

1 15A NCAC 07H .0310 is proposed for amendment as follows:

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3 **15A NCAC 07H .0310 USE STANDARDS FOR INLET HAZARD AREAS**

4 (a) Inlet Hazard Areas of Environmental Concern as defined by Rule .0304 of this Section are subject to inlet
5 migration, rapid and severe changes in watercourses, flooding and strong tides. Due to this extremely hazardous nature
6 of the Inlet Hazard Areas, all development within these areas shall be permitted in accordance with the following
7 standards:

- 8 (1) ~~All development in the inlet hazard area shall be set back from the first line of stable natural~~
9 ~~vegetation a distance equal to the setback required in the adjacent ocean hazard area; The Inlet~~
10 ~~Hazard Area setback for development shall be measured in a landward direction from the vegetation~~
11 ~~line, the pre-project vegetation line, or the measurement line, whichever is applicable in accordance~~
12 ~~with 15A NCAC 07H .0306;~~
- 13 (2) ~~Inlet Hazard Area setback factors are based on the long-term average annual shoreline change rates~~
14 ~~calculated using methods detailed in the report entitled "Inlet Hazard Area Boundary, 2019 Update:~~
15 ~~Science Panel Recommendations to the North Carolina Coastal Resources Commission," and are~~
16 ~~depicted on maps entitled "2019 Inlet Setback Factors", approved by the Coastal Resources~~
17 ~~Commission on February 28, 2019. Inlet Hazard Area setback factors shall be no less than two~~
18 ~~where accretion is measured, or erosion rates are less than two feet per year.~~
- 19 (3) ~~All development not otherwise specifically exempted or allowed by law or elsewhere in the Coastal~~
20 ~~Resources Commission's rules shall be located in accordance with 15A NCAC 07H .0306.~~
- 21 ~~(2)(4)~~ Permanent structures shall be permitted at a density of no more than one commercial or residential
22 ~~unit structure per 15,000 square feet of land area on lots subdivided or created after July 23, 1981;~~
23 ~~August 1, 2022.~~
- 24 ~~(3)(5)~~ ~~Only residential structures of four units or less or non-residential structures of less than 5,000 square~~
25 ~~feet total floor area shall be allowed within the inlet hazard area; New structures within an Inlet~~
26 ~~Hazard Area shall not exceed 5,000 square feet total floor area in accordance with 15A NCAC 07H~~
27 ~~.0306(a)(4), except that access roads to those areas and maintenance and replacement of existing~~
28 ~~bridges shall be allowed;~~
- 29 ~~(4)(6)~~ Established common-law and statutory public rights of access to the public trust lands and waters
30 in Inlet Hazard Areas shall not be eliminated or restricted. Development shall not encroach upon
31 public accessways nor shall it limit the intended use of the accessways;
- 32 ~~(5)(7)~~ All other rules in this Subchapter pertaining to development in the ocean hazard areas Ocean Hazard
33 Areas shall be applied to development within the Inlet Hazard Areas.
- 34 (8) Notwithstanding any other setback requirement of this Subparagraph, replacement of structures with
35 a total floor area no greater than 10,000 square feet, shall be allowed provided that the structure
36 meets the following criteria;
- 37 (i) the structure was originally constructed prior to August 1, 2022;

- 1 (ii) the structure as replaced does not exceed the original footprint or square footage;
2 (iii) it is not possible for the structure to be rebuilt in a location that meets the Ocean Hazard
3 Area setback criteria required under 15A NCAC 07H .0306 of this Rule;
4 (iv) the structure as replaced meets the minimum setback required under 15A NCAC 07H
5 .0306(a)(5); and
6 (v) the structure is rebuilt as far landward on the lot as feasible.

7 (b) The ~~inlet hazard area~~ Inlet Hazard Area setback requirements shall not apply to the types of development
8 exempted from the ocean setback rules in 15A NCAC 07H .0309(a), nor, to the types of development listed in 15A
9 NCAC 07H .0309(c).

10 (c) In addition to the types of development excepted under Rule .0309 of this Section, ~~small-seale~~ small-scale
11 development that does not induce further growth in the Inlet Hazard Area, such as the construction of single-family
12 piers and ~~small-seale~~ small-scale erosion control measures that do not interfere with natural inlet movement, may be
13 permitted on those portions of shoreline within a designated Inlet Hazard Area that exhibit features characteristic of
14 Estuarine Shoreline. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion
15 rates than in the adjoining Ocean Erodible Area. Such development shall be permitted under the standards set out in
16 Rule .0208 of this Subchapter. For the purpose of this Rule, ~~small-seale~~ small-scale is defined as those projects which
17 are eligible for authorization under 15A NCAC 07H .1100, .1200 and 07K .0203.
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19 *History Note:*

20 *Authority G.S. 113A-107; 113A-113(b); 113A-124;*

21 *Eff. December 1, 1981;*

22 *Emergency Rule Eff. September 11, 1981, for a period of 120 days to expire on January 8, 1982;*

23 *Temporary Amendment Eff. October 30, 1981, for a period of 70 days to expire on January 8, 1982;*

24 *Amended Eff. April 1, 1999; April 1, 1996; December 1, 1992; December 1, 1991; March 1, 1988;*

25 *Readopted Eff. December 1, 2020;*

26 *Amended Eff. August 1, 2022.*