

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE DRH70086-MA-203 (03/10)

Short Title: Exclusion From Post-Construction Practices. (Local)

Sponsors: Representatives Parmon and Womble (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE EXCLUSIONS FOR POST-CONSTRUCTION PRACTICES TO
3 INCLUDE PUBLIC AND PRIVATE LINEAR TRANSPORTATION PROJECTS FOR
4 THE CITY OF WINSTON-SALEM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 8 of S.L. 2006-246, as amended by S.L. 2008-198, reads as
7 rewritten:

8 **"SECTION 8.** Exclusions from Post-Construction Practices. – The post-construction
9 practices required by Section 9 of this act shall not apply to any of the following:

- 10 (1) Development in an area where the requirements of Section 9 of this act are
11 applicable that is conducted pursuant to one of the following authorizations,
12 provided that the authorization was obtained prior to the effective date of the
13 post-construction stormwater control requirements in the area and the
14 authorization is valid, unexpired, unrevoked, and not otherwise terminated:
- 15 a. A building permit pursuant to G.S. 153A-357 or G.S. 160A-417.
 - 16 b. A site-specific development plan as defined by
17 G.S. 153A-344.1(b)(5) and G.S. 160A-385.1(b)(5).
 - 18 c. A phased development plan approved pursuant to G.S. 153A-344.1
19 for a project located in the unincorporated area of a county that is
20 subject to the requirements of Section 9 of this act, if the
21 Commission is responsible for implementation of the requirements of
22 Section 9 of this act, that shows:
 - 23 1. For the initial or first phase of development, the type and
24 intensity of use for a specific parcel or parcels, including at a
25 minimum, the boundaries of the project and a subdivision
26 plan that has been approved pursuant to G.S. 153A-330
27 through G.S. 153A-335.
 - 28 2. For any subsequent phase of development, sufficient detail so
29 that implementation of the requirements of Section 9 of this
30 act to that phase of development would require a material
31 change in that phase of the plan.
 - 32 d. A vested right to the development under G.S. 153A-344(b),
33 153A-344.1, 160A-385(b), or 160A-385.1 issued by a local
34 government that implements Section 9 of this act.
 - 35 e. A vested right to the development pursuant to common law.



- 1 (2) Redevelopment.
2 (3) Public and private linear transportation projects provided such projects
3 adhere to the Department of Transportation's best management practices as
4 outlined in the "Stormwater Best Management Practices Toolbox" to the
5 extent practicable as determined by the city."

6 **SECTION 2.** This act applies to the City of Winston-Salem only.

7 **SECTION 3.** This act is effective January 1, 2010.