

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H.B. 1109
May 23, 2012
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH80342-MH-109 (05/22)

Short Title: Dare CAMA Setback Req'ts./Grandfather. (Local)

Sponsors: Representative Spear.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING
3 THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT
4 SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN DARE COUNTY
5 GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR
6 TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET
7 OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER.
8 The General Assembly of North Carolina enacts:
9 **SECTION 1.** Notwithstanding Article 7 of Chapter 113A of the General Statutes
10 and rules adopted pursuant to that Article, the Coastal Resources Commission shall not deny a
11 development permit for the repair or replacement of a single-family or duplex residential
12 dwelling with a total floor area greater than 5,000 square feet based on failure to meet the
13 oceanfront setback required under 15A NCAC 07H .0306(a)(2) if the structure meets all of the
14 following criteria:
15 (1) The structure was originally constructed prior to August 11, 2009.
16 (2) The structure as repaired or replaced does not exceed the original footprint.
17 (3) The structure as repaired or replaced meets the minimum setback required
18 under 15A NCAC 07H .0306(a)(2)(A).
19 **SECTION 2.** This act applies to Dare County only.
20 **SECTION 3.** This act is effective when it becomes law.

