S   D

SENATE BILL 8
Corrected Copy 1/30/17
Judiciary Committee Substitute Adopted 2/16/17
House Committee Substitute Favorable 6/29/17
Proposed Conference Committee Substitute S8-PCCS15249-SV-2

Short Title: Bldg. Code Exempt/Airport Changes.   (Public)

Sponsors:

Referred to:

January 26, 2017

1   A BILL TO BE ENTITLED
2   AN ACT TO PROVIDE AN EXEMPTION TO BUILDING CODE PROVISIONS
3   ALLOWING CONSTRUCTION OF A PARKING GARAGE TO EXTEND ACROSS A
4   LOT LINE BETWEEN A CITY-OWNED LOT AND A PRIVATELY OWNED LOT
5   WITHOUT MEETING CERTAIN REQUIREMENTS; TO RESTRICT THE
6   STORMWATER RUNOFF REQUIREMENTS THAT A LOCAL GOVERNMENT CAN
7   APPLY TO PUBLIC AIRPORTS; AND TO REVISE THE COMPOSITION OF THE
8   LINCOLNTON-LINCOLN AIRPORT AUTHORITY, TO NAME THE AIRPORT, AND
9   TO NAME THE AIRFIELD WITHIN THE AIRPORT.
10 The General Assembly of North Carolina enacts:
11
12 **PART I. BUILDING CODE EXEMPTION**
13   **SECTION 1.(a)** Notwithstanding any provision of the North Carolina State
14 Building Code to the contrary, if a lot line or public way exists between a single city-owned lot
15 and a single privately owned lot, a parking garage that extends across the lot line or public way
16 between the two lots may be constructed as if the city-owned lot has been combined with the
17 privately owned lot such that there is no lot line or public way between them.
18   **SECTION 1.(b)** This section shall apply only to municipalities with a population
19 of more than 250,000.
20   **SECTION 1.(c)** This section expires June 30, 2020.
21
22 **PART II. STORMWATER RUNOFF/AIRPORTS**
23   **SECTION 2.** G.S. 143-214.7 reads as rewritten:
24 "**§ 143-214.7. Stormwater runoff rules and programs.**
25   …
26   (c3)   In accordance with the Federal Aviation Administration August 28, 2007, Advisory
27 Circular No. 150/5200-33B (Hazardous Wildlife Attractants on or Near Airports), neither the
28 Department shall not nor any local government shall require the use of stormwater retention
29 ponds, stormwater detention ponds, or any other stormwater control measure that promotes
30 standing water in order to comply with this section section, or in order to comply with any local
31 ordinance adopted under G.S. 143-214.5, at public airports that support commercial air carriers
32 or general aviation services. Development projects located within five statute miles from the
33 farthest edge of an airport air operations area, as that term is defined in 14 C.F.R. § 153.3 (July

1   2011 Edition), shall not be required to use stormwater retention ponds, stormwater detention
2   ponds, or any other stormwater control measure that promotes standing water in order to
3   comply with this ~~section.~~section or with any local ordinance. Existing stormwater retention
4   ponds, stormwater detention ponds, or any other stormwater control measure that promotes
5   standing water in order to comply with this ~~section~~ section, or with any local ordinance, and
6   that is located at a public ~~airports~~ airport or that ~~are~~ is within five statute miles from the farthest
7   edge of an airport operations area may be replaced with alternative measures included in the
8   Division of Water Resources' Best Management Practice Manual chapter on airports. In order
9   to be approved by the Department, alternative measures or management designs that are not
10   expressly included in the Division of Water Resources' Best Management Practice Manual shall
11   provide for equal or better stormwater control based on the pre- and post-development
12   hydrograph. Any replacement of existing stormwater retention ponds, stormwater detention
13   ponds, or any other stormwater control measure that promotes standing water shall be
14   considered a minor modification to the State general stormwater ~~permit.~~permit, and a variance
15   to allow any replacement shall be considered a minor variance under any local government
16   ordinance adopted under G.S. 143-214.5.
17   (c4)   The Department and local governments shall deem runways, taxiways, and any
18   other areas that provide for overland stormwater flow that promote infiltration and treatment of
19   stormwater into grassed buffers, shoulders, and grass swales permitted pursuant to the State
20   post-construction stormwater ~~requirements.~~requirements and to be in compliance with any local
21   government water supply watershed management protection ordinance adopted under
22   G.S. 143-214.5.
23   …."

24
25   **PART III. LINCOLNTON-LINCOLN AIRPORT CHANGES**
26   **SECTION 3.(a)**   Section 2 of Chapter 10 of the Session Laws of the 1996 Second
27   Extra Session reads as rewritten:
28   "Sec. 2. The Airport Authority shall consist of ~~seven~~ five members, ~~three~~ four of whom
29   shall be appointed to staggered three-year terms by the ~~Lincolnton City Council~~ Lincoln
30   County Board of Commissioners and ~~three~~ one of whom shall be appointed to a staggered
31   three-year ~~terms~~ term by the ~~Lincoln County Board of Commissioners and one of whom shall~~
32   ~~be appointed by the other six members of the Airport Authority.~~Lincolnton City Council. The
33   ~~members~~ member appointed by the Lincolnton City Council shall be a qualified ~~voters~~ voter of
34   the City of ~~Lincolnton, and the members~~ Lincolnton. At least one member appointed by the
35   Lincoln County Board of Commissioners ~~and the Airport Authority~~ shall be a qualified voter of
36   the City of Lincolnton. All four members appointed by the Lincoln County Board of
37   Commissioners shall be qualified voters of the County of Lincoln. Each member shall take and
38   subscribe before the Clerk of Superior Court of Lincoln County an oath of office and file the
39   same with the Lincoln County Board of Commissioners and the Lincolnton City Council. No
40   member of the Authority Board shall serve more than two consecutive term limits. The
41   Chairman of the Board shall be annually designated by Lincoln County."
42   **SECTION 3.(b)**   The airport operated by the Lincolnton-Lincoln County Airport
43   Authority shall be hereafter known as the "Lincolnton-Lincoln County Airport."
44   **SECTION 3.(c)**   The airfield of the Lincolnton-Lincoln County Airport shall be
45   hereafter known as the "David E. Lowe Airfield."

46
47   **PART IV. EFFECTIVE DATE**
48   **SECTION 4.**   Except as otherwise provided, this act is effective when it becomes
49   law.