

1 15A NCAC 07J .1301 is proposed for amendment as follows:

2
3 **SECTION .1300 – DEVELOPMENT LINE PROCEDURES**
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5 **15A NCAC 07J .1301 REQUESTING THE DEVELOPMENT LINE**

6 (a) Any local government, group of local governments involved in a regional beach fill project, or qualified owner's
7 association with territorial jurisdiction over an area that is subject to ocean hazard area setbacks pursuant to 15A
8 NCAC 07H .0305 may petition the Coastal Resources Commission for a development line for the purpose of siting
9 oceanfront development in accordance with the provisions of this Section. A "qualified owner's association" is an
10 owner's association, as defined in G.S. 47F-1-103(3), that has authority to approve the locations of structures on lots
11 within the territorial jurisdiction of the association and has jurisdiction over at least one mile of ocean shoreline.

12 (b) A development line request shall apply to the entire large-scale project area as defined in 15A NCAC 07H
13 .0305(a)(7) and, at the petitioner's request, may be extended to include the entire oceanfront jurisdiction or legal
14 boundary of the petitioner.

15 (c) In determining where to position a requested development line, the petitioner shall use an adjacent neighbor sight-
16 line approach, resulting in an average line of structures. In areas where the seaward edge of existing development is
17 not linear, the petitioner may determine an average line of construction on a case-by-case basis. In no case shall a
18 development line be established seaward of the most seaward structure within the petitioner's oceanfront jurisdiction.

19 (d) The following types of development shall be permitted seaward of the development line if all other provisions of
20 this Subchapter and other state and local regulations are met:

21 (1) campsites;

22 (2) beach accessways consistent with Rule 15A NCAC 07H .0308(c);

23 (3) unenclosed, uninhabitable, gazebos with a footprint of 200 square feet or less;

24 (4) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay,
25 packed sand or gravel, and a footprint of 200 square feet or less;

26 (5) temporary amusement stands; and

27 (6) sand fences consistent with Rule 15A NCAC 07H .0311.

28 In all cases, this development shall be permitted only if it is landward of the vegetation line, measurement line or static
29 vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would
30 compromise the integrity of the dune as a protective landform or the dune vegetation; has overwalks to protect any
31 existing dunes; is not essential to the continued existence or use of an associated principal development; and is not
32 required to satisfy minimum requirements of local zoning, subdivision and health regulations.

33 ~~(d)~~(e) An existing structure that is oceanward of an approved development line may remain in place until damaged
34 greater than 50 percent in accordance with Rule .0210 of this Subchapter. At that time it may only be replaced landward
35 of the development line and shall meet the applicable ocean hazard setback requirements as defined in 15A NCAC
36 07H .0306(a).

1 ~~(e)~~(f) A request for a development line or amendment shall be made in writing by the petitioner and submitted to the
2 CRC by sending the written request to the Director of the Division of Coastal Management. A complete request shall
3 include the following:

- 4 (1) A detailed survey of the development line using on-ground observation and survey or aerial imagery
5 along the oceanfront jurisdiction or legal boundary, including;
 - 6 (A) The development line, static vegetation line, mean high water line, and any other
7 information necessary for a review of the petitioner's proposed development line, such as
8 a pre-nourishment project mean high water line, local ordinances, or easements; and
 - 9 (B) Surveyed development line spatial data in a geographic information systems (GIS) format
10 referencing North Carolina State Plane North American Datum 83 US Survey Foot, to
11 include Federal Geographic Data Committee (FGDC) compliant metadata;
- 12 (2) All local regulations associated with the development line;
- 13 (3) A record of local adoption of the development line by the petitioner; and
- 14 (4) Documentation of incorporation of a development line into local ordinances or rules and regulations
15 of an owner's association.

16 ~~(f)~~(g) Once a development line is approved by the Coastal Resources Commission, only the petitioner may request a
17 change or reestablishment of the position of the development line.

18 ~~(g)~~(h) A development line request shall be submitted to the Director of the Division of Coastal Management, 400
19 Commerce Avenue, Morehead City, NC 28557. Written acknowledgement of the receipt of a completed development
20 line request, including notification of the date of the meeting at which the request will be considered by the Coastal
21 Resources Commission, shall be provided to the petitioner by the Division of Coastal Management.

22 ~~(h)~~(i) The Coastal Resources Commission shall consider a development line request no later than the second scheduled
23 meeting following the date of receipt of a complete request by the Division of Coastal Management, unless the
24 petitioner and the Division of Coastal Management agree upon a later date.

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26 *History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;*
27 *Eff. April 1, 2016;*
28 *Amended Eff. September 1, 2021; September 1, 2017.*