15A NCAC 07J .0210 is proposed for amendment as follows:

15A NCAC 07J .0210 REPLACEMENT OF EXISTING STRUCTURES

Replacement of structures damaged or destroyed by natural elements, fire or normal deterioration is considered development and requires CAMA permits. Replacement of structures shall be permitted if the replacement is consistent with current CRC rules. Repair of structures damaged by natural elements, fire or normal deterioration is not considered development and shall not require CAMA permits. The CRC shall use the following criteria to determine whether proposed work is considered repair or replacement.

(1) NON-WATER DEPENDENT STRUCTURES. Proposed work is considered replacement if the Department determines that the cost to do the work exceeds 50 percent of the market value of an existing structure either prior to a catastrophic event such as a fire or hurricane or if there is no catastrophic event, at the time of the request market value and costs are determined as follows:

(a) The market value of the structure shall be determined by the Division based on information provided by the applicant that is no more than one year old as of the date the request is made. The market value of the structure shall not include the value of the land or value resulting from the location of the property, the value of accessory structures, or the value of other improvements located on the property. The information provided by the applicant may include any of the following:

(i) an appraisal;

(ii) the replacement cost with depreciation for age of the structure and quality of construction; or

(iii) the tax assessed value.

(b) The cost to do the work is the cost to return the structure to its pre-damaged condition, using labor and materials obtained at market prices, regardless of the actual cost incurred by the owner to restore the structure. It shall include the costs of construction necessary to comply with local and state building codes. The cost shall be determined by the Division utilizing any or all of the following provided by the applicant:

(i) an estimate provided by a North Carolina licensed contractor qualified by license to provide an estimate or bid with respect to the proposed work;

(ii) an insurance company's report itemizing the cost, excluding contents and accessory structures; or

(iii) an estimate provided by the local building inspections office.

(2) WATER DEPENDENT STRUCTURES. The proposed work is considered replacement if it enlarges the existing structure in any ~~dimension.~~ dimension, expect where G.S. 113A-118(g) applies for dock and pier replacement. The proposed work is also considered replacement if:

(a) ~~in~~ In the case of fixed docks, piers, platforms, boathouses, boatlifts, and free standing ~~moorings,~~ moorings that do not meet G.S. 113A-118(g), more than 50 percent of the

framing and structural components (beams, girders, joists, stringers, or pilings) must be rebuilt in order to restore the structure to its pre-damage condition. Water dependent structures that are structurally independent from the principal pier or dock, such as boatlifts or boathouses, are considered as separate structures for the purpose of this ~~Rule;~~ Rule. Maps for determining whether a property is adjacent to a federal navigation channel can be found at http://www.deq.nc.gov/about/divisions/division-coastal-management/coastal-management -rules-regulations/usace-federal-navigation-channel-gis;

(b) ~~in~~ In the case of boat ramps and floating structures such as docks, piers, platforms, and modular floating systems, more than 50 percent of the square feet area of the structure must be rebuilt in order to restore the structure to its pre-damage condition;

(c) ~~in~~ In the case of bulkheads, seawalls, groins, breakwaters, and revetments, more than 50 percent of the linear footage of the structure must be rebuilt in order to restore the structure to its pre-damage condition.

History Note: *Authority G.S. 113A-103(5)b.5.; 113A-107(a),(b);*
Eff. July 1, 1990;
Amended Eff. August 1, 2007;
Readopted Eff. January 1, 2023;
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