

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 1109

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

Sponsors: Representative Spear (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

May 24, 2012

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN DARE COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER.

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.** This act applies to Dare County only.

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

