

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE DRH50163-LR-80A (03/14)**

Short Title: Stormwater/Certain Development Projects. (Public)

Sponsors: Representative Parmon.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO STORMWATER MANAGEMENT BEST PRACTICES IN  
3 CONNECTION WITH PUBLIC AND PRIVATE LINEAR TRANSPORTATION  
4 PROJECTS SUCH AS ROADS AND GREENWAYS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 8 of S.L. 2006-246 reads as rewritten:

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

9 (1) Development in an area where the requirements of Section 9 of this act are  
10 applicable that is conducted pursuant to one of the following authorizations,  
11 provided that the authorization was obtained prior to the effective date of the  
12 post-construction stormwater control requirements in the area and the  
13 authorization is valid, unexpired, unrevoked, and not otherwise terminated:

- 14 a. A building permit pursuant to G.S. 153A-357 or G.S. 160A-417.  
15 b. A site-specific development plan as defined by  
16 G.S. 153A-344.1(b)(5) and G.S. 160A-385.1(b)(5).  
17 c. A phased development plan approved pursuant to G.S. 153A-344.1  
18 for a project located in the unincorporated area of a county that is  
19 subject to the requirements of Section 9 of this act, if the  
20 Commission is responsible for implementation of the requirements of  
21 Section 9 of this act, that shows:  
22 1. For the initial or first phase of development, the type and  
23 intensity of use for a specific parcel or parcels, including at a  
24 minimum, the boundaries of the project and a subdivision  
25 plan that has been approved pursuant to G.S. 153A-330  
26 through G.S. 153A-335.  
27 2. For any subsequent phase of development, sufficient detail so  
28 that implementation of the requirements of Section 9 of this  
29 act to that phase of development would require a material  
30 change in that phase of the plan.  
31 d. A vested right to the development under G.S. 153A-344(b),  
32 153A-344.1, 160A-385(b), or 160A-385.1 issued by a local  
33 government that implements Section 9 of this act.  
34 e. A vested right to the development pursuant to common law.

35 (2) Redevelopment.



1           (3)   Public and private linear transportation projects if the projects adhere to the  
2                   North Carolina Department of Transportation BMPs as outlined in the  
3                   'Stormwater Best Management Practices Toolbox' to the extent practicable  
4                   as determined by a city."

5           **SECTION 2.** This act is effective when it becomes law.