

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**SENATE DRS55314-LM-155\* (04/27)**

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

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Sponsors: Senator Boseman.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE BEACH AND TO ALLOW EXCEPTIONS TO THE HEIGHT LIMIT UPON APPROVAL BY REFERENDUM.

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:

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

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

"[ ] FOR [ ] AGAINST

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

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

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

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