

15A NCAC 07H .0104 APPLICATION OF EROSION RATE SETBACK FACTORS

(a) Development on lots created on or after June 1, 1979 shall utilize the current erosion rate setback factor in the calculation of the development setback pursuant to 15A NCAC 07H .0304. If application of the current erosion rate setback factor in the calculation of the development setback would preclude the placement of permanent buildings, then the erosion rate in effect at the time that the lot was created may be utilized in the calculation of the development setback, provided that the development:

- (1) shall comply with the current erosion rate setback factor to the maximum extent possible;
- (2) is located at the landward most position of the lot without violating local zoning requirements;
- (3) shall extend no further oceanward than the landward-most adjacent building; and
- (4) shall be no more than 2,000 square feet in total floor area.

(b) Development on lots created prior to June 1, 1979 shall comply with the provisions of 15A NCAC 07H .0309(b) and (c).

*History Note: Authority G.S. 113A-107; 113A-113; 113A-124;
Eff. September 15, 1979;
Amended Eff. August 1, 2010; April 1, 2004; April 1, 1997; April 1, 1995; May 1, 1990;
November 1, 1988; September 1, 1988.*