

MEMORANDUM:

TO: IMPLEMENTATION & STANDARDS COMMITTEE

FROM: PRESTON P. PATE, JR.

SUBJECT: PROPOSED AMENDMENT TO THE DEFINITION OF LARGE STRUCTURES 7H.0306(a)(4)

DATE: JANUARY 8, 1992

The Coastal Resources Commission (CRC) held a public hearing at its last meeting to consider changing the current definition of large structures. The process for changing the rule began with a petition from Mr. Dan Dawson of Buxton requesting that the use of a number of units in a structure be deleted from the definition. The staff proposed in its initial presentation to the Committee that the number of units and the type of use of the structure be deleted. Doing so would create a definition using only the 5,000 sq. ft. measurement of total floor area as the determining factor between large and small structures. The CRC adopted this alternative for public hearing. Some public comments urged the CRC to give consideration to allowing single-family residential structures to continue to be required to meet the small structure setback regardless of their size. The CRC discussed these requests, considered a "grandfathering" provision suggested by staff and decided to reconsider changing the rule only to the extent requested by Mr. Dawson. That change is as follows:

7H.0306(a)(4) - Because large structures located immediately along the Atlantic Ocean present increased risk of loss of life and property, increased potential for eventual loss or damage to the public beach area and other important natural features along the oceanfront, increased potential for higher public costs for federal flood insurance, erosion control, storm protection, disaster relief and provision of public services such as water and sewer, and increased difficulty and expense of relocation in the event of future shoreline loss, a greater oceanfront setback is required for these structures than is the case with smaller structures. Therefore, in addition to meeting the criteria in this Rule for setback behind the primary and/or frontal dune, for all multi-family residential structures (including motels, hotels, condominiums and moteliminiums) ~~of more than 4,000 sq. ft.~~ of more than 5,000 square feet total floor area, and for any non-residential structure with a total area of more than 5,000 sq. ft., the erosion setback line shall be twice the erosion setback described in .0306(a)(1) of this Rule, provided that in no case shall this

distance be less than 120 feet. In areas where the rate is more than 3.5 feet per year, this setback line shall be set at a distance of 30 times the long-term annual erosion rate plus 105 feet.

The CRC can adopt the rule at this meeting and it would have an effective date of April 1, 1992. Staff recommends the change be adopted.