

Table 1. Comparison of current development policies established by the Coastal Resources Commission in the Inlet Hazard Area (IHA) to proposed standards.

POLICY	Existing IHA rules	Proposed IHA rules
Size limits	No commercial or multi-family (4 units or greater) greater than 5,000 sq ft; no limit on single-family development	No structures greater than 10,000 sq ft (<i>excluding development related to public access such as parking lots</i>)
Linear infrastructure and pedestrian access size limits	Not greater than 5,000 sq ft	None
Density Limits	No more than 1 unit per 15,000 sq ft	None
Grandfathering for existing structures >10,000 sq ft	No	Yes (<i>can be replaced to pre-rule-change size on lots platted prior to effective date as long as current setbacks are met</i>)
Grandfathered exception for lots platted prior to 1979	No	Yes
Grandfathered exception for lots platted after 1979	Yes	Yes
Static Line Exception*	Yes	Yes
Erosion Rates Applied to Setback Determinations	Adjacent OEA	As defined in 07H.0304 (<i>inlet-specific erosion rates will be determined in erosion rate update currently underway</i>)
Setback Reference Point	Vegetation line	Vegetation line and landward most adjacent structure
Setback Factor	30 (commercial and multi-family) 30, 60 and graduated to 90 for single-family	30 or 60
Swimming pools oceanward of setback	Yes	No***
Sandbag Frequency**	Once	No limit (<i>so long as community has inlet management plan in place</i>)
Sandbag Time Limits**	Max of 5 years	Max of 8 years (<i>with planned inlet relocation project</i>)

* Static line exception and setback rules (15A NCAC 07H.0306) effective August 11, 2009.

** Although proposed sandbag rules are provided here for comparison, they are not part of the proposed IHA development policy and rules.

*** Swimming pools can be placed oceanward of the development line created by the landward-most adjacent structure but may not be placed oceanward of the relevant setback as measured from the first line of stable and natural vegetation or the static line, whichever is further landward.

15A NCAC 07H .0304 AECS WITHIN OCEAN HAZARD AREAS

Sections (1) dealing with the Ocean Erodible Area, (2) the High Hazard Flood Area, and (4) the Unvegetated Beach Area have been omitted below for the sake of simplicity.

(3) Inlet Hazard Area. The inlet hazard areas are natural-hazard areas that are especially vulnerable to erosion, flooding and other adverse effects of sand, wind, and water because of their proximity to dynamic ocean inlets. This area shall extend landward from the normal low water line a distance sufficient to encompass that area within which the inlet shall, based on statistical analysis, migrate or influence, and shall consider such factors as previous inlet territory, structurally weak areas near the inlet and external influences such as jetties and channelization. The areas identified as ~~suggested Inlet Hazard Areas included~~ in the report entitled “Inlet Hazard Area Boundaries Update: Recommendations to the North Carolina Coastal Resources Commission” by J.D. Warren and K.R. Richardson and dated May 2010 (Report # CRC 10-26) INLET HAZARD AREAS, The Final Report and Recommendations to the Coastal Resources Commission, 1978, as amended in 1981, by Loie J. Priddy and Rick Carraway are incorporated by reference ~~without future changes~~ and are hereby designated as Inlet Hazard Areas ~~except that the Cape Fear Inlet Hazard Area as shown on said map shall not extend northeast of the Baldhead Island marina entrance channel. These areas shall be extensions of the adjacent ocean erodible areas and the width of the inlet hazard area shall not be less than the width of the adjacent ocean erodible area.~~ This report is available for inspection at the Department of Environment and Natural Resources, Division of Coastal Management, 400 Commerce Avenue, Morehead City, North Carolina. Photocopies are available at no charge.

15A NCAC 07H .0310 USE STANDARDS FOR INLET HAZARD AREAS

(a) Inlet Hazard Areas areas as defined by Rule .0304 of this Section are subject to inlet migration, rapid and severe changes in the position of shorelines and the first line of stable and natural vegetation watercourses, flooding, and strong tides. Due to these extreme extremely conditions and the hazardous nature of the Inlet Hazard Areas, all development within these areas shall be permitted in accordance with the following standards:

(1) All Oceanfront development in an the inlet hazard area Inlet Hazard Area shall be set back landward from the first line of stable natural vegetation or the static vegetation line, whichever is the farthest landward. The oceanfront setback within the inlet hazard area shall follow the criteria set forth in 15A NCAC 07H.0306(a). Development setbacks along the oceanfront shoreline shall be calculated from the shoreline erosion rates defined in 15A NCAC 07H.0304 at the time of permit issuance a distance equal to the setback required in the adjacent ocean hazard area;

(2) Development in the Inlet Hazard Area along non-oceanfront shoreline that do not exhibit estuarine characteristics shall be set back landward from the first line of stable and natural vegetation a distance no less than 60 feet. Non-estuarine characteristics shall include a lack of wetland vegetation, the presence of higher wave energy, or the presence of higher erosion rates than the adjacent estuarine shoreline;

(3) Development in the Inlet Hazard Area immediately adjacent to the oceanfront shoreline shall not have any portion of the total floor area of a building or structure, including elevated portions that are cantilevered, knee braced or otherwise extended beyond the support of pilings or footings, extend oceanward of the total floor area of the landward-most adjacent building or structure. When the geometry or orientation of a lot precludes the placement of a building or structure landward of the landward-most adjacent building or structure, an average line of construction shall be determined by the Division of Coastal Management on a case-by-case basis in order to determine the oceanward limit of the inlet hazard setback;

(2) Permanent structures shall be permitted at a density of no more than one commercial or residential unit per 15,000 square feet of land area on lots subdivided or created after July 23, 1981;

(34) Only residential structures of four units or less or non-residential structures of less than 5,000 square feet total floor area shall be allowed within the inlet hazard area. Development within an Inlet Hazard Area shall be no greater than 10,000 square feet total floor area for structures and buildings or a total area of footprint for development other than structures and buildings, except that access roads to those areas and maintenance and replacement of existing bridges shall be allowed. Development greater than 10,000 square feet associated with beach or water access as well as infrastructure that is linear in nature, including pedestrian access such as boardwalks and sidewalks, and utilities providing for the transmission of electricity, water, telephone, cable television, data, storm water, and sewer shall be allowed and does not have to meet the setback provisions defined in Part (3) of this Rule;

(5) Lots within the Inlet Hazard Area shall be eligible for the grandfather provisions set forth in 15A NCAC 07H.0104 and 07H.0309(b) so long as they meet the conditions set forth in Part (3) of this Rule. In addition, lots platted prior to January 1, 2011 with development larger than that allowable in Section (4) of this Rule may replace that development so long as it is no larger in total floor area for buildings and structures or

total area for all other development and also meets the applicable setback distance defined in 15A NCAC 07H.0306(a) using the erosion rates at the time of permit issuance as defined in 15A NCAC 07H.0304;

(46) Established common-law and statutory public rights of access to the public trust lands and waters in Inlet Hazard Areas shall not be eliminated or restricted. Development shall not encroach upon public accessways nor shall it limit the intended use of the accessways;

~~(5) All other rules in this Subchapter pertaining to development in the ocean hazard areas shall be applied to development within the Inlet Hazard Areas.~~

(b) With the exception of swimming pools, the Inlet Hazard Area ~~The inlet hazard area~~ setback requirements shall not apply to the types of development ~~exempted~~ excepted from the ocean setback rules as defined in 15A NCAC 7H .0309(a) and (c)., ~~nor, to the types of development listed in 15A NCAC 7H .0309(c).~~

(c) In addition to the types of development excepted under Rule .0309 of this Section, small scale, non-essential

development that does not induce further growth in the Inlet Hazard Area, such as the construction of single-family piers and small scale erosion control measures that do not interfere with natural inlet movement, may be permitted on those portions of shoreline within a designated Inlet Hazard Area that exhibit features characteristic of Estuarine Shoreline. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the ~~adjacent Estuarine Shoreline adjoining Ocean Erodeable Area.~~ Such development shall be permitted under the standards set out in ~~Rule 15A NCAC 07H.0208 of this Subchapter.~~ For the purpose of this Rule, small scale is defined as those projects which are eligible for authorization under 15A NCAC 7H .1100, .1200 and 7K .0203.