

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-126
HOUSE BILL 2688**

**AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE
BEACH AND THE CITY OF HENDERSONVILLE.**

The General Assembly of North Carolina enacts:

SECTION 1. No building erected within the corporate limits of the Town of Kure Beach may have a height in excess of 35 feet above ground level unless the building was erected before the effective date of this act. Variances of the height limitation shall not be granted.

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

SECTION 3.(a) The maximum building height on any building within the corporate limits of the City of Hendersonville shall not exceed 64 feet. For purposes of this section, building height shall mean the vertical distance measured from the average grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. The height limitation created by this subsection does not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. No variance to this subsection may be granted. This subsection does not apply to buildings erected prior to the effective date of this section.

SECTION 3.(b) The Henderson County Board of Elections shall conduct within the City of Hendersonville a referendum on subsection (a) of this section. The election shall be held on November 7, 2006. The form of the question to be presented on the ballot shall be:

" FOR AGAINST

Height limit of 64 feet for buildings in the City of Hendersonville."

If a majority of those voting in the referendum held pursuant to this act vote in favor of the question, subsection (a) of this section shall remain in effect. If a majority of those voting in the referendum do not vote in favor of the question, subsection (a) of this section is repealed upon certification of the election results.

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

In the General Assembly read three times and ratified this the 18th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives