has failed to substantially comply with State rules or local ordinances  
10                   and regulations adopted pursuant to this Article or with other federal  
11                   and State laws, regulations, and rules for the protection of the  
12                   environment."
- 13       Section 3. This act is effective when it becomes law.