



Approval of Rule Amendments to 15A NCAC 07H .0309(b)

Ken Richardson
NC Division of Coastal Management
August 28, 2025

Rule Amendments: 15A NCAC 07H .0309(b)

Current Rule

15A NCAC 07H.0309(b)

Lots **BEFORE** June 1, 1979

Setback 60 feet

Behind toe of frontal dune

No greater than 2,000 sqft.

Footprint \leq 1,000 sqft.

Landward-most adjacent neighbor

Repealed Rule (08/1/2022)

15A NCAC 07H.0104

Lots **AFTER** June 1, 1979

Setback in place at time when the lot was created option

No greater than 2,000 sqft.

Rule Amendments: 15A NCAC 07H .0309(b)

Remove
June 1, 1979
condition in (b)

Remove 1,000 sqft
footprint condition
in (b)(4)(B)

Increase structure
size limit to 2,500
sqft. in (b)(4)(B)

In all cases, this development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.

(b) Where application of the ~~oceanfront~~ Ocean Hazard Area setback requirements of Rule .0306(a) of this Section would preclude placement of a structure ~~on a lot existing as of June 1, 1979, the structure shall be permitted seaward of the applicable setback line~~ in Ocean Erodible Areas, State Ports Inlet Management Areas, and Inlet Hazard Areas, but not Unvegetated Beach ~~Areas~~ Areas, the structure shall be permitted seaward of the applicable setback line if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance ~~possible~~ on the existing lot and the development is designed to minimize encroachment into the setback area;
- (2) The development is at least 60 feet landward of the vegetation line, measurement line, or pre-project vegetation line, whichever is applicable;
- (3) The development is not located on or oceanward of a frontal dune, but is entirely behind the landward toe of the frontal dune;
- (4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Section:
 - (A) All pilings shall have a tip penetration that extends to at least four feet below mean sea level;
 - (B) The ~~footprint of the structure shall be no more than 1,000~~, and the total floor area of the structure shall be no more than ~~2,000~~ 2,500 ft². For the purpose of this Section, roof-covered decks and porches that are structurally attached shall be included in the calculation of footprint;

Rule Amendments: 15A NCAC 07H .0309(b)

Public Comments:

7 Received

- **4 - Support:** amendments as proposed
- **1 - Not supportive as proposed:** recommends keeping current size limits, and retain a date stipulation to prevent future sub-division of lots in high-hazard areas, as larger and more dense development is concerning in these areas.
- **1 - Not supportive as proposed:** concerned that more structures in high hazard areas increase storm debris and suggests the rule amendments also include conditions to help limit debris and require its removal.
- **1 - Not supportive:** suggests that current policy is inadequate and places even more structures at risk.

Rule Amendments: 15A NCAC 07H .0309(b)

Estimated Rule-Making Process Timeline

