

Permit Extension



SCHOOL OF
GOVERNMENT



1

Permit Extension

SL 2020-3 (SB 704), Sec. 4.40

Five-month extension qualifying development approvals



SCHOOL OF
GOVERNMENT



2

Qualifying Development Approvals

- Valid at some point between March 10, 2020 and April 28, 2020
- Types
 - erosion and sedimentation control plans;
 - building permits;
 - sketch plans, preliminary plats, or final plats;
 - site-specific development plans or phased development plans;
 - development permits;
 - development agreements; and
 - certificates of appropriateness.

Obligations of Approval Holder

- Comply with all applicable laws, regulations, and policies in effect at the time of the development approval
- Maintain all performance guarantees for the duration of the extension or until affirmatively released
- Complete any infrastructure necessary to obtain a certificate of occupancy or other final development approval

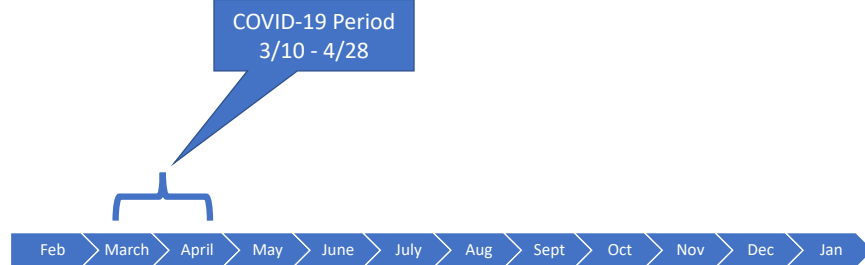
Termination and Appeal

- Local gov may terminate approval for failure to comply with terms of extension
- Written notice of reason for termination
- Appealed to board of adjustment

Exclusions

- Extend a permit from the federal government nor a permit for which the duration is set by federal law
- Shorten any development approvals
- Prohibit extensions of development approvals
- Affect Department of Environmental Quality administrative consent orders between the May 4 and September 28, 2020
- Prevent agencies from revoking or modifying a development approval
- Modify requirements necessary to retain federal delegation
- Modify obligations or rights under contract, including bond obligations or rights
- Authorize charging water or wastewater tap fees that have previously been paid in full.

Sample Permit Extension

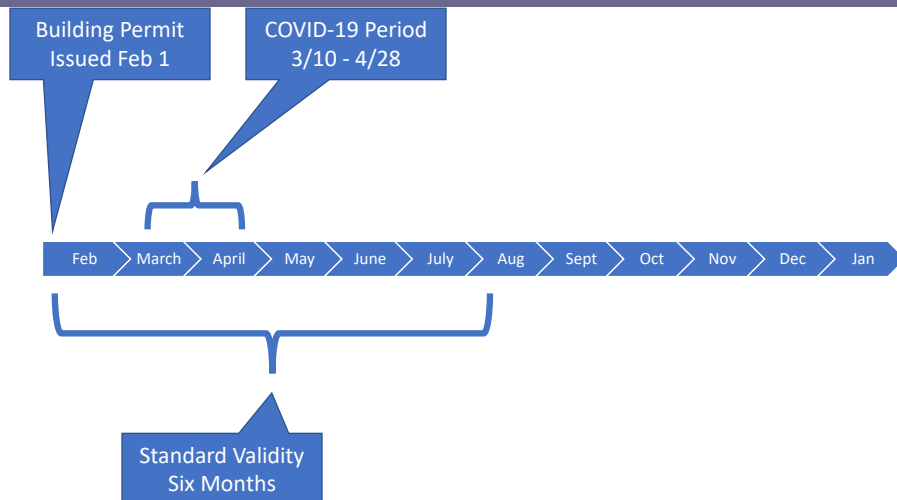


SCHOOL OF
GOVERNMENT

CHAPTER 160D
A NEW LAND USE LAW FOR NORTH CAROLINA

7

Sample Permit Extension

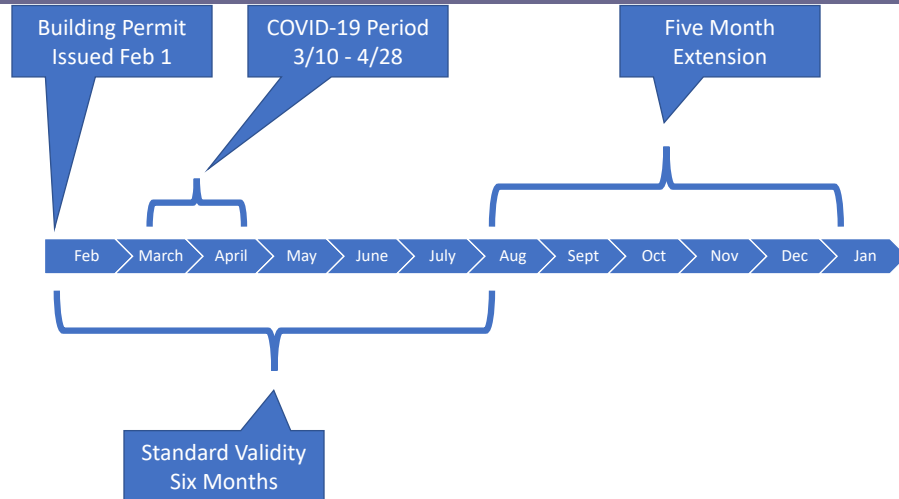


SCHOOL OF
GOVERNMENT

CHAPTER 160D
A NEW LAND USE LAW FOR NORTH CAROLINA

8

Sample Permit Extension



Expiration?

- Section 4.40(g) states that the approval extension law expires September 28, 2020