



CHAPTER 113A
ARTICLE 7 - COASTAL AREA MANAGEMENT

N.C.G.S. § 113A-120.

Grant or denial of permits.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-137, s. 12(c) — twelfth act in the lineage	RETRIEVED 21 September 2026, 05:40 UTC	SOURCE FINGERPRINT 500306652923bd9fb59202ba - a725af25eee90c5d9fd28dde - 4cc234371c6e4261
--	---	---	--

- § 113A-120(a) The responsible official or body shall deny an application for a permit upon finding:
- (1) In the case of coastal wetlands, that the development would contravene an order that has been or could be issued pursuant to G.S. 113-230.
 - (2) In the case of estuarine waters, that a permit for the development would be denied pursuant to G.S. 113-229(e).
 - (3) In the case of a renewable resource area, that the development will result in loss or significant reduction of continued long-range productivity that would jeopardize one or more of the water, food or fiber requirements of more than local concern identified in subdivisions a through c of G.S. 113A-113(b)(3).
 - (4) In the case of a fragile or historic area, or other area containing environmental or natural resources of more than local significance, that the development will result in major or irreversible damage to one or more of the historic, cultural, scientific, environmental or scenic values or natural systems identified in subdivisions a through h of G.S. 113A-113(b)(4).
 - (5) In the case of areas covered by G.S. 113A-113(b)(5), that the development will jeopardize the public rights or interests specified in said subdivision.
 - (6) In the case of natural hazard areas, that the development would occur in one or more of the areas identified in subdivisions a through e of G.S. 113A-113(b)(6) in such a manner as to unreasonably endanger life or property.

- (7) In the case of areas which are or may be impacted by key facilities, that the development is inconsistent with the written State guidelines or the local land-use plans, or would contravene any of the provisions of subdivisions (1) to (6) of this subsection.
- (8) In any case, that the development is inconsistent with the written State guidelines or the local land-use plans.
- (9) In any case, that considering engineering requirements and all economic costs there is a practicable alternative that would accomplish the overall project purposes with less adverse impact on the public resources.
- (10) In any case, that the proposed development would contribute to cumulative effects that would be inconsistent with the written guidelines set forth in subdivisions (1) through (9) of this subsection. Cumulative effects are impacts attributable to the collective effects of a number of projects and include the effects of additional projects similar to the requested permit in areas available for development in the vicinity.

§ 113A-120(b) In the absence of such findings, a permit shall be granted. The permit may be conditioned upon the applicant's amending his proposal to take whatever measures or agreeing to carry out whatever terms of operation or use of the development that are reasonably necessary to protect the public interest with respect to the factors enumerated in subsection (a) of this section.

§ 113A-120(b1) In addition to those factors set out in subsection (a) of this section, and notwithstanding the provisions of subsection (b) of this section, the responsible official or body may deny an application for a permit upon finding that an applicant, or any parent or subsidiary corporation if the applicant is a corporation:

- (1) Is conducting or has conducted any activity causing significant environmental damage for which a major development permit is required under this Article without having previously obtained such permit or has received a notice of violation with respect to any activity governed by this Article and has not complied with the notice within the time specified in the notice;
- (2) Has failed to pay a civil penalty assessed pursuant to this Article, a local ordinance adopted pursuant to this Article, or Article 17 of Chapter 113 of the General Statutes which is due and for which no appeal is pending;

- (3) Has been convicted of a misdemeanor pursuant to G.S. 113A-126-
, G.S. 113-229(k), or any criminal provision of a local ordinance adopted
pursuant to this Article; or
- (4) Has failed to substantially comply with State rules or local ordinances and
regulations adopted pursuant to this Article or with other federal and state
laws, regulations, and rules for the protection of the environment.

§ 113A-120(b2)

For purposes of subsection (b1) of this section, an applicant's record may be considered
for only the two years prior to the application date.

§ 113A-120(c)

Repealed by Session Laws 1989, c. 676, s. 7.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
12 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1973

1998

2023

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1973	c. 1284, s. 1	ENACTED
02	1975	c. 452, s. 5	AMENDED
03	1981	c. 932, s. 2.1	AMENDED
04	1983	c. 518, ss. 4, 5	AMENDED
05	1987	c. 827, s. 138	AMENDED
06	1989	c. 51	AMENDED
07	1989	c. 676, s. 7	AMENDED
08	1997	S.L. 1997-337, s. 2	AMENDED
09	1997	S.L. 1997-456, s. 55.2B	AMENDED
10	1997	S.L. 1997-496, s. 2	AMENDED
11	2000	S.L. 2000-172, s. 2.1	AMENDED
12	2023	S.L. 2023-137, s. 12(c)	AMENDED

APPARATUS II
8 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 113-230	(a)(1)	<i>"or could be issued pursuant to"</i>
G.S. 113-229(e)	(a)(2)	<i>"development would be denied pursuant to"</i>
G.S. 113A-113(b)(3)	(a)(3)	<i>"in subdivisions a through c of"</i>
G.S. 113A-113(b)(4)	(a)(4)	<i>"in subdivisions a through h of"</i>
G.S. 113A-113(b)(5)	(a)(5)	<i>"the case of areas covered by"</i>
G.S. 113A-113(b)(6)	(a)(6)	<i>"in subdivisions a through e of"</i>
G.S. 113A-126	(b1)(3)	<i>"convicted of a misdemeanor pursuant to"</i>
G.S. 113-229(k)	(b1)(3)	<i>"a misdemeanor pursuant to G.S. 113A-126,"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 113A-120 (2023).

PINPOINT

N.C. Gen. Stat. § 113A-120(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 1284, s. 1; 1975, c. 452, s. 5; 1981, c. 932, s. 2.1; 1983, c. 518, ss. 4, 5; 1987, c. 827, s. 138; 1989, c. 51; c. 676, s. 7; 1997-337, s. 2; 1997-456, s. 55.2B; 1997-496, s. 2; 2000-172, s. 2.1; 2023-137, s. 12(c).)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

