

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE BILL 819  
Committee Substitute Favorable 4/21/11**

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

(Public)

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Sponsors:

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Referred to:

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April 7, 2011

A BILL TO BE ENTITLED

1 AN ACT TO AMEND LAWS RELATING TO OCEAN SETBACKS TO PROVIDE THAT  
2 SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS GREATER THAN  
3 FIVE THOUSAND SQUARE FEET CONSTRUCTED PRIOR TO AUGUST 11, 2009,  
4 SHALL HAVE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE  
5 SHORELINE EROSION RATE, WHICHEVER IS GREATER, FOR DEVELOPMENT  
6 PERMITS ISSUED TO REPAIR OR RECONSTRUCT SUCH PROPERTIES, IN ORDER  
7 TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS.  
8

9 The General Assembly of North Carolina enacts:

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

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

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

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

