15A NCAC 07H .2005 SPECIFIC CONDITIONS

(a) All proposed work must be carried out within the existing footprint of the development with no increase in the number of slips and no change in the existing use. "Existing footprint" is defined as the area delineated by the outer most line of tie pilings, ends of piers, and upland basin or area within an enclosing breakwater, whichever is greater.

(b) Modifications to piers and mooring facilities shall not interfere with the access to any riparian property and shall have a minimum setback of 15 feet between any part of the pier or pilings and the adjacent property lines extended into the water at the points that they intersect the shoreline. The minimum setbacks provided in the rule may be waived by the written agreement of the adjacent riparian owners, or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the pier or pilings commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the Division of Coastal Management prior to initiating any development. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the property, then drawing a line perpendicular to a line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. When shoreline configuration is such that a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this rule to the maximum extent practicable.

History Note: *Authority G.S. 113A-107; 113A-118.1;*
Eff. October 1, 1993;
Readopted Eff. October 1, 2022.