

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 1069*

Short Title: Oak Island Height Limits. (Local)

Sponsors: Representative Stiller.

Referred to: Local Government II.

March 31, 2005

1 A BILL TO BE ENTITLED
2 AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS
3 FOR THE TOWN OF OAK ISLAND.

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

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

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

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

15 Whereas, the Town Council of the Town of Oak Island has requested the
16 introduction of legislation to consolidate and clarify the height standards that apply
17 within the Town of Oak Island, with the legislation not modifying any other portion of
18 or procedures for increasing height limits as outlined in S.L. 1989-456 and S.L.
19 1991-772; Now, therefore,

20 The General Assembly of North Carolina enacts:

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

27 **SECTION 2.(a)** The height limitation contained in Section 1 of this act may
28 be increased within the town with the approval by the qualified voters of the town in a

1 referendum of an ordinance to increase or clarify the limit. The referendum may be
2 called only by the governing body of the town.

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

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

6 [] Yes [] No"

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

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

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