

**§ 143-214.7D. Limitations on built-upon area requirements.**

(a) As used in this section, the term "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil.

(b) For the purposes of implementing State or local government stormwater programs, none of the following surfaces shall be considered "built-upon area" or an impervious or partially impervious surface:

- (1) A slatted deck.
- (2) The water area of a swimming pool.
- (3) A surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric.
- (4) A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).
- (5) Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.
- (6) Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.

(c) The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in subsection (b) of this section.

(d) Except as specifically required by federal law, a local government may not enact, implement, or enforce a local government ordinance, comprehensive plan, or stormwater program that establishes a definition of "built-upon area" or impervious surface that does not comply with subsection (b) of this section. This limitation shall apply regardless of any authority granted by G.S. 143-214.5, G.S. 143-214.7, or Chapters 153A, 160A, or 160D of the General Statutes.

(e) The Commission may adopt rules to implement this section. (2024-49, s. 4.48(b).)