

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1059

Short Title: CAMA/Urban Waterfront Redevelop.

(Public)

Sponsors: Representative Wright.

Referred to: Commerce, if favorable, Judiciary II.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE COASTAL AREA MANAGEMENT ACT TO ALLOW CERTAIN TYPES OF REDEVELOPMENT WITHIN URBAN WATERFRONTS THAT HISTORICALLY HAVE A PATTERN OF URBAN-LEVEL DEVELOPMENT.

The General Assembly of North Carolina enacts:

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

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

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

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

(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.