

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE BILL 378**

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

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Sponsors: Representatives Parmon and Womble (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to: Transportation.

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March 17, 2011

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

The General Assembly of North Carolina enacts:

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

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

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