

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

FILED SENATE
May 29, 2012
S.B. 905
PRINCIPAL CLERK

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SENATE DRS15232-MH-108 (05/22)

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

Sponsors: Senator White.

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 CURRITUCK
5 COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND
6 CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM
7 SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE,
8 WHICHEVER IS GREATER.

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 (4) The property on which the structure is built is subject to covenants and
21 restrictions that include specifications which help minimize the impact of
22 man-made structures in sensitive areas.
- 23 (5) The owners of the property on which the structure is built are members of a
24 property owners association that has expended at least one million five
25 hundred thousand dollars (\$1,500,000) for purposes of dune restoration.
- 26 (6) The property on which the structure is built is subject to covenants and
27 restrictions that require the property owners association to maintain a dune
28 restoration fund of at least one million five hundred thousand dollars
29 (\$1,500,000).
- 30 (7) The owners of the property on which the structure is built are members of a
31 property owners association that has engaged a professional coastal engineer
32 for consulting purposes and contracted with a local provider for dune
33 management services.

34 **SECTION 2.** This act applies to Currituck County only.

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



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