

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1059
Committee Substitute Favorable 4/28/97

Short Title: CAMA/Urban Waterfront Redevelop.

(Public)

Sponsors:

Referred to:

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 a permit for nonwater dependent development in public trust areas designated pursuant to G.S. 113A-113(b)(5) if the following criteria are met:

- 1 (1) The land is waterfront property located in a municipality.
2 (2) The land has a history of urban-level development as evidenced by any
3 of the following:
4 a. The land is an historic place that is listed, or has been approved
5 for listing by the North Carolina Historical Commission, in the
6 National Register of Historic Places pursuant to the National
7 Historic Preservation Act of 1966.
8 b. The land is an historical, archaeological, and other site owned,
9 managed or assisted by the State of North Carolina pursuant to
10 Chapter 121 of the General Statutes.
11 c. The land has a central business district zoning classification, or
12 any other classification that may be designated as acceptable by
13 the Commission.
14 (3) The proposed development is sponsored in part or in whole by the local
15 jurisdiction in which the development would be located for the purpose
16 of significantly increasing public access consistent with the Coastal
17 Area Management guidelines.
18 (4) The municipality in which the activity would occur has determined that
19 the development will not have a significant adverse impact on the
20 environment.
21 (5) The development as requested is consistent with a local urban
22 waterfront development plan, local development regulations, public
23 access plans, and other applicable local authority.
24 (c) Except as otherwise provided by this section, all other provisions of this
25 Article apply to a permit applied for under this section, including the provisions of G.S.
26 113A-120(b1) and (b2)."

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

28 "(b1) In addition to those factors set out in subsection (a) of this section, and
29 notwithstanding the provisions of subsection (b) of this ~~section~~, ~~section~~ or of G.S. 113A-
30 120.2, the responsible official or body may deny an application for a permit upon finding
31 that an applicant, or any parent or subsidiary corporation if the applicant is a corporation:

- 32 (1) Is conducting or has conducted any activity causing significant
33 environmental damage for which a major development permit is
34 required under this Article without having previously obtained such
35 permit or has received a notice of violation with respect to any activity
36 governed by this Article and has not complied with the notice within the
37 time specified in the notice;
38 (2) Has failed to pay a civil penalty assessed pursuant to this Article, a local
39 ordinance adopted pursuant to this Article, or Article 17 of Chapter 113
40 of the General Statutes which is due and for which no appeal is pending;
41 (3) Has been convicted of a misdemeanor pursuant to G.S. 113A-126, G.S.
42 113-229(k), or any criminal provision of a local ordinance adopted
43 pursuant to this Article; or

1 (4) Has failed to substantially comply with State rules or local ordinances
2 and regulations adopted pursuant to this Article or with other federal
3 and State laws, regulations, and rules for the protection of the
4 environment."
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Section 3. This act is effective when it becomes law.