



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 229

AMENDMENT NO. 5
(to be filled in by
Principal Clerk)

S229-ASB-87 [v.1]

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Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Date 6-13, 2012

Representative Gillespie

ADOPTED

1 moves to amend the bill on page 6, lines 6 through 13
2 by rewriting those lines to read:

3
4 **"SECTION 7.** G.S. 143-214.5 is amended by adding a new subsection to read:

5 "(d2) A local government implementing a water supply watershed program shall allow an
6 applicant to average development density on up to two noncontiguous properties for purposes
7 of achieving compliance with the water supply watershed development standards if all of the
8 following circumstances exist:

- 9 (1) The properties are within the same water supply watershed. If one of the
10 properties is located in the critical area of the watershed, the critical area
11 property shall not be developed beyond the applicable density requirements
12 for its classification.
- 13 (2) Overall project density meets applicable density or stormwater control
14 requirements under 15A NCAC 2B .0200.
- 15 (3) Vegetated buffers on both properties meet the minimum statewide water
16 supply watershed protection requirements.
- 17 (4) Built upon areas are designed and located to minimize stormwater runoff
18 impact to the receiving waters, minimize concentrated stormwater flow,
19 maximize the use of sheet flow through vegetated areas, and maximize the
20 flow length through vegetated areas.
- 21 (5) Areas of concentrated density development are located in upland areas and,
22 to the maximum extent practicable, away from surface waters and
23 drainageways.
- 24 (6) The property or portions of the properties that are not being developed will
25 remain in a vegetated or natural state and will be managed by a homeowners'
26 association as common area, conveyed to a local government as a park or
27 greenway, or placed under a permanent conservation or farmland
28 preservation easement unless it can be demonstrated that the local
29 government can ensure long-term compliance through deed restrictions and
30 an electronic permitting mechanism. A metes and bounds description of the
31 areas to remain vegetated and limits on use shall be recorded on the



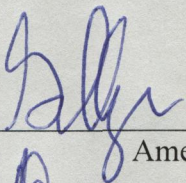
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- 1 subdivision plat, in homeowners' covenants, and on individual deed and shall
2 be irrevocable.
3 (7) Development permitted under density averaging and meeting applicable low
4 density requirements shall transport stormwater runoff by vegetated
5 conveyances to the maximum extent practicable.
6 (8) A special use permit or other such permit or certificate shall be obtained
7 from the local Watershed Review Board or Board of Adjustment to ensure
8 that both properties considered together meet the standards of the watershed
9 ordinance and that potential owners have record of how the watershed
10 regulations were applied to the properties."".

SIGNED 
Amendment Sponsor

SIGNED 
Committee Chair if Senate Committee Amendment

ADOPTED 117-1 EV FAILED _____ TABLED _____
JUN 13 2012
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ADOPTED