

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 2688*

Short Title: Kure Beach/Bldg. Height Limit. (Local)

Sponsors: Representatives McComas; and Justice.

Referred to: Local Government I.

May 25, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE
3 BEACH AND TO ALLOW EXCEPTIONS TO THE HEIGHT LIMIT UPON
4 APPROVAL BY REFERENDUM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** No building erected within the corporate limits of the Town of
7 Kure Beach may have a height in excess of 35 feet above ground level unless:

- 8 (1) The building was erected before the effective date of this act; or
9 (2) Subject to the approval of the qualified voters of the Town of Kure
10 Beach, the Town Council adopts an ordinance granting an exception to
11 the height limit.

12 **SECTION 2.** Upon receipt of a petition bearing the signatures and residence
13 addresses of ten percent (10%) of the qualified voters of the Town, the Town Council
14 shall direct the New Hanover County Board of Elections to conduct a referendum on the
15 question of whether an exception to the height limitation imposed by this act should be
16 granted. The election shall be held on the date of the next regularly scheduled election
17 in New Hanover County that is at least 60 days after the receipt of the petition. The
18 form of the question to be presented on the ballot concerning an exception to the height
19 limit shall be:

20 "[] FOR [] AGAINST

21 Adoption of the ordinance to grant an exception to the height limit of 35 feet
22 above ground level for buildings in the Town of Kure Beach, as follows: (describe the
23 effect of the ordinance, including the proposed change in the building height limit and
24 the specific geographic area in the Town in which the change would apply)." The ballot
25 shall not propose alternatives to the height limit or geographical location proposed in
26 the petition.

27 If a majority of those voting in the referendum held pursuant to this act vote
28 in favor of the adoption of the ordinance, the ordinance shall be effective pursuant to its
29 terms.

1 **SECTION 3.** The height limitation created by Section 1 of this act does not
2 apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other
3 appurtenances usually required to be placed above the roof level and not intended for
4 human occupancy.

5 **SECTION 4.** This act is effective when it becomes law.