

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 369

Short Title: Parking Lot Reform and Modernization Act. (Public)

Sponsors: Representatives Loftis, Brody, Penny, and Dahle (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, State and Local Government, if favorable, Rules,
Calendar, and Operations of the House

March 12, 2025

A BILL TO BE ENTITLED
AN ACT TO RESTRICT LOCAL GOVERNMENTS FROM REQUIRING A MINIMUM
NUMBER OR SIZE OF OFF-STREET PARKING SPACES, TO BAN THE FUTURE
PURCHASE AND IMPORTATION FOR USE OF PAVEMENT SEALANTS
CONTAINING HIGH LEVELS OF POLYCYCLIC AROMATIC HYDROCARBONS,
AND TO CLARIFY THE LIMITS OF LOCAL ORDINANCES REGARDING
STORMWATER REQUIREMENTS FOR REDEVELOPMENT SITES.

The General Assembly of North Carolina enacts:

**PART I. PROHIBITING CERTAIN ZONING AND DEVELOPMENT LIMITATIONS
RELATED TO MOTOR VEHICLE PARKING**

SECTION 1.(a) G.S. 160D-702 reads as rewritten:

"§ 160D-702. Grant of power.

...

(c) A zoning or other development regulation shall not do any of the following:

- (1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code.
- (2) Require a parking space off-street vehicular parking to meet any of the following criteria:
 - a. ~~be larger than 9 feet wide by 20 feet long~~ Have a minimum width or length, unless the parking space is designated for handicap, parallel, or diagonal parking.
 - b. Require a minimum number of parking spaces per development or structure, regardless of occupancy or use.
- (3) Require additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 1.(b) This section becomes effective July 1, 2025.

**PART II. BANNING THE FUTURE PURCHASE AND IMPORTATION FOR USE OF
PAVEMENT SEALANTS CONTAINING HIGH LEVELS OF POLYCYCLIC
AROMATIC HYDROCARBONS**



1 **SECTION 2.(a)** Article 21A of Chapter 143 of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 143-215.77B. Limitations on products containing polycyclic aromatic hydrocarbons.**

4 (a) The following definitions apply in this Article:

5 (1) High PAH sealant product. – A product, material, or substance that contains
6 greater than one-tenth of one percent (0.1%) (1000 ppm) PAH by weight and
7 is intended for use on an asphalt or concrete surface. High PAH pavement
8 product may contain coal tar, coal tar pitch volatiles, RT-12, refined tar,
9 steam-cracked petroleum residues, heavy pyrolysis oil, steam-cracked asphalt,
10 pyrolysis fuel oil, heavy fuel oil, ethylene tar, ethylene cracker residue, or a
11 variation of those substances assigned the chemical abstracts service (CAS)
12 numbers 65996-92-1, 65996-93-2, 65996-89-6, 8007-45-2, 64742-90-1, or
13 69013-21-4.

14 (2) PAHs. – Polycyclic aromatic hydrocarbons.

15 (b) No person may purchase or import a high PAH sealant product for use or application
16 in the construction or maintenance of any parking or vehicular access area."

17 **SECTION 2.(b)** This section becomes effective January 1, 2026.

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19 **PART III. CLARIFYING THE LIMITS OF LOCAL ORDINANCES REGARDING**
20 **STORMWATER REQUIREMENTS ON REDEVELOPMENT SITES**

21 **SECTION 3.(a)** Subdivision (1) of G.S. 143-214.7(a1) is recodified as subdivision
22 (1a) of that subsection.

23 **SECTION 3.(b)** G.S. 143-214.7(a1), as amended by subsection (a) of this section,
24 reads as rewritten:

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

26 (1) Applicable local stormwater program. – A local stormwater program that is
27 promulgated by a local government holding a National Pollution Discharge
28 Elimination Systems Municipal Separate Storm Sewer System Permit.

29 (1a) Development. – Any land-disturbing activity that increases the amount of
30 built-upon area or that otherwise decreases the infiltration of precipitation into
31 the subsoil. ~~When additional development occurs at a site that has existing~~
32 ~~development, the built-upon area of the existing development shall not be~~
33 ~~included in the density calculations for additional stormwater control~~
34 ~~requirements, and stormwater~~ Stormwater control requirements cannot be
35 applied retroactively to existing development, ~~unless otherwise except as set~~
36 forth in subsection (b3) of this section, or as required by federal law.

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

40 (3) Small scale residential development. – Any single-family homes as well as
41 townhomes and multifamily residential developments with four or fewer
42 units."

43 **SECTION 3.(c)** G.S. 143-214.7(b3) reads as rewritten:

44 "(b3) Stormwater runoff rules and programs shall not require private property owners to
45 install new or increased stormwater controls for ~~(i) preexisting development or (ii)~~
46 ~~redevelopment activities that do not remove or decrease existing stormwater controls. preexisting~~
47 development. Local stormwater programs may not require owners undertaking the
48 redevelopment of a property to install new stormwater controls for preexisting built-upon area if
49 the redevelopment site is a small scale residential development. When a preexisting development
50 that is not a small scale residential development is redeveloped, either in whole or in part,
51 ~~increased stormwater controls shall only be required for the amount of impervious surface being~~

~~created that exceeds the amount of impervious surface that existed before the redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. A applicable local stormwater programs may implement mandatory stormwater capture ordinances that require owners undertaking the redevelopment of a property to install new stormwater controls for preexisting built-upon area to capture up to fifty percent (50%) of the final stormwater runoff calculation for the entire property. In addition to mandatory stormwater capture ordinances, applicable local stormwater programs may implement incentive stormwater capture ordinances that waive building, zoning, connection, or other fees, provide additional tax and financial benefits, or institute other incentives for redevelopments that capture additional stormwater over the local stormwater programs' mandatory percentages. Applicable local stormwater programs may elect to forego mandating stormwater capture controls and provide incentives to capture up to one hundred percent (100%) of the final stormwater runoff calculation for the entire property. In addition, a property owner may elect to treat the stormwater resulting from the net increase in built-upon area above the preexisting development for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in G.S. 143-214.5(d3). This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances."~~

SECTION 3.(d) This section is effective when it becomes law and applies to stormwater rules and stormwater program amendments adopted on or after that date.

PART IV. EFFECTIVE DATE

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.