

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**SENATE BILL 8  
RATIFIED BILL**

AN ACT TO PROVIDE AN EXEMPTION TO BUILDING CODE PROVISIONS ALLOWING CONSTRUCTION OF A PARKING GARAGE TO EXTEND ACROSS A LOT LINE BETWEEN A CITY-OWNED LOT AND A PRIVATELY OWNED LOT WITHOUT MEETING CERTAIN REQUIREMENTS; TO RESTRICT THE STORMWATER RUNOFF REQUIREMENTS THAT A LOCAL GOVERNMENT CAN APPLY TO PUBLIC AIRPORTS; AND TO REVISE THE COMPOSITION OF THE LINCOLNTON-LINCOLN AIRPORT AUTHORITY, TO NAME THE AIRPORT, AND TO NAME THE AIRFIELD WITHIN THE AIRPORT.

The General Assembly of North Carolina enacts:

**PART I. BUILDING CODE EXEMPTION**

**SECTION 1.(a)** Notwithstanding any provision of the North Carolina State Building Code to the contrary, if a lot line or public way exists between a single city-owned lot and a single privately owned lot, a parking garage that extends across the lot line or public way between the two lots may be constructed as if the city-owned lot has been combined with the privately owned lot such that there is no lot line or public way between them.

**SECTION 1.(b)** This section shall apply only to municipalities with a population of more than 250,000.

**SECTION 1.(c)** This section expires June 30, 2020.

**PART II. STORMWATER RUNOFF/AIRPORTS**

**SECTION 2.** G.S. 143-214.7 reads as rewritten:

**"§ 143-214.7. Stormwater runoff rules and programs.**

...

(c3) In accordance with the Federal Aviation Administration August 28, 2007, Advisory Circular No. 150/5200-33B (Hazardous Wildlife Attractants on or Near Airports), neither the Department shall not nor any local government shall require the use of stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water in order to comply with this ~~section~~ section, or in order to comply with any local ordinance adopted under G.S. 143-214.5, at public airports that support commercial air carriers or general aviation services. Development projects located within five statute miles from the farthest edge of an airport air operations area, as that term is defined in 14 C.F.R. § 153.3 (July 2011 Edition), shall not be required to use stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water in order to comply with this ~~section~~ section or with any local ordinance. Existing stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water in order to comply with this ~~section~~ section, or with any local ordinance, and that is located at a public airports-airport or that are-is within five statute miles from the farthest edge of an airport operations area may be replaced with alternative measures included in the Division of Water Resources' Best Management Practice Manual chapter on airports. In order to be approved by the Department, alternative measures or management designs that are not



expressly included in the Division of Water Resources' Best Management Practice Manual shall provide for equal or better stormwater control based on the pre- and post-development hydrograph. Any replacement of existing stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water shall be considered a minor modification to the State general stormwater ~~permit~~permit, and a variance to allow any replacement shall be considered a minor variance under any local government ordinance adopted under G.S. 143-214.5.

(c4) The Department and local governments shall deem runways, taxiways, and any other areas that provide for overland stormwater flow that promote infiltration and treatment of stormwater into grassed buffers, shoulders, and grass swales permitted pursuant to the State post-construction stormwater requirements~~requirements and to be in compliance with any local government water supply watershed management protection ordinance adopted under G.S. 143-214.5.~~

...."

### **PART III. LINCOLNTON-LINCOLN AIRPORT CHANGES**

**SECTION 3.(a)** Section 2 of Chapter 10 of the Session Laws of the 1996 Second Extra Session reads as rewritten:

"Sec. 2. The Airport Authority shall consist of ~~seven~~five members, ~~three~~four of whom shall be appointed to staggered three-year terms by the ~~Lincolnton City Council~~Lincoln County Board of Commissioners and ~~three~~one of whom shall be appointed to a staggered three-year ~~terms~~term by the ~~Lincoln County Board of Commissioners~~ and ~~one of whom shall be appointed by the other six members of the Airport Authority~~Lincolnton City Council. The ~~members~~member appointed by the Lincolnton City Council shall be a ~~qualified voters~~qualified voter of the City of ~~Lincolnton~~, and the ~~members~~Lincolnton. At least one member appointed by the Lincoln County Board of Commissioners ~~and the Airport Authority~~ shall be a qualified voter of the City of Lincolnton. All four members appointed by the Lincoln County Board of Commissioners shall be qualified voters of the County of Lincoln. Each member shall take and subscribe before the Clerk of Superior Court of Lincoln County an oath of office and file the same with the Lincoln County Board of Commissioners and the Lincolnton City Council. No member of the Authority Board shall serve more than two consecutive term limits. The Chairman of the Board shall be annually designated by Lincoln County."

**SECTION 3.(b)** The airport operated by the Lincolnton-Lincoln County Airport Authority shall be hereafter known as the "Lincolnton-Lincoln County Airport."

**SECTION 3.(c)** The airfield of the Lincolnton-Lincoln County Airport shall be hereafter known as the "David E. Lowe Airfield."

### **PART IV. EFFECTIVE DATE**

law. **SECTION 4.** Except as otherwise provided, this act is effective when it becomes  
2017. In the General Assembly read three times and ratified this the 30<sup>th</sup> day of June,

s/ Philip E. Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

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Roy Cooper  
Governor

Approved \_\_\_\_\_m. this \_\_\_\_\_ day of \_\_\_\_\_, 2017