GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

IMPERVIOUS VEHICULAR PARKING SECTIONS OF

SENATE BILL 845

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) PROVIDE THAT PRIVATE DRINKING WATER WELLS ARE TO BE TESTED FOR CERTAIN ADDITIONAL PARAMETERS; . . ……. (8) IMPROVE WATER QUALITY AND PROMOTE GROUNDWATER RECHARGE IN AREAS OF THE STATE THAT ARE NOT SUBJECT TO THE STORMWATER MANAGEMENT REQUIREMENTS OF CERTAIN WATER QUALITY PROGRAMS BY REQUIRING EITHER THAT NO MORE THAN EIGHTY PERCENT OF CERTAIN AREAS USED FOR VEHICULAR PARKING BE IMPERVIOUS OR, IN THE ALTERNATIVE, THAT RUNOFF FROM AT LEAST TWENTY PERCENT OF CERTAIN IMPERVIOUS VEHICULAR PARKING AREAS FLOW TO BIORETENTION AREAS.

The General Assembly of North Carolina enacts:

PART I. AMEND ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

SECTION 8.(a) Section 6.22 of S.L. 2007-323 is repealed.

SECTION 8.(b) Chapter 113A of the General Statutes is amended by adding a new Article to read:

"Article 4A.

"Vehicular Surface Areas.

"**§ 113A-71. Definitions.**

(a) The definitions set out in Article 4 of this Chapter apply to this Article.

(b) As used in this section:

(1) "Impervious surface" means any material that prevents the natural infiltration of water into the soil.

(2) "Land-disturbing activity" has the same meaning as in G.S. 113A-52.

(3) "Private passenger vehicle" has the same meaning as in G.S. 20-4.01.

(4) "Vehicular surface area" means an area primarily used for the parking of private passenger vehicles. "Vehicular surface area" includes the means of ingress and egress to the area where private passenger vehicles are parked. "Vehicular surface area" includes any median, traffic island, or other traffic control device or structure contained wholly within the vehicular parking area.
"Vehicular surface area" does not include covered vehicle parking areas or multilevel vehicle parking areas.

"**§ 113A-72. Vehicular surface areas.**

(a) Alternative Requirements. – For land-disturbing activity that will result in an increase in vehicular surface area of one acre or more, either:

(1) No more than eighty percent (80%) of the surface area of the vehicular surface area may be impervious surface, or

(2) The stormwater runoff generated by the first two inches of rain that fall on at least twenty percent (20%) of the vehicular service area during a

storm event must flow to an appropriately sized bioretention area that is designed in accordance with the standards established by the Department.

(b) Building Permit. – No permit shall be issued under G.S. 153A-357 or G.S. 160A-417 for any land-disturbing activity that does not comply with the requirements of this section.

(c) Applicability. – This section does not apply in any area of the State in which any of the following programs is being implemented:

(1) Water Supply Watershed I (WS-I) – 15A NCAC 2B.0212.
(2) Water Supply Watershed II (WS-II) – 15A NCAC 2B.0214.
(3) Water Supply Watershed III (WS-III) – 15A NCAC 2B.0215.
(4) Water Supply Watershed IV (WS-IV) – 15A NCAC 2B.0216.
(5) Freshwater High Quality Waters (HQW) – 15A NCAC 2H.1006.
(6) Freshwater Outstanding Resource Waters (ORW) – 15A NCAC 2H.1007.
(7) The Neuse River Basin Nutrient Sensitive Waters (NSW) Management Strategy – 15A NCAC 2B.0235.
(8) The Tar-Pamlico River Basin Nutrient Sensitive (NSW) Management Strategy – 15A NCAC 2B.0258.
(9) The Randleman Lake Water Supply Watershed Nutrient Management Strategy – 15A NCAC 2B.0251.
(10) Phase II Stormwater Management – S.L. 2006-246.
(11) Stormwater Requirements: Coastal Counties – 15A NCAC 02H .1005."

SECTION 8.(c) G.S. 153A-357 is amended by adding a new subsection to read:

"(d) No permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. 113A-72."

SECTION 8.(d) G.S. 160A-417 is amended by adding a new subsection to read:

"(c) No permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. 113A-72."

PART IV. EFFECTIVE DATE.

SECTION 12. Section 1 of this act becomes effective 1 October 2009. Section 2 of this act is retroactive to 1 November 2007. Section 6 of this act becomes effective 1 October 2008. Subsections (a), (e), and (f) of Section 8 of this act become effective when this act becomes law. Subsections (b), (c), and (d) of Section 8 of this act become effective 1 April 2009 and apply to building permits issued pursuant to G.S. 153A-357 and G.S. 160A-417 for which applications are received on or after that date. Sections 3, 4, 5, 7, and 9 through 12 of this act are effective when this act becomes law.