

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 819  
PROPOSED COMMITTEE SUBSTITUTE H819-PCS50305-RI-10

Short Title: CAMA Setback Req'ts./Grandfather Clause.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND LAWS RELATING TO OCEAN SETBACKS TO PROVIDE THAT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS GREATER THAN FIVE THOUSAND SQUARE FEET CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL HAVE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, FOR DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SUCH PROPERTIES, IN ORDER TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to that Article, the Coastal Resources Commission shall not deny a development permit for the repair or replacement of a single-family or duplex residential dwelling with a total floor area greater than 5,000 square feet based on failure to meet the oceanfront setback required under 15A NCAC 07H .0306(a)(2) if the structure meets all of the following criteria:

- (1) The structure was originally constructed prior to August 11, 2009.
- (2) The structure as repaired or replaced does not exceed the original footprint.
- (3) The structure as repaired or replaced meets the minimum setback required under 15A NCAC 07H .0306(a)(2)(A).

**SECTION 2.** No later than October 1, 2011, the Coastal Resources Commission shall adopt temporary rules consistent with the provisions of Section 1 of this act. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 1 of this act. The temporary rule shall remain in effect until a permanent rule that replaces the temporary rule becomes effective.

**SECTION 3.** This act is effective when it becomes law.



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