

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**SENATE BILL 905**

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

Sponsors: Senator White (Primary Sponsor).

Referred to: Agriculture/Environment/Natural Resources.

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

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

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

