GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H **D**

HOUSE DRH30076-LR-58* (3/1)

Short Title:	Oak Island Height Limits.	(Local)
Sponsors:	Representative Stiller.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND.

Whereas, the Town of Oak Island was consolidated from the former towns of Yaupon Beach and Long Beach by S.L. 1999-66; and

Whereas, each of the former towns established building height limitations by local acts of the legislature, setting limits at 35 feet except that the height limitation may be increased with the approval of a majority of the qualified voters in a referendum of an ordinance; and

Whereas, both former towns held and passed referenda to increase height in certain flood hazard zones; and

Whereas, the standards passed for the former towns are not consistent and furthermore leave unanswered questions about the application of the standards on parcels where flood zones transition inside the parcel boundaries; and

Whereas, the Town Council of the Town of Oak Island has requested the introduction of legislation to consolidate and clarify the height standards that apply within the Town of Oak Island, with the legislation not modifying any other portion of or procedures for increasing height limits as outlined in S.L. 1989-456 and S.L. 1991-772; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The building height standards in the Town of Oak Island shall be set at 35 feet except inside flood zones designated by the National Flood Insurance Program as Velocity Zones where maximum building height may be up to 41 feet where needed to accommodate not more than two living levels on pile supports in accordance with the public referenda adopted prior to consolidation in the former towns of Yaupon Beach and Long Beach.

SECTION 2.(a) The height limitation contained in Section 1 of this act may be increased within the town with the approval by the qualified voters of the town in a referendum of an ordinance to increase or clarify the limit. The referendum may be called only by the governing body of the town.

SECTION 2.(b) A proposition to approve an ordinance under this section shall be printed on the ballot in substantially the following form:

"Shall the ordinance (describe the effect of the ordinance) be approved?

[ ] Yes [ ] No"

SECTION 3. This act supersedes and consolidates all prior local acts relating to height and local referenda for the former towns of Yaupon Beach and Long Beach.

SECTION 4. This act does not apply to corporate limits of the Town of Oak Island located north of the Atlantic Intracoastal Waterway where building heights limits are established in accordance with general law rather than this act.

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